

Legislative Assembly

Wednesday, the 2nd September, 1959

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QUESTIONS ON NOTICE POINT SAMSON

Provision of Water Supply

1. Mr. BICKERTON asked the Minister for Works:
 - (1) What steps are being taken to supply Point Samson with potable water?
 - (2) Will the boring plant now at Wittenoom proceed to Roebourne when boring at the former town is completed, to obtain additional water at Roebourne for piping to Point Samson?
 - (3) If so, when will the boring at Roebourne take place?
 - (4) If the plant at Wittenoom will be detained for a lengthy period, will his department secure another plant to do the Roebourne job?
 - (5) If not, why not?
 - (6) Will he make arrangements to have potable water transported as ballast by State ships to Point Samson and piped into a storage tank at the shore end of the jetty until such time as a potable supply is obtained by other means?
 - (7) If the answer to No. (6) is in the negative, will he make a truck available equipped with a water tank to transport potable water from Roebourne to Point Samson until such time as a potable supply is obtained by other means?

Mr. WILD replied:

- (1) No funds can be made available for the proposal this financial year.
- (2) It is planned that the boring plant now at Wittenoom will, on completion of work at that centre, be transferred to Roebourne to explore for suitable supplies of potable water.
- (3) No accurate forecast can be given as it is not known how long the plant will be engaged at Wittenoom.
- (4) This matter will receive consideration should there be any particularly long delay in transferring the plant from Wittenoom to Roebourne.
- (5) Answered by No. (4).
- (6) Limited supplies for Government employees have been previously obtained by sea, but this movement is dependent on vessels of the State Shipping Service.
- (7) Not unless there is an emergency.

Use of Mobile Water Tank

2. Mr. BICKERTON asked the Minister for the North-West:
 - (1) Is there a mobile water tank on rails at Point Samson jetty?

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

- (2) If so, is this filled with potable water by State ships?
- (3) Which department owns this tank?
- (4) For what purpose is the water used when transported in this tank?
- (5) Will he make water, via this tank, available to the people living at Point Samson?
- (6) If the storage of this tank is not enough to supply reasonable limited quantities to the townspeople, will he take steps to obtain additional similar tanks to overcome this?

Mr. COURT replied:

- (1) Yes, with a capacity of 1,500 gallons.
- (2) Yes, when the acute shortage of water in shore tanks necessitates, and when possible.
- (3) Harbour and Light Department.
- (4) Public Works and Harbour and Light employees and the lumpers' mess.
- (5) No; for the reason that the tank is not of sufficient capacity and also cannot always be filled.
- (6) The supply of the water is dependent on the vessels of the State Shipping Service. The service is obliged to treat each supply on its merits, governed by the commitments of the voyage.

Sale of Building Blocks

3. Mr. BICKERTON asked the Minister for Lands:

- (1) Will he take steps to sell (freehold) building blocks at Point Samson that are now on lease from his department?
- (2) What would be the approximate freehold cost?

Mr. BOVELL replied:

- (1) Individual applications for freeholding building blocks at Point Samson could be submitted to the Under Secretary for Lands, when each application will be treated on its merits.
- (2) Approximately £50 each.

STATE SHIPPING SERVICE

Laying Off of Vessels

4A. Mr. BICKERTON asked the Minister for the North-West:

- (1) Is it the intention to lay off more than one State ship at one time?
- (2) If so, what is the reason?

Mr. COURT replied:

- (1) No.
- (2) Answered by No. (1).

Transport of Trucks

4B. Mr. BICKERTON asked the Minister for the North-West:

- (1) Did a ship called *Charon*, or any other ship other than a State ship, carry four railway trucks to Point Samson for the Harbour and Light Department? If so, why did not State ships carry them?
- (2) Was 10 the number supposed to have been carried?
- (3) If so, will the other six be transported by State ships?
- (4) Are there 50 trucks altogether to be shipped north?
- (5) If so, will State ships carry them? If not, why not?

Mr. COURT replied:

- (1) Yes. They were urgently needed at Point Samson and the State Shipping Service were unable to handle them immediately and, in the circumstances, agreed that they go forward on the *Charon*.
- (2) Yes.
- (3) Yes.
- (4) No, as far as can be ascertained.
- (5) Answered by No. (4).

Transport of Cargo and Passengers

4C. Mr. BICKERTON asked the Minister for the North-West:

Will he give an assurance that cargo and passengers that can be handled by State ships will be carried by that means?

Mr. COURT replied:

It is assumed the honourable member refers to State Government consignments, in which case the answer is "Yes, unless special circumstances arise."

Keeping Fleet Intact

4D. Mr. BICKERTON asked the Minister for the North-West:

Is it his intention to keep the State shipping fleet intact?

Mr. COURT replied:

"Yes."

"GIVING WAY TO THE RIGHT"

Clarification of Traffic Rule

5. Mr. GRAHAM asked the Minister for Transport:

- (1) In view of recent court decisions, will he please explain the extent to which the rule of "give way to traffic on the right" applies, and the circumstances under which the rule has no application?

- (2) Is he satisfied with the situation confronting motorists in view of the decisions?
- (3) If not, will he have amendments made, in order to clarify unmistakably, the rights of a motorist who is likely to be involved in a collision with a vehicle approaching from his left, if both vehicles continue?

Mr. PERKINS replied:

- (1) The rule of "give way to the right" is quite clear in Traffic regulation 190 (1), and is in conformity with similar regulations throughout Australia.

If two vehicles are about to enter an intersection or junction from different roads at the same time, and both continue from respective directions and a dangerous situation or collision could occur, the driver on the left must give way to that on the right.

However, the rule does not permit the driver on the right to proceed regardless of what traffic is on his left. He must strictly obey other rules also in so far as, if the driver on his left has entered the intersection before him, then he is required to allow that driver on his left to proceed.

The rule does not apply also in the case of an intersection or junction where a "Stop" sign may be erected, and at which intersection two vehicles may be approaching at the same time from different directions, should the vehicle on the right who would normally have the right of the road be required to stop in compliance with the "Stop" sign, then that driver on the left may proceed.

Far too many drivers, simply by reason of being on the right of another, demand right of way, even though the driver on the left has entered the intersection some time before, and it is these drivers who have been subject of adverse decisions in the courts.

- (2) Yes.
- (3) Answered by No. (1).

PERTH-ALBANY EXPRESS

Provision of Refreshments for Passengers

6. Mr. HALL asked the Minister for Railways:

- (1) Is he aware that passengers travelling on the Perth to Albany express are unable to obtain refreshments after leaving Spencers

Brook on the night of travel until arrival at Mt. Barker at approximately 7.50 a.m. the following morning?

- (2) If so, would he give consideration to the reopening of the Katanning refreshment room, instead of Narrogin, thus giving a service each way?

Mr. COURT replied:

- (1) Yes, with the exception of the train which departs Perth on Sunday night.
- (2) The patronage on this train does not warrant the reopening of Katanning refreshment room. The majority of passengers travelling beyond Katanning occupy sleeping berths and would not avail themselves of refreshments at 4.52 a.m., the scheduled time of arrival at Katanning.

GUILDFORD MENTAL HOSPITAL

Commencement, Cost, etc.

7. Mr. BRADY asked the Minister for Health:

- (1) When is it anticipated the new mental hospital at Guildford will be erected?
- (2) What is the estimated cost of the project?
- (3) What amount will the Commonwealth Government contribute towards the total cost?
- (4) What number of—
 - (a) inmates will be catered for;
 - (b) staff will be required?
- (5) Will entrance to institution grounds be from Caversham or from Eden Hill?

Mr. ROSS HUTCHINSON replied:

- (1) It is hoped to commence the first buildings towards the latter part of the financial year. However, this is dependent upon the availability of loan funds.
- (2) This information is not available at the present.
- (3) One-third—capital expenditure.
- (4) (a) The original plan, which may have to be modified, was for 600 patients treated at the centre, plus 300 in adjacent units.
(b) Unable to give an accurate figure at this stage.
- (5) Eden Hill.

8. *This question was postponed.*

OLIVE OIL*Local Production and Imports.*

9A. Mr. LEWIS asked the Minister for Agriculture:

- (1) What was the production of olive oil in this State for each of the three years ended the 30th June, 1958?
- (2) How many gallons were imported for the same period—
 - (a) from overseas;
 - (b) from the Eastern States?

Mr. NALDER replied:

- (1) There is no production of olive oil in this State from factories.

	Year	Gallons
(2) (a)	1956-57	44,407
	1957-58	56,488
	1958-59	54,749
(b)	1956-57	4,227
	1957-58	1,020
	1958-59	414

Western Australian Refineries

9B. Mr. LEWIS asked the Minister for Agriculture:

How many factories for refining olive oil are established in this State, and where are they situated?

Mr. NALDER replied:

None.

OLIVE TREES*Acreage, Yield, and Market Value of Products*

9C. Mr. LEWIS asked the Minister for Agriculture:

- (1) What acreage is planted in Western Australia?
- (2) At what age do olive trees come into full bearing?
- (3) What is the average yield per acre of—
 - (a) green olives (in tons);
 - (b) oil (in gallons)?
- (4) What is the present market value of—
 - (a) green olives, per ton;
 - (b) refined oil, per gallon (bulk)?

Mr. NALDER replied:

- (1) 2,736 trees in various localities which approximate 35 acres.
- (2) Seven years.
- (3) (a) 19 cwt.
 (b) Oil yield varies according to a number of factors and in the absence of large-scale extraction in W.A. local figures are not available.
- (4) (a) Approximately £150 per ton.
 (b) Approximately 24s. per gallon based on wholesale import prices.

FACULTY OF LAW*Examination Papers*

10. Mr. EVANS asked the Attorney-General:

Would he please make available to me, or at least cause to be laid upon the Table of the House, a copy of the examination papers in the following subjects:—

Constitutional Law (1);
 Legal History;
 English (1); and
 Psychology (1),

as set for first-year students 1958 by the Faculty of Law?

Mr. NALDER (for Mr. Watts) replied:

The matters referred to are not within my portfolio; but I am informed by the Dean of the Faculty of Law that if the honourable member should apply to the Dean of the Faculty of Law for the copies he seeks, the Dean will endeavour to make copies available.

QUEEN'S PARK*Housing Commission's Building Programme*

11. Mr. JAMIESON asked the Minister representing the Minister for Housing:

How many houses is it the intention of the State Housing Commission to build in the Queen's Park area in the present financial year?

Mr. ROSS HUTCHINSON replied:

It is anticipated that 25 homes will be built in Queen's Park during 1959-60.

COCKRAM STREET DRAIN*Completion.*

12. Mr. JAMIESON asked the Minister for Works:

- (1) When is it intended to complete work on the Cockram Street drain, Cannington?
- (2) Was an assurance given to the Canning Road Board when this drain was declared a "main drain" that it would be extended without delay to the railway line?
- (3) What is the anticipated cost of the completion of this work?

Mr. WILD replied:

- (1) Water supply and sewage disposal works of higher priority precluded the carrying out of the work in question from the loan funds available for the current financial

year. However, it is hoped to be in a position to undertake the work next financial year.

- (2) No.
- (3) Approximately £10,000.

ELECTORAL DISTRICTS ACT

Responsibility for Non-operation

13. Mr. TONKIN asked the Attorney-General:

- (1) With reference to question 15 on the notice paper of Tuesday, the 1st September, and the answer thereto, that Parliament is responsible for the non-operation of the Electoral Districts Act, will he state how Parliament prevents the operation of laws without first amending them?
- (2) In the instance in question, for what length of time does the revocation of the proclamation referred to suspend the operation of the Electoral Districts Act?
- (3) Would the cancellation by Parliament of proclamations which had been made in pursuance of the requirements of various Statutes, *ipso facto* remove the statutory obligation to replace the cancelled proclamations by issuing further proclamations if the statutes involved were not amended?
- (4) If the answer to the previous question is in the negative, how does the Electoral Districts Act differ from other Acts in respect to the matter under question?

Mr. NALDER (for Mr. Watts) replied:

- (1) Parliament revoked the proclamation which would have made the relevant laws operative.
- (2) There is no suspension of the operation of the Electoral Districts Act. The revocation of the proclamation operates indefinitely.
- (3) This is a matter for legal opinion. I am advised that the answer should be in the affirmative until a new occasion for a proclamation should arise.
- (4) Answered by No. (3).

QUESTIONS WITHOUT NOTICE

POINT SAMSON WATER SUPPLY

Use of Mobile Tank

1. Mr. BICKERTON asked the Minister for Works:

Part (7) of question 1 on the notice paper is as follows:—

If the answer to No. (6) is in the negative, will he make a truck available equipped with water tank to transport potable water from Roebourne to

Point Samson until such time as a potable supply is obtained by other means?

The Minister replied that it would be in the case of an emergency. Would he give some idea of what he considers constitutes an emergency?

Mr. WILD replied:

If the honourable member will place that question on the notice paper, I will obtain an answer.

SWIMMING POOL FOR KING'S PARK

Advocacy by Perth City Council

2. Mr. ANDREW asked the Premier:

- (1) Did he see from yesterday's issue of *"The West Australian"* that the Perth City Council intends to make further approaches to the Government regarding land for a pool in King's Park?
- (2) Does he not believe that further approaches by the Perth City Council are useless, considering that Parliament has twice decisively demonstrated that it is against any such proposals?
- (3) Will he inform the Lord Mayor of Perth that such an approach at the present time will serve no good purpose; and that he—the Lord Mayor—should face the realities of the situation and look for a site elsewhere?

Mr. BRAND replied:

- (1) Yes, I did see the statement.
- (2) I could not advise him on that; because Parliament, as we have seen over the last two sessions, has changed its decisions from time to time, and certain members have adopted a different approach to certain matters.
- (3) Speaking personally, I support the establishment of a pool in the park; but I would remind the House that I did make a statement on one occasion that if such a Bill required a Message, I thought there were members of the Cabinet—only a very small percentage of them, I know—who would be willing to introduce a Bill. However, if it did not require a Message, then I thought it would be a matter for approach by the Perth City Council to a private member. I should think that after all this long time the Perth City Council should have realised that it is necessary to count heads before it can hope to get a Bill through this House, not forgetting the difficulty of having it passed in another place.

Therefore, summing up my answers, they are: (1) Yes; (2) It is a matter for the discretion of the City Council as to whether it should approach Parliament again. As I said earlier, Parliament could change its mind; (3) I do not propose to inform the Lord Mayor that his approach is unrealistic. He and the council must make that decision for themselves.

TOMLINSON LTD.

Stores Purchased from Government Railways

3. Mr. COURT: On Tuesday the 25th August, when replying to a question asked by the member for Guildford-Midland, I asked him to clarify the information sought in part (5) of his question, which dealt with contracts carried out by Tomlinson Ltd. for the Railway Department.

Part (5) of the question has been amended by him to read as follows:—

What, if any, stores were purchased by Tomlinson Ltd. from the Stores Branch for the carrying out of the contracts mentioned above?

The answer to that question is as follows:—

Stores were not purchased by Tomlinson Ltd. from the Railway Department for the wagon contracts let to them between 1947 and 1953.

The contracts were arranged and the price determined on the basis that the Railway Department would supply certain materials, and the materials supplied in this connection are as follows:—

Components	Contract				
	1st 300 GE wagons	2nd 300 GE wagons	3rd 300 GE wagons	840 GE wagons	300 BE wagons
Timber	1,545	2,019	2,693	11,404	....
Doors and staunchions	1,250	....	....	....	....
Vacuum gear	7,117	534	604	2,277	....
Brake gear	123	....	....	....	....
Train pipe	441	....	....	....	....
Brake blocks	228	....	....	....	....
Draw and buffer gear	1,405	....	....	....	....
Draw and buffer bearing springs	2,296	....	....	....	....
Axle boxes	5,622	....	....	....	....
Wheels and axles	30,435	26,037	32,489	49,532	47,857
Ridge poles	881	2,847	164	1,104	....
Rough steel castings	6,820	....	....	....	....
Lubricator pads and oil .....	....	109	234	1,044	....
Mild Steel plate sections .....	....	10,768	10,864	....	....
Laminated springs .....	....	....	....	608	....
Kiln drying of timber .....	....	....	....	7,138	....
Total	58,163	42,314	47,048	73,107	47,857

BILLS (2)—FIRST READING

1. Noxious Weeds Act Amendment.
Introduced by Mr. Nalder (Minister for Agriculture).
2. Main Roads Act (Funds Appropriation) Act Amendment.
Introduced by Mr. Wild (Minister for Works).

INDUSTRY (ADVANCES) ACT AMENDMENT BILL

Third Reading

Bill read a third time and transmitted to the Council.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Third Reading

MR. PERKINS (Roe—Minister for Transport) [4.51]: I move—

That the Bill be now read a third time.

Point of Order

Mr. W. HEGNEY: I propose at this stage to oppose the third reading of the Bill, with a view to raising a point of order on the constitutional aspect. I wish

first of all to point out that the Bill contains provision for the payment of expenses and travelling allowance to members of the proposed authority; and also, at page 11, we read the following provision:—

54. An office on the Authority shall be deemed not to be

(a) an office of profit from the Crown, on acceptance of which office by a Member of the Legislative Council or of the Legislative Assembly, his seat becomes vacant;

The Bill proposes, to put it plainly, to override the Constitution. If the Bill were to operate, it would be a devious way of side-stepping the provisions of the Constitution; and I suggest that if it can be shown that the Bill is out of order in regard to this provision, the whole measure is tainted from a constitutional point of view.

From a perusal of *Hansard*, I have ascertained that, on the 18th August, the Bill passed the second reading in this Chamber. You, Sir, put the question and the Bill passed; but there was no record, and indeed no member of this Assembly can say, that the Bill passed with a constitutional majority or an absolute majority.

I therefore submit that a Bill of this nature, which contains a provision purporting to amend the Constitution, is out of order; and I will refer now to the Constitution itself. Unless I am entirely misinformed, under the Constitution Act of 1889 and subsequent amendments thereto, it is necessary, before any amendment to the Act is effected, that an absolute majority of both Houses of Parliament shall signify approval of the amendment. I am open to correction here, but I believe that statement to be correct. The Constitution Act of 1899 deals with the inability of any person to hold a position as a member of either House of Parliament on acceptance of an office of profit under the Crown.

In the Constitution Act we read—at page 153 of our Standing Orders—the following:—

No member of the Legislative Council shall hold any office of profit under the Crown other than such as is liable to be vacated on political grounds, or than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay.

One at least of the executive offices liable to be vacated on political grounds shall always be held by a member of the Legislative Council.

In the Constitutions Act Amendment Act, 1899, at page 177 of our Standing Orders we read—

Subject to the second proviso to section thirty-eight of the Constitution Act, no person while holding an office of profit

under the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, be elected a member of the Legislative Council or of the Legislative Assembly, he shall, if he takes the oath or makes the affirmation hereinbefore prescribed, be held by so doing to vacate his said office.

Provided that this section shall not apply to the ten principal executive offices of the Government liable, in accordance with this Act, to be vacated on political grounds.

Next we come to section 38, which is highly relevant. In subsection (6) it says—

If any member of the Legislative Council or Legislative Assembly, after his election—

Accepts any pension during pleasure or for term of years other than an allowance under section 71 of "The Constitution Act, 1889," or any office of profit from the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay, his seat shall thereupon become vacant: Provided that members accepting offices liable to be vacated on political grounds shall be eligible for re-election.

Then there follow certain exclusions, which are not contained in any other measure. They are—

- (a) The office of an approved pharmaceutical chemist under and for the purposes of the Pharmaceutical Benefits Act, 1947, of the Commonwealth.
- (b) The office of a medical practitioner approved under section eleven of the said Pharmaceutical Benefits Act, 1947.

I come now to page 180 of our Standing Orders, and here again it is definite that Parliament had in mind that if there were to be any exceptions, exemptions, or exclusions from the office-of-profit principle, they were to be embodied in this Act, and not in measures such as that now before the House. At page 180 we read—

41A. Notwithstanding anything to the contrary contained elsewhere in this Act or in any other Act, a member of the Legislative Council or of the Legislative Assembly who is appointed as a member of a Select Committee (whether a Select Committee of either House or a Joint Select Committee) or as a member of any Royal Commission, or as a member of the Executive Council with the designation "Honorary Minister" shall not vacate his seat or incur disqualification under this Act by reason of accepting, for and in respect of expenses which may necessarily or reasonably be incurred

by him in connection with or incidentally to the discharge by him of his duties as such member of such Select Committee or Royal Commission or such Executive Council (as the case may be), payment from the Crown of an expenses allowance as prescribed by regulation which the Governor shall be and is hereby authorised to make under and for the purposes of this section.

That is clear. I understand there was a time when members of Parliament who accepted appointment to a Select Committee appointed by either or both Houses of Parliament received no expenses whatsoever. They received no allowances; but the custom was for the chairman of the Select Committee to pay the hotel expenses. Parliament decided that that position should be altered, and it was altered by Act of Parliament. But what kind of Act? Parliament altered the Constitution Act! It did not introduce a Bill to amend an ordinary Act to provide for the payment of expenses and allowances to members of Parliament; because, if it had done so, it would have abrogated the principles of the Constitution. Parliament decided—and rightly so, in my opinion—to amend the Constitution Act and to write into the Constitution itself the necessary clause for the protection of members.

Under the heading of "Part II—Executive" at page 180 of the Standing Rules and Orders which incorporate the Constitution Acts Amendment Act of 1899, section 43 reads as follows:—

- (1) There may be ten principal executive offices of the Government liable to be vacated on political grounds, and no more.
- (2) The said offices shall be such ten offices as shall be designated and declared by the Governor in Council from time to time to be the ten principal executive offices of the Government for the purposes of this Act.
- (3) One at least of such executive offices shall always be held by a member of the Legislative Council.

I am not suggesting that the section I have quoted, together with others, is exhaustive, because there may be other sections in the Constitution which refer to this point. But the ones I have quoted certainly show that in regard to an office of profit under the Crown it has invariably been necessary to alter the Constitution Act.

I now point to the Constitution Act Amendment Act of 1942—a special measure introduced into Parliament to amend the Constitution Act for the purpose of protecting members of Parliament, who were serving in the various branches of His Majesty's Forces at that time, and

who were receiving allowances or service pay. Such allowances and pay apparently threw a doubt on the point as to whether they were holding an office under the Crown. Under that amending Act of 1942 we find these words—

Notwithstanding the provisions of section six of the Constitution Act, 1889, or sections thirty-two, thirty-four, thirty-seven, thirty-eight, and thirty-nine of the Constitution Acts Amendment Act, 1889,—

- (a) the seat of a member of Parliament shall not become vacant and shall not be deemed or taken to have become vacant;
- (b) the election or appointment of any person to be a member of Parliament shall not be invalidated and shall not be deemed or taken to have been in any way invalidated;

And then it goes on—

by reason only—

(1) that during the continuance of the war in which His Majesty is at the commencement of this Act engaged and for a period of six months thereafter such member or person accepts or holds or has at any time since the third day of September one thousand nine hundred and thirty-nine, accepted or held—

- (a) any office or place in the Naval, Military, or Air Forces of the Commonwealth of Australia
- (b) any office or place of profit or other employment from or under the Crown (whether in right of the Commonwealth or of any State or of the United Kingdom or of any other part of His Majesty's Dominions).—

(i) provided for by or under the National Security Act, 1939 . .

—and so forth. I will not read the remainder of that section. Suffice to say that the Parliament of Western Australia in 1942 specially introduced this amendment to protect members of Parliament who were serving with the Armed Forces. I repeat that it did not introduce an ordinary Bill to provide for the protection of members. It introduced an amendment to the Constitution Acts Amendment Act, and there was an absolute majority in favour of the measure in both Houses.

This Bill includes provisions for the payment of expenses and allowances to members. It provides that a Legislative Councillor or a member of the Legislative Assembly may hold an office of profit

under the Crown. I suggest that that amounts to an infringement of the Constitution Acts Amendment Act; and therefore the provisions contained in this Bill should, more correctly, be contained in an amendment to the Constitution Acts Amendment Act. If this provision which is contained in this Bill to amend the Town Planning and Development Act is passed, there will be nothing to prevent any Government at any time in the future from amending any other section of the Constitution Acts Amendment Act by an ordinary Act of Parliament.

My attention has now been drawn to section 73 of the Constitution Act which reads as follows:—

The Legislature of the Colony shall have full power and authority, from time to time, by any Act, to repeal or alter any of the provisions of this Act. Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and Legislative Assembly respectively. Provided also, that every Bill which shall be so passed for the election of a Legislative Council at any date earlier than by Part III. of this Act provided, and every Bill which shall interfere with the operation of sections sixty-nine, seventy, seventy-one, or seventy-two of this Act or of Schedules B., C., or D., or of this section, shall be reserved by the Governor for the signification of Her Majesty's pleasure thereon.

I referred to this point during the Committee stage of the Bill, and the Minister for Transport said that the provision was quite all right. However, I had my doubts; and after exhaustive inquiries, I am advised, on very good authority, that the point is a sound one; and that, in consequence of the second reading of this Bill not having been passed by an absolute majority, the Bill should be ruled out of order.

Speaker's Ruling

The SPEAKER: The member for Mt. Hawthorn has raised the point of whether the Bill should now be ruled out of order because the second reading was not carried by a constitutional majority. I think that is a fair summing up of the honourable member's contention. At this stage I want to thank the honourable member for extending me the courtesy of advising me beforehand that he intended to take this point of order.

The honourable member went to considerable length to point out that amendments to the Constitution Acts Amendment Act can only, in effect, be carried out by an amendment to that particular Act. Then, at the latter part of his submission, he referred to section 73 of the Constitution Act, and he quoted it. I will now quote it again as follows:—

The Legislature of the Colony shall have full power and authority, from time to time, by any Act, to repeal or alter any of the provisions of this Act.

I think that that establishes quite clearly that the Constitution Act may be altered by amendments to other Acts because the words "any Act" are used. The proviso to this section is as follows:—

Provided always, that it shall not be lawful to present to the Governor for Her Majesty's Assent any Bill by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

The point at issue seems to hinge on the question as to whether the proviso in the Bill—namely, a Bill for an Act to amend the Town Planning and Development Act, 1928-1958—alters the Constitution of either the Legislative Council or the Legislative Assembly. That is the provision appearing on page 11 of the Bill. I think that members will agree that the mere fact of providing that a member of the Legislative Council or the Legislative Assembly will be permitted under this legislation to take an office on this authority, will not affect the Constitution of either House of Parliament. For that reason I feel that the submission of the member for Mt. Hawthorn must be ruled out.

However, there is some question of usage in connection with these matters; and I refer to the Swan River Conservation Act of 1958 which provides, in Part II, section 7, as follows:—

An office on the Board shall be deemed not to be

- (a) an office of profit from the Crown, on acceptance of which office by a member of the Legislative Council or of the Legislative Assembly, whose seat becomes vacant.

That wording, to me, seems to be very nearly akin to the wording in the Bill under consideration. On referring to the minutes of both the Legislative Assembly and Legislative Council of last year, I find

that the Swan River Conservation Bill was passed without there appearing in the minutes any record of a constitutional majority having been taken. So it would seem to me that there is some justification from the point of view of usage, and in view of the fact that the Bill in question is not an infringement of the Constitution Act, for its not requiring a constitutional majority.

Dissent from Speaker's Ruling

Mr. TONKIN: I was waiting for my colleague to rise; because I would be very surprised if he accepted this ruling as you have outlined it. I move—

That the House dissent from the Speaker's ruling.

I do so for this reason: It is not sufficient to say that because previous Bills containing a similar provision have been passed without a constitutional majority they did not, in fact, require the constitutional majority, because it remained for somebody to raise the point before a determination would necessarily be made upon it; although it has been known that Speakers, of their own volition have, on occasions, drawn attention to the fact that Bills require an absolute majority.

I recall one instance that occurred here a few years ago. I briefly pointed out in this House that certain acts which had been performed by the Government were invalid because the law did not give it power to carry out those acts. It was argued by the Minister in charge of the department at the time that the Crown Law advice was that no amending Bill was necessary to validate what had been done. But, in a few days, an amending Bill was brought down for the very purpose for which I said it was necessary.

I suggest that if the Constitution Act requires an absolute majority when it is amended, then no other Act which overrides the Constitution Act in any particular, or amends the Constitution Act, can be passed only by a simple majority; because it would be a ridiculous situation if, when we required to amend the Constitution Act we had to have an absolute majority; but if we decided to amend the Constitution Act in a roundabout way, by putting a provision in another Bill, we could amend it without an absolute majority. It does not make sense.

It is competent for Parliament, I agree, to override the Constitution Act, and amend it by passing other Acts. That is undisputed. But I would suggest to you, Sir, again, that you cannot do it with a lesser majority than would be required if you were amending the Constitution Act itself. If that were not so, it would be an open invitation to members who could not get an absolute majority, but who wished to amend the Constitution Act, to introduce

the amendment in a roundabout way, so that they could effect their purpose with a simple majority.

Surely the framers of the Constitution were not so simple as to have left that loophole! Accordingly the position is that I agree without any feeling of doubt at all that the Constitution Act can be overridden in some particulars, or amended, by the passing of other Acts; but in so far as those Acts interfere with the operation of the Constitution Act, they require an absolute majority in order to effect their purpose.

So the criterion here is whether or not this provision in the Bill is intended to interfere with the operation of the Constitution Act. If it is not intended to interfere with it, then it has no place in the Bill; it is not necessary. If this particular provision does not in any way interfere with the requirements of the Constitution Act, why is it here? We have enough verbiage in Acts of Parliament without unnecessarily cluttering them up with stuff that is not required.

Accordingly I submit that this provision is required. And if you wanted to test that out, Mr. Speaker, we need only go into Committee and make an attempt to strike it out of the Bill; you would then see how the Minister would fight to retain it. If it means nothing, and does not interfere with or override the Constitution Act, why is it necessary to have it in the Bill? But if it does interfere with the Constitution Act, or if it does override it, then without an absolute majority, we cannot do what is required.

With all respect, Sir, I submit that your ruling is wrong, inasmuch as you have indicated that this Bill, which will interfere with portion of the Constitution Act, does not require an absolute majority because it is not an amendment to the Constitution Act itself. To me there appears little logic in that argument; and it would seem to me very clear that this particular provision in the measure is considered not only desirable, but necessary, to protect those persons covered by the clause against possible action which might be taken against them, because of the existence of the Constitution Act.

In other words, it is inserted for the express purpose of protecting certain people who would be in trouble, possibly, if it were not for this provision here exempting them from the operations of the Constitution Act. If that is allowed as an argument, then I think there is very little left to argue about; because it would, in effect, be amending the Constitution Act; and I repeat that it would be foolish in the extreme to believe that, if a direct amendment to the Constitution Act could only be made by an absolute majority, we could effect an indirect amendment with a simple majority.

That is against all rhyme and reason; and because it is, I think the House—even though it might be expedient for the Government to have this Bill passed at this stage—would be foolish to permit the passing at this stage of something that is unconstitutional; because I would point out that if Parliament acts unconstitutionally—even though we are led to believe that Parliament can do no wrong—what it does can be upset, and innocent persons relying upon the authority of Parliament might find themselves in a serious position.

I would point out that, because of your ruling, Sir, if this Bill becomes law and it purports to override the Constitution Act—and some people assume it does—and it is subsequently challenged in the court, and it is shown that the Bill could only have been passed by an absolute majority, which majority it did not receive, then the court could quite easily find that the Bill was not law. If that were so, the persons who had been assuming they had full protection under it would in effect not be protected. So we have a responsibility to others besides the Government.

Whilst I know that Speakers are reluctant to rule contrary to what the Government Party or Parties desire, we must all keep in mind the broader aspect; namely, the legal effect on people outside who assume that what we do is done regularly. There have been instances on record where Parliament has erred in believing that it had authority which it did not possess. I mention the instance of the Commonwealth Parliament with regard to the nationalisation of banking, which Parliament did, in effect, pass the legislation. It was believed to be in order, and in accordance with the Constitution, and so on; but it was subsequently found that it was not.

That might very well be the situation with regard to this measure. I think the position is crystal clear, and the ruling should be given entirely upon the facts. You did not deal specifically, Mr. Speaker, with the point whether this provision in the Bill could be dispensed with without any ill effect on the Bill; and that is the acid test. If the Bill, with this provision deleted, would not be as effective as it is required to be, it is because the particular provision is intended to override the Constitution Act; and if that is the intention, obviously it requires a constitutional majority to do it.

On the other hand, if you hold the view, Sir, that it is mere furniture in the Bill—a triviality which has no force or effect—then, of course, your ruling would be undoubtedly correct. But I repeat that the best test to which to put that is to recommit the Bill and permit us to move to delete the clause from the Bill. We would then see a few contortions and somersaults,

and we would not be left long in doubt that the Minister felt that this proviso was undoubtedly necessary.

To come back to the point which you raised, Mr. Speaker: the question of usage. Because, a matter of less than 12 months ago, a Bill got through this House unchallenged, that does not mean it should not have been challenged. The ruling of the House on this question could quite easily invalidate the previous Bill to which you referred; and it may be necessary to do so. But that should not deter us from doing our duty if we feel that the point taken by the member for Mt. Hawthorn is well taken; and that is what I feel about this. To my mind there is no doubt whatever that this means the Constitution Act; and an amendment to the Constitution Act requires an absolute majority.

Mr. PERKINS: I think you have given a very wise ruling, Mr. Speaker. It is a ruling I would have expected you to give. This legal point was raised with me some time ago, so I have had an opportunity to secure Crown Law advice on the matter. The advice of the Chief Parliamentary Draftsman is that this is not a constitutional amendment. I have it here in black and white, over the signature of the Chief Parliamentary Draftsman.

He also mentions, in order to clarify the position for me, that even if it did affect the Constitution, the worst that would happen would be that this particular clause of the Bill would then be invalid; and in making appointments to the Town Planning Authority the Government would have to bear that in mind.

Mr. Lawrence: It should be perfect.

Mr. PERKINS: As the member for Melville has mentioned, however, sometimes opinions of law are contested, and the final decision can only be obtained from the courts. The best legal opinion available to us—as it was available to the previous Government—is that of the Crown Law Department; and that opinion is that it is not a constitutional amendment.

Mr. Hawke: Are you going to read the opinion from the Chief Parliamentary Draftsman?

Mr. PERKINS: I have already done so; he says it is not a constitutional amendment. I was just saying that in this Bill we have not intended to amend the Constitution. If we had intended to amend the constitution we would have taken steps to see that an absolute majority was obtained at each necessary point.

Mr. Hawke: If this part of the Bill were not to be approved by Parliament, what would make vacant the seat of a member of Parliament who accepted a position on this proposed authority?

Mr. PERKINS: There is no necessity for a member of Parliament to be on the authority.

Mr. Hawke: That is what this part of the Bill deals with.

Mr. PERKINS: It says that in the event of a member of Parliament being appointed to the authority, this is not an office of profit under the Crown. If, on the other hand, there were doubts at a later stage, as a result of any legal ruling given on some other occasion, then I have no doubt the appropriate steps would be taken to see that a member of Parliament was not appointed; or, if a member of Parliament were appointed, that it did not become an office of profit under the Crown. He could be on the authority in an honorary capacity.

Mr. W. Hegney: The Bill provides for a travelling allowance.

Mr. PERKINS: The relevant portion of the Bill reads as follows:—

The remuneration and travelling expenses payable in respect of the attendances at meetings and carrying out of their functions under this Act by members, is such as the Governor determines and is hereby authorised to determine when making appointments to the respective offices of members.

There is no direct provision in the Bill for these emoluments. In the circumstances, I submit to the House that this Bill can function without this particular clause in it at all. That is the advice of the Chief Parliamentary Draftsman. On the other hand, in order to give maximum flexibility and maximum discretion to the Government to appoint the most appropriate persons to this authority, it has been thought wise to include this particular provision. I would have resisted its deletion, because I think the maximum discretion is necessary.

As I have previously said, surely the Bill does not hang on this one clause. I can only reiterate that I feel certain, Mr. Speaker, that your ruling is the correct one; it is borne out by the advice of the Crown Law Department. I previously read the appropriate section to the House from the submission to me of the Chief Parliamentary Draftsman: "In my view, this is not a constitutional amendment."

Mr. HAWKE: The opinion read to us from the Chief Parliamentary Draftsman by the Minister for Transport could, I suppose, be regarded as an opinion, or as an assertion, or a claim, according to the point of view. Whichever one it might be regarded as, there is no reason given to support the opinion, or the claim, or the assertion. There is no argument. It is just a straight-out statement that this is not, or does not, represent to be an amendment of the Constitution. Therefore, the reading of this statement is not very helpful. Had the Chief Parliamentary Draftsman gone further and said that it is not an amendment of the Constitution because

of (a), and because of (b), and because of (c), then I think we would probably have had a much clearer picture.

Presumably, too, this prevailing law would—without this amendment in this Bill—create for any member of Parliament who took a position on this authority the acceptance by him of an office of profit under the Crown. Some existing law lays that down; otherwise there would be no necessity, I imagine, to put this proposed safeguard into the Bill. As I see the situation, that is the vital point, and is one which the Minister for Transport did not even mention, let alone deal with in any adequate form.

So, if some existing Act—without this Bill coming into operation—would make any acceptance of a position on this authority by a member of Parliament the acceptance, in fact, of an office of profit under the Crown, then that would affect the constitution of whichever House that particular member of Parliament was a member; because, without this, his seat would become vacant. I suggest to you, Mr. Speaker, that would very seriously affect the Constitution of the Legislative Assembly, if he were a member here; or of the Legislative Council, if he were a member there.

The argument of the Minister would have logic only if this amendment was of no value and was not really necessary. I think we can feel that this amendment is put into the Bill to safeguard the position of any member of Parliament who may subsequently be appointed to this authority. The amendment is necessary in that regard; because, if this amendment did not become the law of the State, any member of Parliament accepting a position on the authority would automatically be accepting an office of profit under the Crown, and automatically would have his seat in the Parliament declared vacant.

As I understand it, the Act of Parliament which would cause his seat to be declared vacant would be the Constitution Act. If that be right, then this Bill does, in this particular, amend the Constitution Act, and does alter an important provision of it. The Minister said that if the worst came to the worst; and after this Bill became law the measure was challenged in a court, the worst the court could do would be to find that this particular part of the new Act was invalid. That would not be very helpful to any member of Parliament who might have accepted a position on the authority believing this part of the new Act was valid. His seat would become vacant and he would be out. The constitution of whichever House he belonged to would be seriously affected.

Mr. Perkins: It might help the working of the House if some members had their seats declared vacant!

Mr. HAWKE: I do not want to mention any names, but I am prepared to look at the Minister. I would go further and say that had he developed any sort of a reasonable attitude in connection with many of the debates which took place in regard to this Bill, the Bill would have been through this House probably two or three weeks ago. That has nothing to do with this question, Mr. Speaker, as I am sure you would agree. I can almost hear you saying so. There is a great deal in the contention which has been raised; and I suggest, in the circumstances, that you might feel it desirable to give the matter a second thought.

Mr. W. HEGNEY: Sir, I am reluctantly compelled to oppose your ruling. I do not usually like opposing the rulings of Speakers. I know that, in the limited time available to you, you have given this matter as much consideration as you possibly could, but I feel I must emphasise two points. Firstly, the holding of an office of profit under the Crown is specifically mentioned as being one of the factors which will prevent a member of Parliament from continuing to hold his seat. That is in the Constitution Act; and all action which has been taken over the years to protect certain categories of members of Parliament, or those who may be members of Parliament, has been effected through the Constitution Act.

I quote the case of the pharmaceutical chemist who has a contract with the State Government or the Commonwealth Government. He can be a member of Parliament; but he is protected under the Constitution Act, and therefore does not hold an office of profit under the Crown. The same applies to a medical practitioner, because he is specifically protected under the Constitution Act.

In regard to the amendment of 1942, all those members of the forces who were members of Parliament were protected, not by a special Act of Parliament which passed both Houses with an ordinary majority, but by an amendment to the Constitution Act which passed both Houses with an absolute majority in each House. There was the case of members of Parliament who, on acceptance of an office of profit—namely, the portfolio of a Minister of the Crown—were obliged to contest their seats again because they had accepted that office of profit. They do not have to do that now because the necessity has been eliminated. Why? Because the Constitution Act has been amended in both Houses of Parliament. The amendment was effected by an absolute majority of both Houses.

The point mentioned by the Minister for Transport is entirely without merit, as it is not based on sound ground. He said that a member of Parliament is not obliged—or words to that effect—to accept the expenses or allowances. In other words,

he said there is no specific amount of allowance or acceptance mentioned in the Bill.

I could refer to one or two Acts of Parliament in which there is no specific amount shown for expenses, but provision is made for the payment of expenses or allowances. As a matter of fact, I experienced a case where a member of Parliament was to take a seat on the Education Endowment Trust. I think that was the name of the trust. There was a simple clause in the Act governing that trust—I am speaking from memory—which provided for the payment of expenses entailed.

I was advised that if the member of Parliament accepted a seat on that trust, he would be accepting an office of profit under the Crown. The same thing applied in the Museum and Art Gallery of Western Australia Act. There is a section in that Act which provides for the payment of expenses and travelling allowances. It was suggested to me that if a member of Parliament was likely to be appointed on the committee, he would be well advised to play safe and not accept the appointment, in order to avoid accepting an office of profit under the Crown, which was precluded under the Constitution Act.

The point raised by the Minister for Transport does not hold good. I cannot help thinking that this is a dangerous position. The office-of-profit principle is contained in the Constitution Act; and the qualification for voting for Legislative Council elections includes the qualification that one must hold real estate to the value of £50. I pose this question: What would be your attitude, Mr. Speaker, if a Bill was introduced into the House to provide for the deletion of that proviso? I think you would say, Sir, that an absolute majority was necessary, because the Constitution Act was affected. We could pick out other sections of the Constitution which could form the subject of a specific or separate Bill.

While provisions remain in the Constitution Act, they require an absolute majority in order to be amended; but, lift them from the Constitution Act and place them in some other measure, and, according to your ruling, Sir, they will have the effect and force of law if they are passed by a simple majority in both Houses. I think that is inconsistent, and I am reluctantly compelled to disagree with your ruling. I hope the House will protect itself and the Constitution by voting for the motion.

Mr. TONKIN: I thought it was your intention, Mr. Speaker, to make some remarks on the argument that has been raised, but I noticed that you were about to put the question. I think I have the right of reply.

The SPEAKER: I am prepared to grant the honourable member that indulgence, but this is not a substantive motion.

Mr. TONKIN: If it is not a substantive motion, I would like to know what it is! It is not an amendment. Very little attempt was made by anybody to show that this Bill was not amending the Constitution. The argument raised by the Minister, that it did not matter if it was subsequently proved that this was invalid, shows a callous disregard for the position of innocent people who might find themselves in a difficult position through acting on the assumption that the Government and Parliament had done the right thing. The relevant section of the Constitution Act provides—

If any member of the Legislative Council or Legislative Assembly, after his election—

accepts any pension during pleasure or for term of years other than an allowance under Section 71 of "The Constitution Act, 1899," or any office of profit from the Crown, other than that of an officer of Her Majesty's sea or land forces on full, half, or retired pay,

his seat shall thereupon become vacant.

If he continues to sit, he is subject to a penalty in the sum of £200.

Let us assume that the House upholds your ruling, Sir, and that the Bill is passed, and that then some member of Parliament, or a member of a municipal council, or a member of a road board, accepts an appointment on the board on the assumption that the provision in the Act gives him full protection, but it is subsequently found, as the Minister suggests that it might be found, that the measure is invalid and that he has contravened the Constitution—what happens then?

Mr. Perkins: This is not helping your case. If the Bill is unconstitutional, you are only pointing out the trouble that people might get into.

Mr. TONKIN: Surely this is a matter for our concern and consideration; although the Minister appears to have none.

Mr. Perkins: You are trying to argue two ways at once now.

Mr. TONKIN: When Parliament passes laws, they are not just for the convenience or the desire of the Government, irrespective of their effect on the people in the general community. In passing laws, we are expected to have some regard for the effect those laws will have. On the Minister's own showing, there exists some doubt in regard to this measure. He is being guided by Crown Law opinion, which is that this is not an amendment to the Constitution. But he says: "If subsequently it is found that this is an amendment of the Constitution, all that will happen is that the particular section of the Act will be invalid." But

what happens then? The innocent individuals who have been appointed under the provision will be involved.

Point of Order

Mr. PERKINS: On a point of order, I submit that the member for Melville is not replying to the question before the Chair: That your ruling be disagreed with. Your ruling, Sir, is that this is not a constitutional amendment. The honourable member is now arguing as to whether it is desirable that Parliament should pass this measure.

The SPEAKER: The point taken by the Minister for Transport is one which is difficult to apply strictly. I thought that the Deputy Leader of the Opposition was slightly wide of the question in connection with my ruling when he got to the point of discussing whether the measure would or would not be good for the community. The point at issue, as I understand it, is whether my ruling is correct or not; it is not a matter of the effect of the ruling on the community.

However, I did not wish to interfere with the Deputy Leader of the Opposition; but now that the point has been taken, I hope that the Deputy Leader of the Opposition will, without interfering too much with his argument, get back to the point.

Debate on Dissent Resumed

Mr. TONKIN: I seek no favours; only the protection of Standing Orders. I am replying to the debate on the question whether your ruling, Sir, is valid or not; and my reply hinges on the validity or otherwise of the arguments put forward in support of the proposition that this is not an amendment of the Constitution.

The Minister, by interjection, suggested I was arguing both ways, and I was endeavouring to show him that I was continuing to argue one way, which is a way he did not like. I suppose I am entitled to deal with the various aspects of the matter, and to show that this is an amendment of the Constitution; because as soon as it is established that it is an amendment of the Constitution I cannot imagine that you, Sir, or anybody else would say that if we wanted to amend the Constitution directly we could do it other than by an absolute majority; or that you would say that if we cannot do it directly with an absolute majority we can do it indirectly with a simple majority.

If we agree to that proposition, we get to this position: The Government, say, wants to amend the Electoral Districts Act, which amendment requires an absolute majority; and it knows it has not got the majority. So it amends some other Act, to provide for the same result; and it has that amendment passed by a simple majority. Would you, Sir, uphold that procedure?

I point out that the Road Districts Act; the Constitution Act; and the Municipal Corporations Act provide, respectively, that if members of Parliament; members of municipalities; or members of road boards, accept an office of profit under the Crown, then their seats shall become vacant. That is the law.

There is a case on record where one, Mr. Alex. Clydesdale, acting on the advice of the Crown Law Department, accepted an office of profit on the Lotteries Commission. Subsequently his position was challenged, and it was proved in the court that the position he was holding was an office of profit, and he was liable for a substantial penalty. It then became necessary for the Government of the day to introduce a special Bill to amend the Constitution to provide that this position on the Lotteries Commission was to be exempted from the Constitution Act.

I suggest to you, Sir, that that is precisely what the Minister is doing with regard to this Town Planning Board. He is providing that if any member of Parliament; any member of a road board; or any member of a municipality, accepts a position on the board—without this provision it would be regarded as an office of profit and the member accepting it would be open to penalty—shall not be open to penalty, and shall, *ipso facto*, be exempted. That is doing what was done by Parliament when it amended the law to cover the position of Alex. Clydesdale, when the Constitution Act was directly amended by the inclusion of a proviso similar to the provision that is in the Bill before us.

Surely we are not going to argue that what was necessary in the Clydesdale case is not necessary now because it is a different Government and a different Speaker! The facts must be the same.

The real test in this matter is whether the Minister will agree to delete this phrase from the Bill; because if it is not a requirement to protect members from the operations of the Constitution Act, what is it? Can anybody give me an answer and say what it is, if it is not for the purpose of exempting the persons specified from the operations of the Constitution Act?

If this provision seeks to set aside the effect of the Constitution Act, it is, in effect, doing what you, Sir, thought it was doing when you read from Standing Orders: that it was amending the Constitution Act by amending another Act. If you, Mr. Speaker, agree that we are in effect amending the Constitution Act—and I do not think there is any doubt about it—then we must have an absolute majority to do it because it has been ruled over and over again that we cannot amend the Constitution Act without an absolute majority. It does not matter whether we seek to amend the Act by a Bill introduced specifically for the purpose, or indirectly

by a Bill introduced for another purpose, we must carry the amendment by an absolute majority.

I do not think we ought to be made to look foolish—and we will be if we pass the Bill here, and it is thrown out on this point, in another place. We must have regard, not to the expediency of the situation, but to the rights of the situation. A Bill was necessary, in connection with the appointment of Mr. Clydesdale to the Lottery Commission, despite the advice given years before that a Bill was not necessary; and in the same way we have the evidence in front of us to prove that, in connection with this matter, we need an absolute majority because we are amending the Constitution.

The clause in the Bill provides that an office on the authority shall not be deemed to be an office of profit, whereas the Constitution Act provides that without this provision, it would be deemed to be an office of profit. So, by this provision, we are setting aside the Constitution Act, so far as it concerns these persons, in the same way as in 1947 the provision in the Constitution Act was set aside in connection with a particular office; because the Constitution has this proviso—

Provided further that, for the purposes of this and the last preceding section, the holding or acceptance of the offices following or either of them, shall not of itself constitute the holding of an office of profit under the Crown or the acceptance of an office of profit from the Crown:—

The two positions mentioned are the office of approved pharmaceutical chemist under and for the purpose of the Pharmaceutical Benefits Act 1947 of the Commonwealth, and the office of medical practitioner approved under section 11 of the said Pharmaceutical Benefits Act. Those amendments to the Constitution Act could have been effected by amending the Pharmaceutical Benefits Act in two particulars to cover both the chemists and the doctors; and there could have been provision in a Bill, the same as there is in the Bill now before us, saying that with regard to those two appointments the provisions of the Constitution Act shall not apply.

But that was not done; in that case it was done by an amendment to the Constitution Act. The result is the same, and it required an absolute majority to effect the purpose. It was done by Act No. 12 of 1948; and, as it required an absolute majority to effect its purpose, we cannot effect this similar purpose by a simple majority.

I suggest that having heard the argument, if you are disposed to reverse your ruling, Mr. Speaker, you will not suffer in stature through having done so, because the very nature of the Parliament provides for the submission of argument so that the various contentions can be

examined, and the weaknesses shown in order that the right course may be followed.

I say again that the situation, with so much precedent before it, is as clear as crystal; and although I regret the necessity for moving in the way I have done, I feel it is essential that we should do the right thing according to our lights.

Motion (to dissent from Speaker's ruling) put and a division taken with the following result:—

Ayes—22

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Molr
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May

(Teller.)

Noes—25.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neill
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Dr. Henn	Mr. Roberts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	

(Teller.)

Pair.

Aye.	No.
Mr. Rhatigan	Mr. Watts

Majority against—3.

Motion thus negatived.

Debate on Third Reading Resumed

MR. JAMIESON (Beeloo) [6.5]: Before the third reading stage is passed, I must again express the views of those local governing bodies who, in the main, constitute the greater part of the electorate of Beeloo, in their opposition to the overall exemptions contained in the Bill. A re-iteration of their objections is quite justified in view of the Minister's attitude in not so far having taken any notice of the objections these local governing bodies have put forward.

After all, it is their lot, to a large extent, to implement the proposals in this legislation. They will have to co-operate in every possible way in order to make the Stephenson Plan work; and if the Minister is not going to be co-operative with them, I feel that he can expect the same lack of co-operation on some future occasions. The proposals put forward by these local authorities were not in any way unreal. I think they were quite justified; and, had the Minister given the matter the consideration which was due to it, I feel sure that we could have reached a happier conclusion than we have done so far.

Nobody argues about the merits of the legislation as such, because we all realise that in order to have a town planning authority we must have some legislation to enable it to be effectively controlled; and there must be some organisation to take charge of the necessary planning. That part of the legislation must be accepted by every right-thinking member in this House. But the features to which we have objected during the course of the debates on this legislation, and to which I still express objection as a member who has had representations made to him by the local governing authorities in his district, are the exemption proposals in regard to certain interests; in other words, certain interests will be free from the payment of this tax.

Most people would object to paying the tax; but I think in the long run they would realise that they would have to pay it if the legislation was to be successfully implemented, despite the fact that the present Government indicated during the election campaign that taxes of this kind would be reduced. That aspect has been mentioned on several occasions, and it is quite a good talking point. We must also realise that although this Government is proceeding with the legislation, it could fall to the lot of some other Government in the future to implement its provisions.

I oppose the third reading because of the adamant refusal of the Minister to accept any amendments to make the Bill more suitable to those associated with its implementation.

MR. J. HEGNEY (Middle Swan) [6.12]: I raise objections to the Bill at the third reading stage because the impost that will be put upon the workers in the electorate I represent is unfair and unjust, and the tax proposed by the legislation will not apply equitably. Those with plenty will be able to pay the tax without any worry; but many of the people in my territory are struggling to make ends meet. At present they are being forced to meet water supply rates, road board rates, and many other rates; and by the passing of this legislation they will be called upon to find an additional halfpenny in the £ on the unimproved value of their land—that is, those who reside in the metropolitan region.

We all know only too well that the value of land has got out of hand compared to a few years ago. Many of these people bought the land when it was cheap; but since then its value has increased enormously, and this added impost will be a considerable burden to these landholders. I know of hundreds of people in my electorate who are struggling to make ends meet. They have acquired land and have been able to get a small sum of money to build their houses. They have to meet interest payments on their mortgages, in addition to

paying all the rates I have mentioned. Many of them are young people, and today quite a few of them would be out of work. Consequently the small income they have will not be sufficient to enable them to meet all their commitments. Yet this Bill will impose a further burden on them!

Mr. Perkins: What did you do about this in 1957? Did you raise all this argument then?

Mr. J. HEGNEY: I am glad the Minister made that interjection because I know what he did a couple of years ago when a Bill was introduced to impose a land tax throughout the State.

Mr. Perkins: That is not in this Bill.

Mr. J. HEGNEY: The Minister, and members of his Party in another place, did everything to get out from under; and they were successful, because the other Chamber deleted all reference to the application to agricultural land.

Address by Professor Blunden

The SPEAKER: Will the honourable member please resume his seat? Before leaving the Chair until 7.30 p.m., I would like to draw members' attention to the fact that at 6.45 p.m., in the ministerial room, Professor Blunden, of the School of Traffic Engineering at the University of Sydney, will be giving a talk.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. J. HEGNEY: Before tea the Minister, by way of interjection, asked me why I did not oppose the tax two years ago. At that time I was occupying the Chair in this House, and my course of action was clear. I remember hearing all the arguments for and against the imposition of a land tax. While the measure was carried in this House to impose a land tax on every section of the people, it was amended in another place so that the tax would apply only to the people in the metropolitan area. As a result, the State lost between £200,000 and £300,000 in revenue.

I must protest against this additional sectional tax of a halfpenny in the £ on the unimproved capital value which will have to be borne by the people living in the metropolitan area and in the suburbs—the people, especially the young ones, who are struggling to build homes and who have to meet all sorts of commitments. In many cases they are budgeting fully to meet existing commitments, but overnight the Government is to impose another tax on them. Naturally they are becoming very irate.

There are metropolitan members in this House who are supporting the Government; and I have not heard them express a view on the application of this sectional tax to their electors. There are many hundreds and thousands of them living

in the Scarborough Beach district. Many have gone into new homes and are struggling to meet their obligations, which will be increased when the young families come along. It is both unfair and unjust to place this further impost on them.

The Government, through the Premier, did state publicly both inside and outside of Parliament that it was the intention of the Government to reduce land tax. How then can he square up that statement with the proposition contained in the Bill, which seeks to impose an additional land tax?

Mr. Brand: All in good time.

Mr. J. HEGNEY: We have to meet the situation as it confronts us now, not in good time. I know how the Bill will affect the people whom I represent. Exemptions are to be granted to people holding certain categories of land under the regional plan. Many poultry farmers and others holding 10 or 15 acres of land will be exempt from the tax, but they will in time cash in on subdivision of the land. On behalf of my electors I oppose the third reading.

MR. FLETCHER (Fremantle) [7.35]: I oppose the third reading; and in doing so, I shall be brief. I support the case put forward by the member for Guildford-Midland, because in my electorate, where there are marshalling yards and so on, we are faced with the same problem.

I express opposition on behalf of the North Fremantle section of my electorate in particular. That portion is struggling to maintain itself, as a result of the small population and the industrialisation of that area. Consequently there is a loss of revenue to North Fremantle. For those reasons, I oppose the third reading.

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

Ayes—23.

Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Nalder
Mr. Burt	Mr. Nimmo
Mr. Cornell	Mr. O'Connor
Mr. Court	Mr. Oldfield
Mr. Craig	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Dr. Henn	Mr. Roberts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	(Teller.)

Noes—21.

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Molr
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Andrew
Mr. Jamieson	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Watts	Mr. Rhatigan
Mr. W. A. Manning	Mr. May

Majority for—2.

Question thus passed.

Bill read a third time and transmitted to the Council.

METROPOLITAN REGION IMPROVEMENT TAX BILL

Third Reading

Bill read a third time and transmitted to the Council.

KA RAILWAY WAGONS

Tabling of Papers on Construction

Debate resumed from the 19th August on the following motion by Mr. Tonkin:—

That all files and papers relating to estimates for the construction of KA wagons, the calling of tenders for the construction thereof and the letting of a contract to Tomlinson Ltd. for 200 such wagons, be laid upon the Table of the House.

MR. COURT (Nedlands—Minister for Railways) [7.40]: This motion moved by the Deputy Leader of the Opposition is in a form and introduced in a manner we have come to expect from the honourable member. I have read, with some interest, his motions during the period when he was in Opposition before; and there is no doubt about it that they follow a pattern. He busies himself with a point which he thinks might be of some political advantage to himself and to his Party, and then proceeds to play up that very small point into something that could be termed an inverted pyramid.

Mr. Lawrence: That is hardly fair criticism.

MR. COURT: He adds a lot of fuel to what he thinks is a fire, and this inverted pyramid is the result, swaying precariously in the breeze.

Mr. Graham: You could have produced the papers.

MR. COURT: If the honourable member will relax, I will explain why I did not produce the papers. There is very good reason.

Mr. Heal: I'll say there is!

MR. COURT: The motion moved by the honourable member was roughly divided into two main parts. Firstly there was the question of the right of members to see papers; and, secondly, there was the question of the relative costs of building 200 KA wagons by Tomlinson Ltd. as a result of tender and contract as against the building of the same number of wagons in the Midland Junction W.A. Government Railway Workshops.

In regard to the rights of members to see papers, I am the first to agree that papers should be made available to members wherever this is possible and practicable, unless there are some special circumstances. The members on the front bench of the Opposition were in Government long enough to realise there are often special circumstances which preclude the

making of papers available. They themselves pleaded these circumstances when they were in Government, and they were not challenged so far as I was concerned, because a Government has the responsibility to govern and must be given some discretion in the matter.

The main reasons why I was not prepared to table the papers were, firstly, a current wave—a very disturbing wave—of leakage of information which should normally be regarded as confidential—from within the Western Australian Government Railways. This leakage is having a very detrimental effect on the morale within the service, and it is something which I will elaborate in a few moments.

My second reason is the same as that adopted by the previous Government: the fact that this is a tender and contract proposition, and that the information normally remains confidential in respect of unsuccessful tenderers.

Mr. Graham: Since when?

MR. COURT: For a long time; and certainly during the term of office of the previous Government. If the honourable member will let me, I will quote the case where his Government refused to give me figures in respect of some contracts for the Government railways on the ground that it was customary not to make this information available. On reflection I accepted that, because there is rhyme and reason as to why, in many cases, the Government of the day would not want to release that information.

[The Deputy Speaker (Mr. Roberts) took the Chair.]

If the honourable member wants to anticipate the reference I am going to make, I refer him to the diesel railcars which were the subject of questions when I was in Opposition. I was told there were three tenderers, if I remember correctly; and I asked what were the amounts of the tenders. The Government had called tenders at great cost to the tenderers and then rejected the lot.

Mr. Lawrence: Did you expect an answer to that question?

MR. COURT: Yes; and I got an answer. In Volume 3 of Hansard 1957, the Minister for Transport for the Minister for Railways is reported as saying—

It is not the practice to make public details of prices submitted by private tenderers.

From another source, I pursued the matter privately; and I was informed it was not desirable to make public the unsuccessful tenderers, even though the successful tenderer was publicly advised. There is always another day when tenders are called, and I was told it is often politic not to release all the information regarding the unsuccessful tenderers. We are witnessing in this motion one of the great curses that beset

any Government concern. The curse of any Government concern is the fact that it seems to be fair game for political sniping.

Mr. Graham: We noticed that during March.

Mr. COURT: This sniping undermines the morale of the service. The railways are just recovering from a 2½ years' Royal Commission; and it cannot be denied that during that period there was great unrest. Friend was set against friend, and many people took the opportunity to settle some old scores. The scars of that 2½ years are still on the morale of the Western Australian Government Railways; and we, as a Government, have made it our No. 1 objective to try to restore the morale within the railway system because, without it, the railways have not a chance.

Mr. Jamieson: The letting out of contracts will restore morale? Amazing!

Mr. COURT: During the next 12 months at least, the railway administration will be passing through a difficult period of re-arrangement. The rehabilitation is going to be difficult enough without having all sorts of political sniping going on against the railways. Nothing will retard this rehabilitation more than members of Parliament rushing around and encouraging officers to give them a little bit of information here and a little bit of information there—information which would normally be regarded as confidential in their particular duties.

Mr. May: Who is doing this?

Mr. COURT: The leakage which is going on within the railways is very disturbing.

Mr. Toms: I think it is being volunteered.

Mr. COURT: The new commissioner is a very good one, and is settling into the job in a very able manner. He is a man of very sound judgment. From what I have seen of him, I am of the opinion that we were fortunate to be able to make this appointment. But he has to be given a chance to settle in. One of the worst things that can happen to a man settling into a job as difficult and big as this one is for him to be subjected to a lot of political intrigue and sniping at this particular point of time.

I venture to suggest that in 12 months or 18 months this political sniping will be water on a duck's back; because, by that time, I think we will have made so much progress in the morale of the system, and will have restored so much confidence in the railways, that the sniping will not matter two hoots.

Mr. May: We shall see!

Mr. COURT: It is my intention so far as I am able, to protect the system from this political attack.

Mr. Fletcher: Including the employees?

Mr. COURT: When I protect the system, I am protecting the employees; and they are starting to know it.

Mr. Graham: Yes; you are sacking them!

Mr. COURT: Members opposite would like to believe that the comparatively small section of the employees with which they deal—

Mr. Fletcher: It is the biggest percentage.

The DEPUTY SPEAKER (Mr. Roberts): Order!

Mr. COURT: They would like to feel that this Government is not appreciated by them; but we in the Government have our contacts with the men in the railway system, and we are more than pleased with their acceptance of the things that this Government is trying to do in respect of the Western Australian Government Railways.

Mr. Graham: You have been reading too many leading articles!

Mr. COURT: We are prepared to be judged on our record.

Mr. W. Hegney: You have sacked 168 up to date.

Mr. COURT: When the next 12 or 18 months have passed we will be quite prepared to be judged on what we have done. The honourable member is sticking his neck out when he speaks of sackings; because his interjection takes me back to the time when the previous Government, for economic reasons, was forced to reduce by hundreds the numbers in the railways. We did not criticise that action.

Mr. Graham: They were not reduced by sackings.

Mr. COURT: The honourable member is touching on a very difficult and stony path when he starts to talk about the sackings; because in the ordinary acceptance of that word, we have had none in the railways.

Mr. Graham: There have been 168.

Mr. COURT: Men have left the railways.

Mr. Graham: No!

Mr. COURT: Some have been dismissed for malpractice. I am sure that the members opposite would not have retained employees of that nature. But there has been no policy of retrenchment in the Railway Department up to this time. We have managed to maintain a labour force which is very close to that employed when the previous Government vacated office at the beginning of April.

Mr. May: You are not going to increase the freight?

Mr. COURT: I hope we are going to increase the volume of freight we carry, because that is the main answer to the problem. I referred earlier to the question of leakage which was so prevalent when we took over. I suppose that some people felt they had a political allegiance in certain quarters, and it was considered

loyal to pass on information. The situation was so acute that I could not call for any information or report on a particular section of the Railway Department without its becoming an issue in some quarter or other—sometimes in a matter of days; and, in other cases, in a matter of hours.

There was the instance when I requested information in regard to the operations of the metropolitan passenger service. Members will recall what happened then, because I am quite sure they saw the pamphlets that were issued. This was not occasioned because of any public statement or decision of the Government, but was merely based on some information of a very necessary nature for which, as Minister for Railways, I had to ask.

Then there is the information we sought from the Midland Junction Workshops—a whole section of bits and pieces of information which a Minister should normally be able to call for with complete confidence. He should be able to have that information treated as confidential. But is that the case? The next thing that happened was that I was receiving it back in the way of questions in the House, by correspondence, and by other means.

In connection with this matter, I want to thank some members on both sides of the Chamber who have been good enough to discuss with me privately this question of leakage. In most cases I am sure that these discussions have been quite satisfactory; and they must admit that they have been treated with the utmost courtesy, because it is in my interests to know these things and to give a satisfactory and complete answer.

It has been decided to have a review of certain country passenger schedules. Certain important information was called for basic to the review of these schedules. I refer to the costing of the trains. What happened in that instance? Within hours I was approached by certain citizens in one part of the State in respect of that information. There were questions asked in Parliament in such detail that the source of the information was quite obvious.

Mr. Hall: You could not answer the economics of the questions.

Mr. COURT: Of course, if the member for Albany wants to come in on this one it is all right with me. But the answers he received to his questions demonstrated the importance of the information that I was seeking—as was the commissioner—so that we could cost the trains that are running in the system.

After six years of office the Government of which the member for Albany was a supporter was not capable of costing a train. Therefore we had to try to devise a system to do this; to determine which passenger trains on certain routes were showing a profit, and which were showing a loss. The honourable member is, of course, giving the show away when he interjects

because no decision was made regarding those particular trains. A request was simply made for basic and important information so that the service could be examined.

Surely the members of this House would expect any responsible Minister to obtain this information! It is his job. He would be neglecting his duty if he failed to try to get to grips with that information. I want to make this statement very clearly, for the information not only of the House, but all employees of the Western Australian Government Railways.

Mr. Graham: We will hear some platitudes now, I bet!

Mr. COURT: This is no platitude! There is at this moment a complete examination being carried out of all the operating and costing factors in the railways—a complete examination. If employees who have been a little careless in divulging information in the past have not heeded the warning of the disservice they are rendering to the system they, of course, will have plenty of information available for members, because the whole gambit of things is being examined, including the country passenger service, the metropolitan passenger service, the freight situation, and even the Midland Junction Workshops.

Mr. Fletcher: Isn't the Minister satisfied with the costing system in the Midland Junction Workshops now?

Mr. COURT: No. The honourable member will be interested in the observations I will make in a moment.

Mr. May: Who is making the observations?

Mr. COURT: The commissioner, by arrangement with me, has constituted a body which will be skilled in examining all aspects of the Railway Department.

Mr. Heal: From inside the railways?

Mr. COURT: Yes. I rejected a suggestion made by someone outside the railways that we should bring in an outside team of investigators.

Several members interjected.

The DEPUTY SPEAKER (Mr. Roberts): Order! I suggest the Minister address his remarks to the Chair.

Mr. COURT: We have, therefore, engaged in this very comprehensive overhaul of the system. It is not an inquisition. It is purely an ordinary commercial examination of the system to get to grips with the very situation mentioned by the member for Albany, and to see whether economies could be effected within the service. This is necessary, because the railway system is such an important part of our transportation link, and we have to try to devise as quickly as we can the correct role of the railway system in the transportation services of the State.

Times march on; and we have to be prepared to march on, too. The only way to correctly evaluate the role of the railway system is to have this thorough examination of all the costings and uneconomic factors, and then deal with them. I have no doubt that when we try to deal with some of them, members on both sides of the House will approach me in connection with the effects upon their electorates.

Mr. Hall: You will find you can get the wagons cheaper than you can get them from Tomlinsons.

Mr. Graham: Can you give me the date of that question and answer you quoted earlier?

Mr. COURT: It is at page 3037 of Vol. 3 of 1957, and the date was the 13th November, 1957.

Mr. Graham: Thank you.

Mr. COURT: I want to touch briefly on this question of the ethics of seeing files privately, because I notice that in the speech of the Deputy Leader of the Opposition, when introducing this motion, he dwelt on this subject at some length. It is obvious that he and I have entirely different concepts of the significance of seeing a file confidentially; and in discussions with me he made it clear that his ideas and mine did not agree. It was told to me, early after I came into this House, that if I accepted an invitation to see a file in the Minister's office I would be doing something unethical if, without his permission, I divulged its contents; and therefore on most occasions I have refused to see files privately; because one could be placed in an embarrassing situation if there was some information on a file which one examined, and it became known through some other channel.

The Deputy Leader of the Opposition feels—I am not questioning his personal sincerity, but say that his view disagrees violently with my own concept of the situation—that if one sees something on a file it is open season to use it, if one thinks it should be made public. He instanced the Dean family case; but could not have picked a worse example, because that was a case where there was complete harmony between the Minister concerned, the then member for Subiaco and I, and the family directly concerned. Several members received approaches on that matter; and it was eventually decided that, in view of the fact that the then member for Subiaco and I were directly involved through constituents, we would handle the matter.

The Minister said—

There are certain things on that file that the Government feels it would not be fair for us to table voluntarily; but if there is a motion agreed to by the House we will table the file.

He suggested that I look at the file, which I did. The family, who were really the only people involved, were insistent that they would like to see the file tabled; and I

moved a motion to that effect, by arrangement with the Minister. He said, "All I want is for the House to decide that the file shall be tabled; and the responsibility will then be off the Government."

Those are the simple facts, which are clearly recorded in a very short speech which I made in connection with that matter at that time. If members will reflect on the question they will appreciate that I was doing a service for the then member for Subiaco; because there were certain things on that file which were quite unfair to him; and he subsequently dealt with the matter, either by questions, or a speech in this House, or by direct correspondence with the Minister. I would not be sure, now, which method he used; but most of us were well informed at that time on the action being taken.

I come now to the second group of reasons why we considered the file should not be tabled; and here I refer to the question of tender and contract information. I have, to some extent, been anticipated by an interjection from the member for East Perth; and I have already told the House of the answer given by the Government in November, 1957, to a question, when it considered it to be quite good and sufficient reason not to divulge the tenders, "because it is not the practice to make public details of prices submitted by private tenderers." There the matter rested.

As far as this particular transaction is concerned, the tenders were extremely close. The two lowest tenderers tendered on a slightly different basis, as was permitted under the tendering system; and it took a considerable time for the experts to work out which was, in fact, the lower tender of the two. Eventually, a recommendation was made to the Tender Board, and from it to the Government, as to which was the lowest tenderer of the three; and the Government duly accepted the recommendation of the Tender Board.

We come now to the question of comparative costs, dealt with in the second part of the honourable member's motion. Some wild and woolly accusations and claims have been made in connection with this matter. It is true that there is recorded on the files a so-called estimate from the department—or from somebody at the department—to the effect that they could produce these KA wagons at a certain price. I want to make it clear that when I saw that, I treated it with a certain amount of indifference or scorn.

My reason for that was, first of all, that the figure was given a long time after the tenders had been opened; and secondly, it was grossly inconsistent with the previous departmental estimate made and submitted to the previous Government on the 25th March, 1959. Thirdly, on examination, we found that the costing methods employed were not sound.

Mr. Jamieson: Did you use Tomlinsons' costing methods?

Mr. COURT: They tendered, but we have nothing to do with their costing systems. These are the facts: Just before the tenders were to be accepted, so as to appraise for Cabinet the proportion of truly local components which would be involved in this large contract, I asked the department to submit to me a break-up of its estimate of £1,400, divided into direct labour costs, materials, and overhead; and instead I got back the figure, which apparently has been passed on from the department to various members, purporting to be the figure at which the railway workshops could make these wagons. If members put themselves in my position, what would be their reaction when they considered these simple facts?

Mr. Toms: When were the first figures supplied?

Mr. COURT: The figure of the 25th March, which was submitted to the previous Government, was the estimate made for the then Government on the basis of acquiring 100 KA wagons. I am being extremely careful not to be unfair to the honourable member who moved the motion, and use certain other information which is available to me as Minister since this Government took office. I will endeavour from this point on to stick strictly to information known to the honourable member, as a senior Minister in the previous Cabinet.

This figure which was given to me is subject, we find on examination, to a lot of criticism; even if we forget the fact that it was submitted after the other figures were known, and even if we forget the fact that it is inconsistent with the previous departmental estimates. These are some of the facts known to the Ministers in the previous Government.

When the great wrangle was on, and the Government was seriously contemplating giving an order to Tomlinsons for 100 KA wagons to relieve the unemployment situation, the then Government was subject to very severe pressure from the unions; or perhaps it would be more correct to say from the A.L.P., representing the unions; and, among other things—and this will be known to the senior members of the previous Government particularly—the unions agreed that Tomlinsons could get an order. Most of this appeared in the Press, I think; and some of it appeared in a Communist-inspired pamphlet, which said something about "Don't get Court and Branded"; but that is purely incidental.

Mr. Brand: The boys opposite would not have anything to do with that pamphlet.

Mr. COURT: At that point the Government was discussing a figure of 100 wagons for approximately £300,000. That is £3,000

per wagon. We must also bear in mind that, throwing in everything—all the departmental costs for capital charges and so on—the price Tomlinsons tendered was £1,340. But the figure under discussion by the then Cabinet was £3,000 per wagon. We are getting 200 wagons—not 100, but 200—for £268,000; yet the previous Government, at one point of time, was apparently quite happy to consider a tender for 100 wagons at a cost of £300,000. Of course the departmental estimates shattered that somewhat when they came down on the 25th March to £1,400 per wagon—that figure is still £60 in excess of the tender price that this Government has accepted, and in spite of the basic wage rises that have taken place since the estimate was made.

Let me emphasise this point: Tomlinsons' cost is fixed. It is not subject to a rise and fall; whereas, with any departmental job, a rise and fall is automatic because the department adjusts the costs as the labour and other costs rise or fall in the course of the work.

Mr. Jamieson: How long ago was that estimate of £3,000 made?

Mr. COURT: I cannot give the honourable member the exact date; but it was not long before the elections, because it was headline news at the time; and the honourable member knows the wrangle that went on.

Mr. Fletcher: We know why the papers headlined it, and the purpose they had in mind.

Mr. COURT: Let us examine some of the implications. A figure of £3,000 per wagon for 200 wagons would mean a total cost of £600,000. I will admit that the figure was absurd; nevertheless, the Government at that point of time was thinking in terms of £3,000 per wagon.

Mr. Fletcher: That is just hooley.

Mr. COURT: It is not hooley.

Mr. Jamieson: It is rubbish and nonsense.

Mr. COURT: I am telling you it is a recorded fact, and it is well known to the senior members of the Cabinet that the honourable member supported.

Mr. Graham: Put the file on the Table and we can check for ourselves.

Mr. Bovell: There is no denial from former Ministers.

Mr. COURT: Senior members of the previous Cabinet would not attempt to deny this, because it is too well known and too well documented.

Mr. Brand: And too fresh in their memory.

Mr. COURT: Yes.

Mr. Brady: You are getting them cheaper as a Liberal Government than the company would tender for a Labour Government?

Mr. COURT: I do not think the former Minister for Police would like to press that one. It is a fact that under the tender Tomlinsons have submitted the price is about £100 per wagon less than the tentative estimate they gave the previous Government, in spite of basic wage rises in the meantime.

Mr. Brady: It is most interesting.

Mr. COURT: The honourable member ought to bear in mind that his Government was quite happy with the figure the company put up at that time because it was so much less than the figure the previous Government expected.

Mr. Brady: You are only fishing now.

Mr. Brand: The ex-Minister for Police was never happy in Cabinet.

Mr. COURT: These are some of the implications of the Hawke Government's discussion with the union: First of all the union agreed to 100 wagons, and no more, being farmed out to private enterprise at a cost of approximately £300,000. The union also laid down that Midland Junction Workshops' awards had to prevail with Tomlinsons; and it is very interesting that the previous Government, at that point of time, acknowledged that if Tomlinsons worked under the Midland Junction Workshops' awards their costs would be increased.

I just leave that thought with members, because there was an acknowledgment that if the union's conditions were accepted at Tomlinsons the cost for Tomlinsons to build these KA wagons would automatically be increased. As members know, Tomlinsons are building these wagons under the award which prevails in their workshops, under normal conditions. A further condition laid down by the union—and this was well recorded in the Press at the time—was that only an isolated order of 100 wagons was to be made available—100 and no more. There was to be no reduction in the staff of the Midland Junction Workshops, and no retrenchments; and a whole host of other conditions were laid down which the Government had to accept if it wanted to help the unemployment situation in the engineering industry by giving these 100 wagons to Tomlinsons, or some other private enterprise firm.

Mr. Graham: You would be bound to find something wrong with anything that was designed to assist Government enterprise.

Mr. Toms: Was it not to help Tomlinsons at the time?

Mr. COURT: Tomlinsons did not get the job; no-one got the job, because it fizzled out. The elections came on, and the job fizzled out because Tomlinsons refused to accept the conditions laid down. They wanted to work under the normal industrial conditions which prevail in their

own and other private engineering workshops throughout the State. I think that was fair enough.

Mr. Jamieson: Their conditions are some of the worst in any workshop in the State.

Mr. COURT: The honourable member would not know. Tomlinsons' reputation as builders of railway wagons is first-class; and not only in this State.

Mr. Fletcher: I worked at both firms, and I know.

Mr. Brand: I bet they know, too.

Mr. Fletcher: My reputation stands alone.

Mr. COURT: Just to show how ludicrous the position was, a senior and very responsible officer of the railways came to me when tenders were being called and expressed concern at the cut-throat competition that was going on between Tomlinsons and Vickers-Hoskins to obtain this order.

Mr. May: That was before the 21st March.

Mr. COURT: No it was not.

Mr. Brand: Wrong again!

Mr. Bovell: They can't take a trick.

Mr. COURT: I refused to discuss these matters with railway officers when I was in opposition.

Mr. May: Where did you get all your information from when you were sitting over here.

Mr. COURT: Read *Hansard* and see what I said about the railways. The honourable member will find that there was no leakage of information from any member of the railway staff. Even if I knew of something, I would not condescend to use it.

Mr. Lawrence: Will you name the officer?

Mr. COURT: This officer was concerned because the cut-throat competition was so severe that he felt it could undermine the stability of this particular industry. I only mention that in passing to answer some of the stupid criticism that has been abroad regarding this contract. We have let a good contract at a good price, much less than the previous Government or we expected to let it for.

Mr. Graham: Prove it by producing the file.

Mr. COURT: I am giving the reasons; and if they were good and sufficient for the honourable member's Government, surely they are good and sufficient for ours.

Mr. Lawrence: You do not try to compare the two!

Mr. COURT: During his speech the Deputy Leader of the Opposition made some reference to Tomlinsons and subcontracting. Of course, it is childish in the extreme, because any keen manufacturer prefers to sub-contract for some

small parts rather than have to go to the extravagance and waste of doing certain little processes in his own workshops. The whole idea of cutting down costs is to specialise; and it is good business, and good sound practice, to get certain little components made by people who are specialists in that work.

If the honourable member examines the items for which tenders were called, he will be surprised at how little they represent in the total cost. He tried to imply that they must have allowed for a huge margin to be made, when they entered the field of sub-contracting for certain things. Of course they go into the field of sub-contracting; they have a very accurate idea of what it should cost, and they try to get those components at a lesser price. That is good, sound business; and we will need a lot more of it in this State if we are to cut down our costs so that we can go in for exporting our goods.

Mr. Jamieson: What about all the other component parts that are coming from the workshops?

Mr. COURT: If the honourable member were better informed on this matter, and took the trouble to study the tendering system of the railways, which is a well-established one, he would find that by common practice certain components are specified in the contract that must be supplied by the railways.

Mr. Fletcher: That is why we want to see the file.

Mr. COURT: That information has been clearly given to members opposite in answer to questions. If the honourable member reads the specifications and form of tender, he will see that Tomlinsons will take this into account in assessing the price. That is why I think the informant of the Deputy Leader of the Opposition has led him astray, because he has completely ignored the £265 basic cost, which has nothing to do with the contractor. It was not the contractor that wanted to do it that way, but the Railway Department.

Mr. Jamieson: They have not the facilities.

Mr. COURT: Let us be quite clear on these points. It suited the Railway Department to ask for permission to do these things, and I agreed. It must also be appreciated that the Government often buys ahead for these things; it often does some forward buying to provide for these wheels, axles, and so on.

The Deputy Leader of the Opposition made a lot of play on the 1941 price for building KA wagons. So far as I am concerned, that price can be ignored; because, on examination, one finds that it is suspect in regard to its accuracy. That was wartime, and the cost system was completely out of line with fact. For instance, the price of £250 that was given in those

days did not include overheads as high as 50 per cent. I think something in excess of 40 per cent. on direct labour was the figure used. The honourable member who introduced this motion has knowledge of accountancy, and he will readily agree that that was an absurd figure to use, as subsequent history in the railways has demonstrated. There are many wartime complications in the cost structure of the 1941 construction of KA wagons that make it both necessary and fair to exclude them from one's reckoning.

The honourable member touched on some modifications. He seemed to think that this was going to be a Tomlinson benefit fund. These modifications—which are of a fairly minor nature—are being made at the request of the railways, and the proposition that Tomlinsons has put up for these modifications is very generous.

It is only commonsense to make the modifications needed before we get the wagons constructed rather than have them effected at the Midland Junction Workshops later. The department wanted this adaptation made during the last two weeks, and I approved of it. There is no Tomlinson benefit attached to it; and, in fact, the commissioner has assured me that the basis he has worked out with Tomlinsons is highly satisfactory.

Mr. Fletcher: What is the modification?

Mr. COURT: End doors. The previous commissioner recommended against them for various reasons, because he wanted these wagons more as a general purpose type of wagon. Representations were made to the new commissioner. In view of the work that the commissioner now expects these trucks to do, he has agreed that a minor modification would increase the overall value of them, and he has agreed to have it done. Fortunately, the decision was made in time to have it done concurrently with the main contract.

In his speech the honourable member reflected on our new commissioner. I thought he was rather sneering in his references to him because the commissioner had answered a question with the word "No." However, the commissioner is correct when he replies "No" in answer to a question on whether the workshops can construct KA wagons for less than £900 per wagon. I would not like the Deputy Leader of the Opposition to think that the commissioner had been negligent or in any way inefficient in making that answer; because even if we concede the department's belated figure and ignore the corrections that should be made to it, and forget the fact that it is purely an estimate and not a costing, it is still in excess of £1,150. Yet the honourable member has persisted in saying it is something less than £900, and he criticised the commissioner on that point.

[*The Speaker resumed the Chair.*]

Mr. Toms: Was that cost the itemised cost?

Mr. COURT: It was an estimate broken up into the three headings that I mentioned. I think the member for Melville is hoping to throw a breath of scandal around this transaction, and I am sorry that we have to disappoint him.

Mr. May: You are making that suggestion.

Mr. COURT: It is a fair inference from this Press report that I have in my hand and from the *Hansard* that I read on my return.

Mr. Graham: You can dissipate all that by producing the file.

Mr. COURT: It is all right! We will handle this our way.

Mr. Graham: Secret documents! There is a Petrov atmosphere about you.

Mr. COURT: There is talk of this breath of scandal which the honourable member tries to weave around this transaction. Of course, if we wanted to play the game really hard, we would adopt the same tactics as the previous Government adopted in regard to the sleeper contract for the railways.

Mr. Graham: Why don't you?

Mr. COURT: It is very interesting. We are most careful to send those contracts through the normal channels to the Tender Board to obtain its recommendations. But the honourable member's Government did not do that with the sleeper contract.

Mr. Graham: So what? They went to the lowest tenderer.

Mr. COURT: Maybe they did. But it is significant that on the 20th day of March—a very important day for most of us politically—when most members were out sweating for the results of the election next day—

Mr. Rowberry: You were not sweating!

Mr. COURT: I sweated for others, and I sweated a darned sight harder for some of them than I did for myself. It is significant that on that day the honourable member's Government accepted those tenders involving hundreds of thousands of pounds they took the contract right up to June, 1960; so much so that the Tender Board could only note on the file, "Cabinet approval is noted," or words to that effect.

Mr. Graham: What is wrong with that?

Mr. COURT: I am not saying there is anything wrong with it; I am merely explaining some of the acts that the honourable member's Administration did.

Mr. Graham: You are complaining that we did not give the contract to the Associated Sawmillers on their own terms?

Mr. COURT: I am not complaining about who got the order. I am merely pointing out what the honourable member's Government did on the eve of its going to the polls. In fact, we admired the activity of the honourable member's Government on election eve, the 20th March.

Mr. Brand: In fact, the Minister for Housing was very busy on the 20th March.

Mr. Graham: He was busy for six years.

Mr. COURT: I have here an advertisement which appeared in last Saturday's issue of *The West Australian*. This advertisement is authorised by F. E. Chamberlain, Trades Hall, Perth, under the heading of, "People Kept in the Dark." Part of the advertisement reads, "The spending of the people's money should always stand the glare of the public spotlight." The advertisement then goes on to make all sorts of references, including one that Tomlinsons are going to get £1,340 for these wagons. Tomlinsons are not going to get all of that, by the way, because some of that money is departmental loan fund charges; but that is the figure used here. The advertisement went on to read, "The workshops could do them for less than £900."

That is an absolute falsehood, because the workshops have no chance of building a KA wagon for £900 even on its own figures—which I have not accepted. Incidentally I think I should interpolate the fact that our Government did not bother to reply to the advertisement at the expense of the taxpayer, as did the Hawke Government in connection with the State trading concerns and the Trade Bureau to which it took such violent objection.

Mr. Graham: Don't you think State enterprise has a right to defend itself? You are anti anything that belongs to the people.

Mr. COURT: I do not think that I am anti the people as much as the honourable member is anti private enterprise.

Mr. Graham: I am interested in the people of Western Australia.

Mr. COURT: If the member for East Perth is interested in the people of Western Australia he should be interested in the people who work for private enterprise and who are just as important as people working for the Government. If he were really interested, he would not have allowed his Government to do some of the things it did.

Mr. Graham: You would not know an employee if you met him in the street.

Mr. COURT: I promised to give the details of the items left out of the ordinary costing formula of the Midland Workshops.

Mr. Lawrence: You are hypocritical.

Mr. COURT: With that costing formula—and this is one of the things we are examining at the moment to get a reasonably reliable system of costing—we find

some most important items left out of overhead. Just imagine a private enterprise show trying to function if it omitted things like payroll tax, workers' compensation insurance, depreciation—which is a very big item in this type of manufacture—general administration, accounting, railway accident, and fire insurance funds, institute funds, pensions, interest—a terrific item—stores supervision and mechanical superintendence!

Mr. Graham: Tell us what was put in!

Mr. COURT: I cannot remember them; and I will not hazard a guess, because the member for East Perth would challenge the accuracy of my statement if I guessed. In conclusion, I would summarise my remarks by saying that it is obvious the Hawke Government was anxious to expand the workshops.

Mr. Graham: You should not say, "In conclusion," because we are wondering when you are going to start.

Mr. COURT: I have heard the member for East Perth on that before, and he is not going to put me out of my stride with that one. I have quite a long while to go yet, so the member for East Perth can relax.

Mr. Graham: We want the reason why you are keeping the papers in the dark.

Mr. COURT: It is a question of the extension of the workshops inherent in the deliberations of the Hawke Government in connection with contracts. It would be a disaster to the State, and more particularly to the men who work at Midland Junction, if the workshops were extended. There are some who want to extend the workshops; they have the idea that we must get more machines, and that more work must go through the railways. But it would be a disaster, because those who have been in Government realise how erratic is the flow of loan funds, and the railways are such big users of loan funds. When Treasurers get into difficulties, it is one of the first sources to which they fly to see if they can take off half a million or so. If we build a mighty machine, bigger than it is at present, at Midland Junction, and we get caught in this vortex of loan funds, it follows that there will be a terrific number of retrenchments.

Mr. Ross Hutchinson: Not sackings, of course.

Mr. COURT: The previous Government referred to them by the more respectable name of "retrenchments."

Mr. Lawrence: Does it not depend on the law of supply and demand?

Mr. COURT: That is the exact point I am trying to make. The supply of loan funds could have a disastrous effect on the Midland Workshops if we built it up any further. It is our intention to lay down a programme for the workshops that will guarantee security for a good,

sound efficient work force. We want to determine a level at which those workers can have security, and where they would not be subject to the vagaries of loan funds.

Mr. W. Hegney: Like the Public Works Department.

Mr. COURT: That is another matter altogether. I have my hands full looking after my own portfolio without dabbling in others. If the Labour Government had been forced into expanding those workshops, which was a condition of giving work to private enterprise—a decision which that Government never got around to making—it would have had the disaster of building up capital works in the workshops, and having its flow of loan funds cut off, with consequent mass sackings. It is to avoid that insecurity, which is inevitable on such a build-up, that we are trying to devise a programme, which we hope to declare to Parliament and the public, for a more efficient and secure workshop administration.

It follows that in times of affluence in loan funds, we will farm out contracts to private enterprise, and will use the private enterprise system to take up the slack, because that system can adjust itself more quickly and more suitably to the ebb and flow of business than can Government instrumentalities.

Mr. Rowberry: By sacking their employees.

Mr. COURT: That does not necessarily follow. The member for Warren is anticipating something I am about to say. One of the reasons why private enterprise can take the ebb and flow is because it has a diversity of customers. The authorities at Midland Junction Workshops cannot go to Ceylon or South-East Asia to negotiate for the building of cranes and so on; whereas Vickers Hoskins and Tomlinsons are forever trying to get this type of business. This Government would either have to sack a lot of men when loan funds are most, or burden the Treasury with an uneconomical business if we were to follow the suggestion of members opposite.

Mr. Brady: What is going to happen to all the capital invested in the workshops?

Mr. COURT: It might be that there is an excessive amount of equipment there by ordinary economic standards. But when one builds up workshops like those at Midland Junction, it follows that one will have a lot of uneconomic plant in them. If they are performing their proper function they will have a degree of uneconomic plant; but that must be accepted, as it is in other railway workshop systems.

Mr. Brady: Are you not worsening the position?

Mr. COURT: If the member for Guildford-Midland will reflect on the policy of his Government, he will know that it was

never intended that the 100 wagons were to be built at the Midland Workshops.

Mr. Brady: Who is going to pay for the capital investment?

Mr. COURT: On two occasions the honourable member's Government received very emphatic advice from the then commissioner that this work should go to private enterprise, because it would cause an unbalance of work in the Midland Junction Workshops. The honourable member knows that.

Mr. Brady: You know there are millions of pounds of State money invested in that workshop which should be used.

Mr. COURT: On what?

Mr. Brady: On railway equipment and the building up of plant and railway stock.

Mr. COURT: Where are we to get the loan funds to do these things? We cannot grow money on trees.

Mr. Brady: Where will you get the money to pay Tomlinsons?

Mr. COURT: The honourable member's Government was not going to build 100 KA wagons in the Midland Junction Workshops. He well knows that. He was advised by the experts that that would cause an unbalance in labour and in the tradesmen at the workshops.

Mr. Brady: Don't you think the money will go further if the plant at the workshops is used?

Mr. COURT: Of course it will not go further, because the labour force in the Midland Junction Workshops is engaged on specified tasks laid down for the next 12 months. The then Commissioner of Railways advised us, exactly the same as he advised the previous Government, that if the KA wagons were built in the Midland Junction Workshops an unbalance in the labour force would be created.

Mr. Brady: One can always adjust plans. One need not stick rigidly to the set of plans.

Mr. COURT: I give up trying to convince the honourable member. He does not want to understand.

Mr. Graham: What about the papers? Will you release them?

Mr. COURT: I want to make this final point regarding the sniping at the Railway Department. I ask members to give the railways a chance to be rehabilitated and for morale to be restored throughout the system. There is much readjustment to be carried out in the railways, and we will not get anywhere by continually sniping at the department. The officers and men in the department become dejected, because they realise they have been a political football over the years.

Mr. Graham: They have read your speeches over the last few years.

Mr. COURT: I think they applauded some of mine.

Mr. Graham: How far does your ego extend?

Mr. COURT: Only as far as those men tell me. Regarding the file, I am quite prepared to permit the honourable member to see it privately in my office if he understands the question of looking at a file privately on the same ethical basis as I understand it.

I am not prepared to lay this file on the Table of the House. If for no other reason at all, the reason advanced by the previous Government in respect of the diesel railcars is sufficient. I oppose the motion.

Mr. W. Hegney: What is the reason?

MR. BRADY: I move—

That the debate be adjourned.

Motion put and negatived.

MR. TONKIN (Melville—in reply) [8.43]: The impartial listener must agree that the Minister for Railways has spent very little time in dealing with the motion and in giving reasons why the papers should not be tabled.

Mr. Graham: He thought he was introducing the railway Estimates.

Mr. TONKIN: He endeavoured to hang the whole of his case for not tabling the papers on the point that in 1957 he had requested some information about diesel railcars, and the information was not given to him.

He says that upon reflection he thought the answer was the correct one, and therefore he did not press for the papers. If he felt that way, that is up to him; but there is every reason to believe that if he had moved for the papers to be tabled, then he would have got them in precisely the same way as the member for South Perth got the papers from the Minister for Native Welfare, after the Minister had expressed his refusal to table them, because the member for South Perth moved in this House for the papers to be tabled; and with the support of members on the Government side, the motion was carried.

Mr. Court: You are only guessing at that. The Minister for Works did not get very far with the State Housing file.

Mr. TONKIN: I am not guessing at that at all. I am stating the facts. It is a logical assumption, in view of what happened when the member for South Perth moved for the tabling of the papers and the Minister had refused his request. The motion was carried with the support of Government members; because without their support, it could not have been carried. It was a question of tabling the papers, and the House agreed that the papers should be tabled. Let us see whether the Minister for Railways is justified in hanging the whole of this case on the questions he asked about the diesel railcars.

Mr. Court: I did not hang my case on that.

Mr. TONKIN: The following questions asked by the Minister for Railways in 1957 in the first instance on this subject, appear on page 2974 of the 1957 *Hansard*:—

Calling of Tenders for Coaches and Railcars.

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

- (1) Were tenders called for the supply of the 10 diesel railcars and new set of coaches for the Westland express, which it is reported are to be built at the Midland Junction Railway Workshops?

The answer was—

- (1) Tenders were called for the diesel railcars but not for the Westland set.

There is nothing wrong with that answer. The next question was—

- (2) If so, how many tenders were received, whom from, and for what amounts?

The answer was—

- (2) Tenders were called for 10 railcars sectionalised under the following headings:

- (a) Body and underframes,
- (b) Power unit and underfloor equipment,
- (c) Bogies and axle boxes.

Tenders covering railcars complete (exclusive of painting) and alternatively without bogies were submitted by Cravens Limited. Other tenders received were:—

- (a) Commonwealth Engineering Co. Ltd. and Ruhaak & Co. Ltd.
- (b) Commonwealth Engineering Co. Ltd., and David Bell Pty. Ltd.
- (c) Bradford Kendall Ltd. and Industrial Steel Ltd.

No mention was made of the figures, so that part of the question was not answered. The next question was—

- (3) Were the railcar and Westland coach specifications identical for the tenders called and for the work being undertaken in the Midland Junction Railway Workshops?

The reply to that was—

- (3) Generally.

The next question was—

- (4) What are the Midland Junction Railway Workshops' quotes or estimates for the work?

The answer was—

- (4) The complete estimate for the railcars is not yet available for the work to be performed at Midland Junction Workshops but is confidently expected to be much lower

than the tendered prices. The total estimate for the Westland train set is £420,000.

The next question was—

- (5) On what basis are these quotes or estimates arrived at under the headings—

Labour,
Overhead,
Materials,
Other costs and charges.

The reply was—

- (5) Estimated costs for the Westland set are—

	£
Wages	98,860
Overheads	108,740
Materials	212,400
Total	<u>£420,000</u>

The next question was—

- (6) What action is proposed to super-vise costs progressively and see that estimates are not exceeded?

The answer was—

- (6) Normal departmental accounting procedure.

The next question was—

- (7) If actual costs are found to exceed estimates, what remedial action or redress is possible, or can the excess only be absorbed as a revenue or loan charge?

The answer was—

- (7) In the event of additional costs being incurred, which is not anticipated, the cost could only be absorbed as a loan charge as is done when contract prices with outside firms are exceeded due to escalation clauses. Excess expenditure would be met from loan funds.

Then came the following question:—

- (8) Is not one of the advantages of outside contractors the fact that costs are limited to the terms of the contract and any losses the responsibility of the contractor?

And the reply was—

- (8) No. Under present conditions which apply to all manufacturers, both in Australia and overseas, a special rise and fall clause is inserted. Any additional costs incurred by the manufacturer due to rise in the basic wage or cost of material are the liability of the customer, and would also have to be met from loan funds.

Out of such a large list of questions, with the exception of the fact that in question No. (2) the figure for the tender was not quoted, practically all other relevant information asked for was supplied to the honourable member.

Mr. Court: All of a very general nature.

Mr. TONKIN: Quite a lot is specific.

Mr. Court: Are you going to read page 3036?

Mr. TONKIN: The Minister can depend upon that. I am covering nothing up, but the Minister is trying to cover plenty.

Mr. Court: Nothing of the sort.

Mr. TONKIN: Then, the then Deputy Leader of the Opposition followed his question up with one without notice, as follows:—

Will he examine the answer given to the second part of my question regarding tenders for coaches and railcars in view of the fact that the department does not appear to have answered it completely in respect of the amounts of the tenders?

The reply—

If the honourable member will make his question more expressive, and set out exactly what he requires, I certainly will submit the matter to the Minister for Railways.

The honourable member followed that question up with another without notice. It was as follows:—

- (1) The information I desire is the amount of the tenders. The answer given by the department covers the numbers of tenders and the persons who tendered; but it does not say how much was involved in the tenders. Will he make this information available?
- (2) How can the department be confident that it can undertake this work cheaper than the tenderers when, in answer to my further question, it is stated that a complete estimate for the railcars is not yet available for the work to be performed at Midland Junction?

The reply—

If the honourable member will place his further questions on the notice paper I shall refer them to the Minister for Railways who is no doubt familiar with the operations of that department and he, I assume, will supply the answers.

Now we come to the question quoted by the Minister this evening. This question is to be found on page 3036 of *Hansard*, Vol. 3, 1957. The question was as follows:—

- (1) With reference to the question I asked on the 12th November, with regard to the calling of tenders for the supply of diesel railcars and Westland coaches, what were the amounts of the tenders?
- (2) With reference to another answer he gave, how can the Government be confident that the work can be

performed cheaper at the Midland Junction Workshops than by tenders when complete estimates are not yet available?

The reply was—

- (1) It is not the practice to make public details of prices submitted by private tenderers.
- (2) By comparing recent tendered prices with the cost of previous purchases.

Anybody who follows Government practice will know that as soon as tenders are opened the amounts tendered are public property. In the Public Works Department, week after week, when tenders are opened for schools, the Press knows the prices immediately, and so do the tenderers know who got the contract and why they lost it. It is never the practice, when public tenders are called, to refuse to show the price of the lowest tenderer and the prices submitted by the others.

As a matter of fact, the Minister for Works did not hesitate in this House to disclose the tender prices for school desks. He quoted the name of the successful tenderer and pointed out, with some satisfaction, that the tender was considerably less than the tender submitted by the State Engineering Works; and he gave the exact figures.

Mr. Hawke: The Minister for Works is very co-operative and very frank.

Mr. TONKIN: It is general practice when tenders are called publicly, as against inviting tenders to be supplied privately, to publish the information.

Mr. Court: Are you saying that the then Minister for Transport gave me a false answer?

Mr. TONKIN: I am not in a position now to find out why that answer was given, and it mystifies me.

Mr. Court: There was a good reason for it. In fact, when I followed it up at that time—in regard to certain contracts that go through the Tender Board—I felt sure that the Minister for Railways, at that time, would not give the Minister for Transport a wrong slant.

Mr. TONKIN: I cannot see any difference in tendering for the manufacture of rail wagons and tendering for the building of school desks.

Mr. Court: There is a difference. You had better check with the former Minister.

Mr. TONKIN: I am dealing with the situation as I see it now. The Minister endeavoured to show that one of the reasons for not making the papers available was that he was most anxious to preserve the morale in the workshops; and if he disclosed this information—it was implied—it would upset the morale. It must be bad information.

Mr. Court: And not only the workshops, but the railway system.

Mr. TONKIN: I would suggest that if there is anything on this file to indicate that nothing is out of order, instead of the publication upsetting the morale of the railways, it would have the opposite effect. There is a belief in the railways today that the Government is throwing at least £100,000 down the drain.

Mr. Court: Nonsense!

Mr. TONKIN: The Minister could, by the simple operation of tabling these papers, discount any belief that the position is not all fair, square, and above board.

Mr. Bovell: Where do you get your knowledge for this belief?

Mr. Graham: Mind your own business!

Mr. TONKIN: The Minister for Railways was pretty hard put to justify the action he is taking in this matter.

Mr. Bovell: I was not talking to the member for East Perth.

Mr. Graham: I was talking to you.

Mr. TONKIN: In an endeavour to show that the railways costing is haywire, he mentioned some important items of overheads which were not included in the computation. I am surprised that the Minister would try to put that over me.

Mr. Court: I was putting nothing over you. I gave a statement of fact.

Mr. Graham: You have been trying to.

Mr. TONKIN: On the 19th August, I asked the Minister, because I anticipated something like this, these two questions—

- (1) What accounting method is used by the Railway Department to determine the amount to be included for overheads when arriving at the cost of articles produced at the department workshops?
- (2) If a percentage of direct wages is used, what is the percentage normally charged?

Before I give the answers, I would like to explain that in working out overheads, cost accountants differ as to the methods they apply. Some go for the method of percentage of direct wages; and having agreed upon the percentage of direct wages, they apply that percentage to the various contracts which they calculate. When they arrive at the percentage of direct wages to be charged, they take into consideration all the items such as depreciation, interest, insurance, workers' compensation, and payroll tax. It is all calculated in the first instance so that the right figure can be arrived at as a figure percentage to be charged for overhead.

Mr. Court: It should be.

Mr. TONKIN: It is in the best accounting circles.

Mr. Court: Not at the Midland workshops.

Mr. TONKIN: The Minister had an opportunity to explain that when he answered my questions. In reply to the questions, the Minister did not say that in using a percentage of direct wages cost the railways had omitted this, that, and the other.

Mr. Court: You asked me what they used. You did not ask me if they were correct or not. You read the questions again.

Mr. Andrew: You had your opportunity to make a speech.

The SPEAKER: Order!

Mr. TONKIN: I will yield to the opportunities of the Minister and read the questions again.

Mr. Court: That is important. I answered your questions frankly and correctly.

Mr. TONKIN: The questions were as follows:—

- (1) What accounting method is used by the Railway Department to determine the amount to be included for overheads when arriving at the cost of articles produced at the department's workshops?
- (2) If a percentage of direct wages is used, what is the percentage normally charged?

The answers were—

- (1) The provision made for overheads in connection with the Midland Junction Workshops is designed to recover the actual cost incurred—

Mr. J. Hegney: That is plain enough.

Mr. Hall: That is a definite story.

Mr. Court: That is factual. You asked me the method they used, and I told you. Whether I agree with it is another matter.

Mr. TONKIN: To continue—

and is calculated and applied as a percentage on direct wages.

- (2) Normally 80 per cent.

I suggest to the Minister that 80 per cent. of direct wages is not an unreasonable figure.

Mr. Court: You are completely out of touch and uninformed, dear boy! You are just showing your ignorance of accounting.

Mr. W. Hegney: What about tabling the papers?

Mr. Andrew: What about gagging him?

Mr. W. Hegney: Produce the files and it will be all over.

Mr. Court: It might be very embarrassing to you if we did.

Mr. TONKIN: In the information supplied by the Minister, no mention was made about this item or that item having been left out of calculation.

Mr. Court: It is factual.

Mr. TONKIN: Anyhow, if the papers disclose what items have been left out, what matter? The Minister declines to table the papers because it will make public the information about the tenders. But the price of the successful tenderer has already been made public.

Mr. Court: It has to be. You understand that. It is the other tenderers that are not disclosed.

Mr. TONKIN: I have never heard of it in my life.

Mr. Court: You talk to your former Minister.

Mr. Andrew: Gag him!

Mr. Bovell: Is that the Deputy Leader of the Opposition they are talking about?

Mr. TONKIN: The withholding of these files does not preserve the morale. It will have the opposite effect. If the Minister's desire is to improve the feeling in the Railway Department, he will have to come clean and disclose the files and prove that the employees have nothing to worry about. It cannot possibly hurt the unsuccessful tenderers to have their prices disclosed; unless, of course, some of them happened to tender a lower amount, and did not get the job.

Mr. Court: You are reflecting now on the integrity of the Tender Board.

Mr. TONKIN: It cannot hurt the other tenderers to disclose their amounts. I ask members, "What is it that the Minister refuses to make available?"

Mr. Court: If you had your way you would have all the files of the department on the Table of the House.

Mr. TONKIN: The Minister agreed that it was the right of a member of Parliament to examine papers and to know what was going on. He referred to the Dean case when he had a look at the papers and moved subsequently to have the papers tabled. But he also said that on the file there were papers the disclosure of which would be unfair to the member for Subiaco.

Mr. Bovell: The former member for Subiaco.

Mr. TONKIN: Yes; but that did not stop him from making those papers public.

Mr. Court: He wanted them made public. If I had not made the move to do so, he would have. It was just a question of who asked for it.

Mr. TONKIN: It was a file of a personal nature which would not normally be made public. For obvious reasons, the Minister makes the magnanimous gesture to me—which will gag me completely if I accept it—that I can see the papers on the understanding that I tell no-one else what I have seen.

Mr. Court: That is the accepted practice.

Mr. TONKIN: I ask the member for South Perth whether he would agree to see papers under those conditions. When he asked for papers from the Native Welfare Department, would he have been satisfied to have had a look and keep it all to himself and do nothing? Of course he would not! What member of Parliament, with any backbone at all, would agree to have a look at papers with his hands tied and mouth closed before he went to see them?

Mr. Court: Members are doing that every day.

Mr. TONKIN: Members are not sent to this House for that purpose. They are expected to be vigilant. How can they let the people know the things they are entitled to know if the only way they can see the papers is to remain dumb about them?

Mr. Hawke: No matter what is in them!

Mr. TONKIN: The Minister himself showed what action ought to be taken, because he said that whenever such an offer was made to him he refused it.

Mr. Hawke: Yes.

Mr. TONKIN: That is what he said when an offer was made to him to have a look at papers.

Mr. Court: I said that on most occasions I did.

Mr. TONKIN: Yes; and why did the Minister refuse? Because he knew it would be of no use whatever to go and see papers if he was not at liberty to use the information he gained.

Mr. Court: Nevertheless, members are seeing papers under those conditions every day.

Mr. TONKIN: Members do not wish to see papers for idle curiosity; and idle curiosity is all that could be satisfied by seeing them under the conditions imposed by the Minister.

Mr. Court: It would give them personal satisfaction to see them.

Mr. TONKIN: Idle curiosity.

Mr. Court: Not idle curiosity. Personal satisfaction!

Mr. TONKIN: What personal satisfaction is it to find out something that one should be screaming from the housetops, but cannot? There is no personal satisfaction in that.

Mr. Hawke: Only frustration.

Mr. TONKIN: The situation is ridiculous! If the Minister has nothing to hide, the papers should have been on the table weeks ago.

Mr. Court: You can have a look at them yourself, and you will be satisfied that everything is in order.

Mr. TONKIN: I will accept the Minister's offer if I can be given an opportunity to disclose what I see.

Mr. Court: We know what you would do!

Mr. TONKIN: That casts a slur on me.

Mr. Court: You have already told us your idea.

Mr. TONKIN: My idea is the general idea which has been put into practice down the years; and that is that the papers on the file, with the exception of those which are obviously confidential, can be utilised—or rather the information can be utilised—in Parliament.

Mr. Ross Hutchinson: It has never been my understanding of the position.

Mr. TONKIN: You have not gained very much understanding up to date.

Opposition members: Hear! hear!

Mr. Bovell: That is strange coming from the member for Melville.

Mr. TONKIN: It has been the practice here since I have been in Parliament, and for the nine years I was in ministerial office.

Mr. Bovell: It has been your practice to oppose the tabling of papers for many years.

Mr. TONKIN: The Minister does not know what he is talking about.

Mr. Bovell: I do.

Mr. TONKIN: I challenge the Minister to produce a single instance when I refused.

Mr. Roberts: I can. The St. Clair Hospital at Bunbury!

Mr. TONKIN: It is not so.

Mr. Roberts: It is! You refused to table the papers when I asked you.

Mr. TONKIN: I told the honourable member he could see the papers without any reservations whatsoever.

Mr. Roberts: When did you say that?

Mr. Ross Hutchinson: You did not say "without reservation."

Mr. Bovell: You have the most fertile imagination when it suits you.

The SPEAKER: Order!

Mr. TONKIN: And the other point is that those particular papers were personal papers; not in regard to public policy, but affecting an individual.

And in those cases, as I have already said, Ministers exercise what I think is their prerogative to say, "I will not make these papers public; but you can have a look at them." It was open to the member for Bunbury to look at those papers; and it was left to him to use what information he wished to use; but I know he would not have used any of it, as it would not have been in the interests of his constituents to do so.

Mr. Roberts: On the basis of its being a confidential file, I would not have disclosed its contents.

Mr. TONKIN: Why do members of Parliament desire to see papers? The Minister for Railways desired to see plenty of papers when he was in Opposition.

Mr. Court: Not very many.

Mr. TONKIN: Members desire to see papers because they want to know what is happening; and they are entitled to know, just as I and every other member of this House are entitled to know what is happening with regard to this contract for 200 KA wagons; but the Minister is endeavouring to ensure that we shall not know. He says he wants to preserve morale in the workshops. This is the first time I have ever heard it said that you preserve morale by keeping people in the dark and making them suspicious. The only other argument he had was that the previous Minister for Railways had declined to give some figures in connection with tenders; although he gave all the other information asked for. I suggest that the Minister put up a very poor case.

Mr. Court: I would not expect you to admit it, if it were good.

Mr. TONKIN: I kept waiting for the Minister to deal with the motion. He talked about everything except the matters which affect the motion.

Mr. Court: I think I answered effectively everything you put forward.

Mr. TONKIN: The Minister did not answer my case effectively. He says these wagons cannot be built in the workshops for £900; but I have good reason to believe they can.

Mr. Court: Did your informant tell you that that figure includes axles and wheels as well?

Mr. TONKIN: Did the Minister attempt to deal with the basic wage in 1941 as compared with the present figure?

Mr. Court: I did.

Mr. TONKIN: The Minister never touched on that.

Mr. Court: I told you the 1941 price.

Mr. TONKIN: In my recollection, the Minister never attempted to show the relation between the basic wage in 1941, when these wagons were built for £250, and the basic wage, plus margins, today; and that is a fairly good measuring stick.

Mr. Court: I told you why the 1941 figures were not of any great value.

Mr. TONKIN: I think they are of great value. I have just had presented to me some very useful information on this question. It is an extract from the Royal Commissioner's report on the railways, and it deals with KA wagons. It says—

KA with tare of 5 tons 17 cwt. can carry a pay load of 14 tons 3 cwt. on all lines, light or heavy. In 1941, KA were built at Midland for £246. Estimated cost of construction in the workshops in 1953 was £789 and in 1957, £937, including all additional rises and charges.

This is most useful, because it debunks entirely what the Minister said.

Mr. Craig: It would not include all the factors mentioned by the Minister.

Mr. TONKIN: Was the honourable member in the Chamber when I read the questions and answers on the subject of overhead?

Mr. Craig: Yes.

Mr. Court: Drawing the long bow, as usual.

Mr. TONKIN: It may be a long bow, but the arrow is going straight. I have just given the figures, as reported by the Royal Commissioner; and now we are asked to pay £1,340 for these wagons in 1959. I suggest that the situation calls for a most complete disclosure, and not for covering up. The House ought to insist that the papers be made available. I am prepared to accept an offer that I can see the papers in the Minister's office, so long as it is left to me to decide what I do with the information on the file; and I am prepared to discuss with the Minister any information which he feels should not be disclosed; if there is anything there which, in the public interest, should not be disclosed.

I will make that offer, but I will not agree to sacrifice my privilege and right as a member of Parliament to examine papers and to state, in my place in this House, anything which I consider is improper, irregular, and against the public interest. I should not be asked to sacrifice that privilege and right.

Mr. Court: I am only trying to be helpful, in letting you have a look at the papers and put your mind at rest on these bogeys.

Mr. TONKIN: I consider the Minister should be directed by the House to table the papers.

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

Ayes—22.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Moir
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May

(Teller.)

Noes—22.

Mr. Bovell	Mr. Lewis
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neill
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning

(Teller.)

The SPEAKER: The voting being equal, I give my vote in favour of the Noes.

Question thus negatived.

BILLS (3)—FIRST READING

1. Municipal Corporations Act Amendment.
2. Road Districts Act Amendment.
Received from the Council; and, on motion by Mr. Perkins (Minister for Transport), read a first time.
3. Cattle Trespass, Fencing, and Impounding Act Amendment.
Received from the Council; and, on motion by Mr. Owen, read a first time.

MUSEUM BILL

Returned

Bill returned from the Council with amendments.

BUILDING INDUSTRY

Inquiry by Select Committee

Debate resumed from the 26th August on the following motion moved by Mr. Tonkin:—

That a Select Committee be appointed to inquire into, and report upon—

- (1) The drift of skilled labour from the building industry; the decrease in apprenticeships; the extent to which these movements are being accentuated by the Government's policy on day labour, and are likely to lead to a serious dearth of skilled tradesmen.
- (2) The effect of sub-contracting on industrial standards and conditions.

MR. HAWKE (Northam) [9.26]: I wish in a few words to support the motion for the appointment of a Select Committee to inquire into the problems which are referred to in the motion moved some two weeks ago by the Deputy Leader of the Opposition and member for Melville. The essence of this proposition is that a Select Committee should be appointed to investigate the drift of skilled labour from the building industry; the decrease in apprenticeships; and the effect, upon standards of employment, of sub-contracting in the industry.

I think we all know that the building industry has been up against some rather difficult problems in recent years, as it has been periodically over many years. It is true, as was said during the debate, that the building industry is not one which enjoys a regular period of sustained activity. It is an industry which fluctuates considerably; usually in accordance with the substantial changes which take place in the working of the total economic system. In essence, when the economy

as a whole is active and prosperous, the building industry is active and prosperous; and when the economic conditions slacken for any particular reason, the building industry usually feels the slump fairly quickly, and suffers accordingly.

I think we have to realise that just as great changes have taken place in fairly recent years in connection with most industries, so the same situation applies to the building industry. In other words, methods have changed. Just as mechanisation has made a great impact on other fields of human activity, so it has made its impact on the building industry. Therefore, we cannot expect the same unit of labour or the same unit of apprentices to be employed, to each £1,000 worth of work, as would have been employed, say, 20 years ago; and certainly, 30, 40 and 50 years ago.

Nevertheless, there are disturbing features in the developments which have taken place in the building industry over the last few years; particularly since the present Government took office. We know that the Government, in connection with the construction of Government buildings, is steadily but surely passing this work out to private builders and contractors. When the Minister for Works was challenged on the effect this policy would have upon apprenticeships, he gave what he considered to be the complete and satisfactory answer; namely, that no apprentices in the Public Works Department would be retrenched.

Anyone who cares to analyse that statement will realise quickly that it is by no means complete; and certainly it is by no means reassuring, particularly in regard to apprentices. It is not enough that no apprentices employed at present should be retrenched. The disturbing fact that emerges from what the Minister has said is that almost certainly no new apprentices will be taken on by the Public Works Department for employment in their building trade activities.

[The Deputy Speaker (Mr. Crommelin) took the Chair.]

For many years the Public Works Department has been one of the best avenues through which young lads, wishing to become apprentices in the building industry, have been able to satisfy their desires and ambitions. From now on that avenue will be largely, if not completely, closed. Someone might say, "But the number of apprentices that would be taken on in the future by the Public Works Department will now be taken on by private builders and contractors." Unfortunately, that claim would have no solid basis, because a great deal of the work to be carried out in future by private builders and contractors on the construction of public buildings will be let to sub-contractors under the sub-contract system.

The operation of this sub-contracting method has a great bearing on, and is detrimental to, the apprenticeship system in the industry. To the extent that sub-contracting is increased in the future, so the number of apprentices required in the building industry will be lessened. That is due to the fact that most men who take on sub-contracting do not want to be bothered with having to train apprentices to become skilled tradesmen in this industry. Most of these sub-contractors want to rush ahead with the work in hand and complete it in the shortest period of time possible in order that their earnings per day or per week will be as high as possible. Therefore, every hour is precious to them, from their own point of view.

If they engaged apprentices, of course, they would have to train them in accordance with Arbitration Court standards so that they would be trained thoroughly, and a considerable amount of time, effort and skill would be required by the sub-contractors to achieve this. So sub-contractors are not interested in taking on apprentices; and, in the majority of instances, they will have nothing to do with them. It seems fairly clear in the circumstances that what is claimed in the motion will, in fact, come to pass increasingly in the future. That is, there will be a dearth of skilled tradesmen available for the building industry in the future.

If we are prepared to take the short-term view, there is nothing to worry about because the short-term results of this policy will not show detrimentally to any great extent. However, if we are prepared to look ahead and take the long-term view we must come to the conclusion that the policy which is now developing, and which will be practised over a wider field as the months come and go, will have extremely detrimental and damaging results in relation to the training of skilled building tradesmen in the future; and the time would not be far distant, in years, before a critical situation could arise in this important industry; and should it arise it would be a critical situation which could not be overcome readily because we cannot quickly train building tradesmen, who require considerable skill and practical experience in the development of that skill, in the same way that we can train other tradesmen.

It seems to me, therefore, that there is ample justification for the appointment of this suggested Select Committee. The appointment of Select Committees by this House is not a new practice. If we checked on what has taken place in previous years, we would find that there has been an average of two Select Committees for every session of Parliament in the past. There is a great deal to be said for a periodical inquiry by a Select Committee into the more important industries and activities within the State.

I should think that even private builders and contractors would not be opposed to an inquiry by a Select Committee of the kind proposed by the Deputy Leader of the Opposition. I should think there would be quite a number of private builders and contractors who would be aware of the situation which is now developing within the building industry; and they would be looking into the future with a great deal of worry and concern regarding the adequacy or otherwise of the supply of skilled building tradesmen that would be available in three, eight, or ten years' time.

This motion is not Party political in any shape or form. The proposed inquiry is for the purpose of investigating the situation in the building trade; and of finding out how serious the position has already become in regard to the shortage of opportunities for apprenticeships; and it could, as a result of the investigations which would be made, and of the evidence taken, be quite likely to produce a report and recommendations of a nature which could be most constructive and, therefore, most helpful in relation to the problems which now surround the industry, and which are likely to become much more serious in their impact upon the industry, if nothing is done about them in the meantime. So I have much satisfaction in supporting the motion.

MR. J. HEGNEY (Middle Swan) [19.41]: I propose to support the motion because I think it is a fair and reasonable proposition. In view of the happenings in the country of recent weeks, I think an investigation should take place to safeguard the apprenticeship system that has come down to us from the early days of the craft unions. In this country we have always endeavoured to try to see that skilled tradesmen were available; but at times crises have occurred, and we have tried to train other people.

I remember that after the first world war there was a scarcity of tradesmen, and the trainee system was introduced. Men who had worked in and had long experience of industry were given three years' training under the trainee system—this was particularly so in the case of ex-servicemen—and at the end of that period they became skilled mechanics. At the end of the last war, when the building industry was developing in this country, we had to import building tradesmen from overseas. The young men of this country who ought to have been given the opportunity to learn a trade with a view to obtaining employment in industry in our own country, were denied the opportunity because it was not available. Consequently, to catch up with the need for skilled tradesmen to carry on in the building industry we had to import large numbers of carpenters, plumbers, bricklayers, and so on. Hundreds of these people were housed in the flat area at Belmont.

The position with regard to apprenticeships in this State has become most difficult; so much so that private employers do not take on apprentices to correspond with the number of journeymen they have; and they do not take on apprentices because of the insecurity of conditions and the lack of continuity of work. It has become the practice in the trade unions that such apprentices are apprenticed through the Arbitration Court. That is the system which has been operating in this State. A young lad may become apprenticed to a building employer; he may get as far as three years in his apprenticeship, after which time the employer may go out of business. If the apprenticeship were not carried on by the Arbitration Court, or if he were not placed with some other employer, he would lose the opportunity of finishing his apprenticeship. That is a very important feature of the apprenticeship system in this State.

The member for Melville has moved for a Select Committee to make a comprehensive investigation into this matter. It is to be purely a matter for investigation. As the Leader of the Opposition mentioned, it is not at all Party political. Its main object is to consider the need and supply of skilled tradesmen; and we, as a Parliament, should safeguard the interests of the young people of this country. We, as parents, bring young children into the world; and after they are educated, some of them become school teachers, and qualify for other appointments, while others have skill in their hands; and it is our obligation to train such skilled people to enable them to make a contribution to the State.

But if we do not give them this opportunity, private employers will certainly not take them on as apprentices. I know that the engineering section of the Midland Junction Workshops, and the building section of the Public Works Department employed apprentices for the purpose of training them in the respective trades to which they were apprenticed. The proposition submitted to the House has a great deal of merit.

With reference to sub-contracting, I would point out that from the point of view of the conditions of workers generally it has had a bad effect. As a matter of fact, sub-contractors endeavour to break down standards and conditions; and it is well known that the conditions of labour and employment in this State are second to none in Australia. These conditions have been built up for the most part by the great trade union movement. They safeguard the rights and interests of the apprentice; and once he is apprenticed to a trade he is looked after by the journeymen, trained, and passed from one section of the industry to another, so that at the end of five years, when his apprenticeship is completed, he is a pretty competent journeyman. The responsibility is on us to investigate this problem to see whether we cannot make some contribution to it. If a

Select Committee were appointed, it would be appointed from both sides of the House with a majority of Government members to ensure that the matter was examined and discussed on a comprehensive basis. For those reasons I support the proposition, and I ask other members in the House to do the same.

MR. JAMIESON (Beeloo) (9.49): Having been a tradesman who has worked in the building trades industry, I have a fairly keen knowledge and appreciation of just how badly the trade is feeling the effect of the present position. For some time one of the main fields of training apprentices in this State has been the Public Works Department; and it is a very good training ground—far better than is provided in some cases by the private builders who, in the main, are now attempting to obviate the necessity for training apprentices by using various panelling methods in their big contract jobs; and, to a lesser extent are getting over their problems with the smaller jobs by introducing the system of sub-contracting.

If that practice continues, the position will be reached eventually when there will be very few building apprentices in this State. The training of apprentices does not return a great deal to the employer, in comparison with the returns which he can derive from a job in which sweated labour is engaged and sub-contracting is undertaken.

The practice of sub-contracting in the building trades is creating a money-grubbing type of tradesman who is not interested in the work, but is only interested in the money he can get from the job by performing the work in a devious manner, even if the job is done inefficiently. If we are to encourage this type of tradesman we will be putting a stone around our own necks, because of the inferior work that will be put into jobs undertaken by the Public Works Department and other large building organisations in this State. The time will come when only a percentage of the building work will be of a good standard, while the rest will be inferior.

Because of the scarcity of efficiently-trained apprentices through the Public Works Department channels, the stage is now reached where architects are very concerned at not being able to guarantee a good standard of work on building jobs. That is a grave reflection on the building industry here; but, unfortunately, to a great extent that is the situation.

This state of affairs was brought about to a large degree through the infiltration into the industry of the pseudo type of tradesman immediately after the last war, as a result of the ruling of the Arbitration Court that any person working in the trade—provided he was paid the tradesman's rate of pay—was to be regarded as a tradesman. The unions—in particular the Carpenters' Union—considered that if those men were enjoying the conditions

in their respective building trades, they should belong to the union. The unions were forced by the action of the Arbitration Court to admit such men as members. The breakdown in the standard of the work in the building industry was in an advanced stage about 1956-57, before the building lag was overtaken.

In the training by the Public Works Department, as distinct from the training by private contractors, apprentices are given a good grounding in all types of construction work. They are shifted from one job to another. After six months on one type of work, such as hospitals or the larger type of construction, they are transferred to joinery work or cottage work. They receive a good grounding; hence the great demand for tradesmen who have served their time with the Public Works Department. Having received that training and experience, as part and parcel of the construction gangs, their services are in great demand by builders.

It may be thought by the present Government that in undertaking the training of apprentices, the Public Works Department is not doing work as economically as the private contractors who are prepared to sub-contract their work, without regard for standards of work and conditions of employment which have been established by the unions over the years under the arbitration system in this State.

Mr. Roberts: Does the Public Works Department sublet work to tradesmen?

Mr. JAMIESON: That department does let contracts, as is the practice in every big building organisation. There often comes a time when it is not expedient for the Public Works Department, or the big organisations, to handle the work themselves, and they require some assistance.

Mr. Roberts: Was the work done by the contractors for the Public Works Department of inferior quality?

Mr. JAMIESON: To a large extent that proved to be the case. That is most evident in the construction of cottages. The State Housing Commission has indicated very clearly that the cost of maintenance on houses built by contract is far greater in the long run, than in the case of those built by the Public Works Department.

The DEPUTY SPEAKER (Mr. Crommelin): Order! I suggest the honourable member speak to the motion, which deals with the appointment of a Select Committee. He should not discuss the price of contracts.

Mr. JAMIESON: I was trying to connect this motion with the desirability to have, in our community, tradesmen of a good standard. In effect, I hope the Select Committee, if appointed, will be able to show that in its report. There are very few failures in building projects undertaken by the Public Works Department; and the administration of the trades section is set

up as an example to the building industry. It will be a pity to see a falling off in the training of apprentices within that organisation.

I referred to the sub-contracting system as the cause of the entry into the building trade in this State of the money-grubbing type of tradesman. When apprentices are associated with them, directly or indirectly, they are not trained effectively but are taught the quickest way to carry out a job in order to make as much out of it as possible.

It might be desirable in some ways, but it is certainly not desirable from the tradesmen's point of view. A disquieting feature in the building trades industry in this State is the drift of tradesmen from the industry, not only to other fields here, but also to the Eastern States where they feel their future is more secure. If we are to progress in this State—as we certainly hope to—it is desirable, in the first place, to have an effective and constant supply of building tradesmen. But if we are going to force them out of the industry by insecurity of employment, the outlook for the State, so far as the building industry is concerned, will be very bad.

A Select Committee, whichever way one looks at the proposal, cannot do any harm; and, possibly, it could do quite a lot of good. It would take evidence from people closely associated with the building trades industry, and would provide an opportunity to study their views to see what should be done to assist the position. We might be able to find some way of guaranteeing a continuous supply of good building tradesmen of whom this State could justly be proud. If a Select Committee is appointed, we will achieve quite a lot for the benefit of the building industry in this State in the future.

With those remarks, I support the motion for the appointment of a Select Committee; and I hope that the House will give the proposition its deep consideration. I reiterate once again that the appointment of this Select Committee can do no harm; and, possibly, it could do quite a lot of good.

MR. TONKIN: (Melville—in reply) [10.31: I am disappointed that, apart from the Minister, nobody on the Government side has seen fit to say anything about this motion. I think it does merit careful consideration by anybody who is concerned about the state of the building industry. If the Minister had adequately dealt with the situation there might have been some excuse for members opposite not participating in the debate; but he dealt with the matter far from adequately, and left much to be said in connection with matters which were raised. We got these pearls of wisdom from the Minister—

Mr. Lawrence called attention to the state of the House.

The **DEPUTY SPEAKER** (Mr. Crommelin): I have counted the House and there is now a quorum present.

Mr. TONKIN: I was about to say that the House got these pearls of wisdom from the Minister—

The Government believes that the best way to handle this problem is to continue with the type of thinking we exercised when we were the Government from 1947 to 1953.

When one remembers that the Government has sacked nearly 1,000 men since it took office at the beginning of April, one wonders what kind of thinking this is which is going to remedy the situation. The Minister said further that the Government would create an atmosphere that would give investors within the State every encouragement. He said that if the climate is created to encourage investment, it does feed men. What a gem that is: if the climate is created to encourage investment, it does feed men. It reminds me of the story that while the grass is growing the horse is starving. He said further that the Government did not believe that the building industry was in a chaotic state. Employment in the building industry is one of those things that must look after itself. That is the Government's attitude to this question. The position in the building industry is one that must look after itself.

Mr. Brand: There is an improvement of over 200 employees in the June quarter as against the March quarter in the building industry.

Mr. TONKIN: Not in the figures I got from the Commonwealth department. If the Premier's figures are anything like those he got from the Child Welfare Department, they are useless.

Mr. Brand: Do not worry about that. They sat you fair on your little seat!

Mr. TONKIN: At the appropriate time, perhaps the Premier can explain why unemployed men who were receiving 17s. 6d. per week were not included in the unemployment figures. They were unemployed or they would not have been receiving 17s. 6d. per week. However, that has nothing to do with this motion.

Mr. Brand: I do not think so either.

Mr. TONKIN: Let me go back to this profound statement: The building industry is one that must look after itself. I think the Government should take the necessary steps to ensure the prosperity of the State and the employment of its people, and not let things look after themselves. It is a known fact that the number of apprentices in industry is falling off, and has been for years. Is that position to be left to look after itself? If it is, we will reach the stage where we will be short of building tradesmen. There is no gainsaying the fact that the number of apprentices is falling off and has been for years.

Mr. Brand: Is the only answer to have them employed by the Public Works Department, and by the Government?

Mr. TONKIN: The answer is not to let the position look after itself. It calls for positive action on the part of someone; and the Government should give a lead. However, the Government's lead is to sack people, it having already sacked 1,000 since it took office.

Mr. Brand: That is not true.

Mr. TONKIN: Of course it is true, on the figures supplied by the Government itself.

Mr. Heal: It might be 2,000.

Mr. TONKIN: The Minister also said that the Government did not think that contract work should be in any way interfered with because it was something that had been standard practice for years. Does that mean contract work should be continued, even if it can be shown there is a serious situation? The fact that something has continued for years is no argument for it to be continued if it is not justified.

Does the Minister know anything about the developments of sub-contracting? Because it is driving men out of the industry. Sub-contracting is being done by people who are prepared to accept lower and lower standards, and who are obliged to work longer and longer hours in order to earn a living wage. That will go on for a limited period; but there will come a time when it will be impossible for tradesmen who require a decent standard, to remain in the industry. Then we will have a collapse.

I suggest it would have served the Minister much better if he had made inquiries from some of the architects to see what they think of the state of the building industry, and whether they are satisfied.

Mr. Toms: The master builders.

Mr. TONKIN: Yes; and the master builders. The only people not concerned about this situation are the Ministers in the Government. They think that the situation should be left to look after itself; they do not want any inquiry; they are not concerned about the falling off in apprentices and the drift from the building trades; they say the situation is one which should look after itself.

What happens when we reach the stage when we cannot get our buildings constructed because we have no tradesmen to do the work? What is the next move? Because tradesmen cannot be provided overnight! I think there is a responsibility on the part of all of us to ascertain what the situation is. That is the intention of the motion. It is in no way critical of the Government, but merely seeks an inquiry into the position so that the master builders and the trade unions can be interrogated and the true position ascertained with regard to the drift from

industry; the training of apprentices; and the effect of sub-contracting on building. Those are the things about which we need information; and a Select Committee could provide that information.

[The Speaker resumed the Chair.]

Mr. Brand: Did you know the position at the conclusion of your term of office?

Mr. TONKIN: I did.

Mr. Brand: Why have a Select Committee? Can't you write a report on it?

Mr. TONKIN: When the Premier made that interjection, I assumed he was referring to the position regarding my administration, and not the position regarding the building industry generally. I do not know the position regarding the building industry generally—not in sufficient detail. I knew there was a falling off in apprentices, and I knew there was a drift of tradesmen from the industry. I also knew that the President of the Arbitration Court had expressed the opinion that some action ought to be taken in regard to setting standards for sub-contracting.

Mr. Bovell: Did you take any action?

Mr. TONKIN: No; I did not.

Mr. Bovell: Why?

Mr. Brand: Did your Government take any action?

Mr. TONKIN: I would have done so, had my Government been in office.

Mr. Bovell: Closing the door after the horse is out.

Mr. Brand: You should have been able to do it on Friday the 20th, on which date other things were done.

Mr. TONKIN: The Government does not want to do anything, because the Minister has stated that this is a situation which should look after itself. It is somewhat strange to hear the Ministers on the front bench suggesting that to remedy this situation I should have done something, when their idea is that the matter can take care of itself.

Mr. Hawke: Hopeless!

Mr. Brand: We say that in reply to what you are saying. It is you who are advocating that something should be done.

Mr. TONKIN: Whatever might have been done, and wasn't; and could have been done, and hasn't been, somebody requires to do something now; and not to allow the situation to take care of itself.

In order to know what has to be done, a survey should be carried out. We should interrogate these people and obtain the information. I suggest that neither you, Mr. Speaker, nor anybody else in the House is completely aware of the situation regarding sub-contracting. I have heard stories of builders refusing to engage men in the ordinary way, but offering them work on a sub-contracting basis—and at

a price. This invariably involves them in working longer hours than men should be required to work; and the more that situation develops, the greater threat it becomes to decent living standards. It is not in the interests of the business world generally to have standards reduced.

This is supposed to be a remarkable private-enterprise Government. Private enterprise cannot continue to function unless it can make profits; it cannot make profits unless it does the business; it cannot do the business if the purchasing power continues to fall off; the purchasing power will continue to fall off if living standards go down; and living standards will be forced down if uncontrolled sub-contracting is rampant in the community. That is the way we are heading. It requires some regulation to stop it.

I thought we had learnt the lessons of the old days—before the trade unions—when starvation wages and long hours were the custom. I thought the pre-Reform Bill conditions were those of the past. But, we have people here who think that way today. They believe that they can get on by paying less and less for more and more work; that is, make the men work longer and longer hours, and give them less and less for doing so. If a community expects to progress on that policy, it has very strange ideas. I suppose that is the climate and atmosphere that the Government is endeavouring to create. What a foul atmosphere it is!

No valid argument has been submitted by the Government against the holding of an inquiry into the situation. That is the object of my motion—to have an inquiry to ascertain the true position in connection with these various aspects. If the Select Committee's recommendations are not acceptable to Parliament, that is where the matter will end. But the Government does not want anyone to find out. It does not know; and it does not want to know; and its attitude is that the situation should be left to look after itself. So long as the people generally realize that, I suppose we have to accept the situation.

Members who support that point of view will have to take full responsibility for what happens. If we find that the number of apprentices continues to fall off and that the drift from the building trades continues in accordance with the trend over the years, then they will have no-one to blame but themselves for refusing to have an inquiry to ascertain what action, if any, ought to have been taken, at this stage, to remedy the situation.

It is only those who refuse to recognise the obvious signs, who will say that there is nothing wrong with the building industry today. I have spoken to master builders and to the operatives, and they all hold the same opinion that the building industry is in a serious position and that some remedial action is called for.

The Government's attitude is: Let the situation look after itself; let us create an atmosphere or a climate, and then everything in the garden will be lovely. One would think one was reading the story of "Alice in Wonderland."

I shall leave the matter now to the good sense of the members of the House. I am seeking an all-Party inquiry into the situation. The members on this side who have spoken believe it is the right course to take. There has been only one spokesman on the Government side, and he has said that nothing should be done, and that the position should be left to look after itself. We will let the House decide; and the responsibility, if the decision is against the inquiry, must rest with the Government; and any serious consequences which result from this refusal to hold an inquiry, will be on the shoulders of the Government.

One would think, in view of the wholesale sackings that are taking place—many more from the Public Works Department than we were led to believe; many more than 20 per week have already been sacked, although that was the figure originally given to us—that it is most remarkable that any Government should be so callous as to dispense with the services of almost one thousand men in the period from April to September. A number of them are building tradesmen who are still out of work, and are likely to remain so until this atmosphere which is going to feed them is created; this climate which the Government knows how to create and which will feed them. That is what we are to wait for. We are not to have an inquiry; but we are asked to let the position look after itself and await the creation of this climate and atmosphere; and everything will then be well. I cannot think of a more callous attitude to be adopted by anybody; but it is quite in keeping with the acts of the Government up to date.

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

Ayes—21.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Molr
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Toms
Mr. Heal	Mr. Tonkin
Mr. J. Hegney	Mr. May
Mr. W. Hegney	

(Teller.)

Noes—24.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Mr. Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommellin	Mr. O'Neill
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Dr. Henn	Mr. Roberts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Majority against—3.

Question thus negatived.

House adjourned at 10.25 p.m.