Mr. GRAYDEN: I listened attentively to the Minister's speech, but I have never listened to one that contained more inaccuracies than were contained in the one he delivered tonight. I do not blame the Minister, but the Director of Industrial Development who gave him the information. We have all heard the saying that the end justifies the means. That is a communist doctrine with which I violently disagree; but that is exactly what we will be doing in this case if we support the action of the Director of Industrial Development. It is a communist doctrine to which most Australians would not subscribe, and I ask members to reject it and to support the motion. If they do so, that will allow the Belmont cannery to continue getting fish as it has done for years under the terms of the contract signed with Mr. Hunt. We did not move for a Select Committee for one main reason; namely, that the canning season has started and Mr. Gardiner has been denied the opportunity to take catches from the south coast. We therefore could not risk the delay. If this motion is passed he will have the opportunity and, therefore, I ask members to support it.

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

Ayes	14
Noes	26
Majority against	12

Ayes	
Mr. Bovell	Mr. McCulloch
Mr. Cornell	Mr. Oliver
Mr. Coverley	Mr. Read
Mr. Fox	Mr. Rodoreda
Mr. Graham	Mr. Shearn
Mr. Grayden	Mr. Triat
Mr. Mann	Mr. Reynolds (*Teller.*)

Noes	
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Needham
Mrs. Cardell-Oliver	Mr. Nulsen
Mr. Doney	Mr. Panton
Mr. Hall	Mr. Perkins
Mr. Hawke	Mr. Seward
Mr. Hill	Mr. Sleeman
Mr. Hoar	Mr. Thorn
Mr. Kelly	Mr. Tonkin
Mr. Leslie	Mr. Watts
Mr. Marshall	Mr. Wild
Mr. May	Mr. Wise
Mr. Murray	Mr. Yates (*Teller.*)

Question thus negatived; the motion defeated.

House adjourned at 11.46 p.m.

Legislative Council.

Tuesday, 16th August, 1949.

CONTENTS.

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

QUESTIONS.

MILK.

As to Investigation of Goldfields Supply.

Hon. G. BENNETTS (for Hon. E. M. Heenan) asked the Honorary Minister for Agriculture:

(1) Has the Minister read an article published in the "Kalgoorlie Miner" of last Friday, the 5th instant, dealing with the present method of supplying milk to the Goldfields from the metropolitan area, which a local medical authority describes as "unsatisfactory and hopelessly outmoded?"

(2) Will he have the various matters dealt with in the article investigated by the proper authorities with a view to improving the existing state of affairs?

The HONORARY MINISTER FOR AGRICULTURE replied:

(1) Yes.

(2) The various matters have been investigated and consideration is still being given to ways and means whereby improvements may be made in the milk supply to the Goldfields. Recent tests of the dairy herds at Kalgoorlie reveal 50 per cent. T.B. reactors.

LAND SALES CONTROL SELECT COMMITTEE.

As to Blackmarketing Report.

Hon. H. A. C. DAFFEN asked the Chief Secretary:

In "The West Australian" of the 10th August, in the report of the Select Committee appointed by the Legislative Assembly to inquire into the Land Sales Control Act, 1948, it was reported as having been stated in evidence that Mr. Steffanoni, the chief valuer of the Taxation Department, had advised the Federal authorities of his concern at local trends in blackmarketing—

(a) Is this true?

(b) What was the answer he received?

The CHIEF SECRETARY replied:

(a) Yes.

(b) The text of the answer will be found in the report of the evidence given by the Chief Valuer before the Select Committee.

RAILWAYS.

As to Loss of Tarpaulins.

Hon. G. BENNETTS asked the Chief Secretary:

(1) Are the figures quoted in the railway "Weekly Notice" No. 27, for the week ended the 29th July, correct, which read:—"1,674 tarpaulins lost, stolen, or mislaid, costing close on £34,000"?

(2) Were the figures quoted to me in reply to the above question on Wednesday, the 10th August, correct?

(3) If the figures quoted in Question No. (1) are correct, why was misleading information given to the House?

(4) If No. (2) is correct, why was misleading information given to railway employees?

The CHIEF SECRETARY replied:

(1) Yes. But those figures related to tarpaulins which were missing at the end of June, whereas the hon. member asked if it was correct to state that they were missing for the year ended the 30th June last.

(2) Yes.

(3) No misleading figures were quoted. At the end of June, 1,674 tarpaulins could not be accounted for, and this fact was conveyed to the railway staff, as is usual in the "Weekly Notice." For the reasons given in answer to the previous question, it was some time before an accurate number of missing tarpaulins could be determined upon and this proved to be 70.

(4) Answered by No. (3).

MOTION—STANDING ORDERS.

As to Revision.

HON. H. K. WATSON (Metropolitan) [4.37]: I move—

That this House is of the opinion that the Standing Orders Committee be requested to give consideration to the revision of all Standing Orders, especially Standing Order No. 191.

My object is to afford members an opportunity of addressing themselves to a question which is seriously exercising my mind. It is a question on which we ought to have, but do not appear to have—at any rate not to the extent which I think is desirable—coherent thought and explicit rules for our guidance. I think there should be some clearer conception as to the powers of this House to amend Bills, and the rights of members to move amendments to Bills. I feel sure that all members will agree that we are entitled to know and to decide just where we stand; that we are not to be treated as sheep who, if they are hungry, may look up and be fed.

In dealing with the question I am not concerned with politics or personalities, but with principles and the preservation of the rights, powers and privileges of this House. Our Standing Orders are of our own making. The House made them and the House can alter them. The House is always master of its own affairs. The Standing Orders proclaim at the very outset that they shall not in any way restrict or prejudice the method in which the Council may exercise and uphold its powers, privileges and immunities. But it does seem to me that, in consequence of ambiguities in and unexpected interpretations and applications of our Standing Orders, and the cumulative effect of precedent, we may, if we are not vigilant, find that through our own indifference our powers are unnecessarily and unfairly restricted.

I shall not discuss, Mr. Deputy President, and I shall certainly not reflect upon, your decision on Wednesday last as to the effect of Standing Order No. 191. However, I would invite members to study that ruling and, if possible, its implications. I invite members, particularly members of the Standing Orders Committee, at their

leisure to consider that ruling in juxtaposition with earlier rulings which have been given by learned and distinguished Presidents. As a background to this discussion of my motion on the Standing Orders, and particularly Standing Order No. 191, let us consider for a moment or two, in the light of that Standing Order, the various classes of Bills with which we deal.

The Bills which come before the House may be conveniently divided into four classes. Firstly, we have original Bills which are intended to be put on the statute book and there to remain until they are repealed. Secondly, we have Bills which amend existing Acts. The extent of our powers to amend these two classes of Bills is, or at any rate up till recently was, well known. Standing Order No. 8 of the Joint Standing Orders of the Legislative Council and the Legislative Assembly, provides that the Title of every Bill shall succinctly set forth the general objects thereof. From May's "Parliamentary Practice," 14th Edition, pages 506 and 507, we read—

> The objects of a Bill are stated in its long Title, which should cover everything contained in the Bill as introduced, and any amendment which is inside the Title of the Bill is in order. Moreover, a Committee is empowered by Standing Order No. 34 (House of Commons) to make amendments relevant to the subject matter of the Bill, provided that where such amendments are outside the Title, the Committee extends the Title so as to cover them.

I gather that House of Commons precedents are rather material because by Section 1 of the Parliamentary Privileges Act, 1891, the powers and privileges of this House are declared to be the same as those enjoyed by the Commons House of Parliament of Great Britain, whether such powers be enjoyed by custom, statute or otherwise, subject, of course, to the well-known constitutional limitation of our powers in respect to money Bills.

Standing Order No. 34 of the House of Commons is in terms identical with our Standing Order No. 309. As I understand it, the clear implication of the paragraph which I have read from May is that our Standing Orders Nos. 191, 196 and 309 are, like Standing Order No. 34 of the House of Commons, to be treated as an extension and not as a restriction of the general principle. The words "subject matter of the Bill" as used in Standing Orders Nos. 191 and 309, are defined in Standing Order No. 3 as meaning "the provisions of the Bill as printed, read a second time and referred to the Committee." As a matter of history, I may mention that that definition was inserted in our Standing Orders in 1930 as the result of a position which then arose, or doubts which then arose, owing to circumstances not dissimilar from those which have recently occurred.

A ruling on these words—that is on the words "subject matter of the Bill"—and their application, was given by the then President, Sir John Kirwan, on the 1st December, 1932, "Hansard," pages 2104 and 2136, in relation to an amendment to a Bill to amend the Health Act. The Chairman ruled that an amendment to the Bill, which was introduced by the Legislative Assembly when the Bill was returned from that Chamber to this House, was out of order. He said—

> Some time ago members agreed to a new Standing Order defining what the subject matter of a Bill was, and thus taking the decision out of the hands of the Chairman. The subject matter of a Bill means the provisions of the Bill as printed, read a second time, and referred to the Committee. This amendment of the Assembly is to add a new clause. The subject matter of the Bill is the clauses contained in it, as printed, as read a second time, and as referred to the Committee. When the Bill was originally referred to the Committee, it contained no clause dealing with this particular subject. The attempt, therefore, to insert this clause introduces a subject matter into the Bill that was not originally there. I rule, therefore, that the amendment is not admissible.

The then Chief Secretary, Hon. C. F. Baxter, moved to disagree with the Chairman's ruling and the matter was referred to the then President, Sir John Kirwan. After consideration and consultation, he ruled as follows :—

> In fact "subject matter" can mean nothing else than the provisions of the Bill as printed, read a second time, and referred to the Committee. It could not be otherwise correctly interpreted.
>
> All the authorities I consulted are in accord with my opinion that the proposed amendment is relevant to the subject matter of the Bill. The word "relevant" does not mean identical; it means "to the purpose," "related to," "bearing on the matter in hand." A provision is not relevant where it introduces new principles. The proposed new clause is to vary the powers of the administrators of the Act.
>
> The new clause merely varies or further specifies the power of the authorities administering the Act. I, therefore, consider the amendment is relevant to the subject matter of the Bill as printed, read a second time and referred to the Committee.

The minutes of this House for the 2nd November, 1948, pages 131 and 132, reveal that that precedent was followed by the

President when giving a ruling, after consideration and consultation, on an amendment to a Bill to amend the Western Australian Trotting Association Act.

There are two other classes of Bills which come before the House and they are of a type which in times gone by were the exception rather than the rule but which today appear to be the rule rather than the exception. There are, firstly, Bills which are intended to be of a temporary nature and, in accordance with Standing Order No. 175, have their precise duration stated in a clause at the end of the Bill. Secondly, there are Bills which continue temporary Acts of the class I have just stated. It is to the question of the powers of this House to amend these continuing Bills, and the application of Standing Orders Nos. 191 and 309 in relation to those Bills, that I would invite all members, and particularly members of the Standing Orders Committee, to direct some critical thinking.

Members are well acquainted with the mechanics of the ingenious and over-simplified system by which these temporary Acts are continued. The continuing Bill is brought down and it simply amends the last section of the temporary Act, by, for example, deleting the figures "1949" and substituting in lieu thereof the figures "1950." Indeed, the draftsman has been more spare in his wording than that, and amendments have been to the effect that the word "forty-nine" be struck out and the word "fifty" substituted in lieu thereof. I understand that, in accordance with the involved in tortuous interpretation of the self-imposed restrictions under which we work, our powers of amending such continuance Bills is restricted to the alteration of the date of such temporary Acts as are being extended by the Bills. I have consulted "May" on this question, and I find that that authoritative work makes no mention at all of this particular question of temporary Acts and their amendment.

It is towards devising ways and means of overcoming this absurdity that I invite the House to direct its serious attention. These continuance Bills are in truth and substance nothing more and nothing less than the complete re-enactment for a limited term of all the provisions of the temporary Acts to which they relate. It is just as much a re-enactment of the whole of the provisions of a temporary Act as it would be if the temporary Act had been allowed to expire on its due date and a new Bill introduced embodying identical provisions. In the latter case, there could be no question or doubt as to our right to amend any of the provisions of such a Bill.

Why, as a matter of common sense and sound practice, should this House not exercise the same powers, seeing that all provisions of a temporary Act are in truth and substance re-enacted by its continuance Bill? Many of the provisions of these temporary Acts go through Parliament only because they are, or are intended to be, for a limited period, generally speaking for one year. Of course, as a matter of fact, we know that they go on from year to year and sometimes from generation to generation. Whilst members may be prepared to agree to the application of the provisions of a Bill from A. to Z. for twelve months, at the end of the year they might consider that if any further extension of the Act were necessary it should only be with respect to the provisions from A. to K., so to speak. That has been made abundantly clear during the debates on continuance Bills during the present session.

The question, as I see it, is of ever-growing importance to the House. I feel we should clear it up to the complete satisfaction of members without delay and before we deal with any provision of the continuance Bills that are now on the notice paper. One method I offer for consideration is that under Standing Order No. 3, the definition of "Subject matter of a Bill" might well be altered by the Standing Orders Committee to a wording something like this: "and in respect to a Bill for continuing a temporary Act shall include and be deemed to include all the provisions of such temporary Act." That means that the definition of "subject matter of Bill," in its amended form, would then read—

> "Subject matter of Bill" means the provisions of the Bill as printed, read a second time and referred to the Committee and in respect of a Bill for continuing a temporary Act shall include and be deemed to include all the provisions of such temporary Act.

It appears that our present Standing Orders were adopted in 1924 and were last amended in 1930. Standing Orders are not like the laws of the Medes and Persians. Times change, and we must change with them. Some other method of achieving the object I desire may be suggested by other members. The great need, as I see it, is to find a speedy solution for the removal of a serious clog

on the effective functioning of this House in respect of continuance Bills. It may be that we can find a solution of the problem in the more frequent exercise by the House of its powers of instruction to the Committees, as contemplated in Standing Orders Nos. 305 to 310. That power is, in May's "Parliamentary Practice," summed up thus—

> An instruction is necessary to authorise the introduction of amendments into a Bill, which extends its provisions to objects not strictly covered by the subject matter of the Bill as disclosed by the second reading, provided that these objects are cognate to its general purposes.

It may well be that we can attain our desires if, before any continuance Bill goes to the Committee, the House resolves upon an instruction in respect of such amendment as may be deemed necessary in connection with any such continuance Bill. If nothing can be done—if the view is still going to prevail that the present fiction and convention that these continuance Bills do not re-enact the temporary Act and that the provisions of the temporary Act are beyond being amended by this House—then I submit our future course is clear. We should seriously think of throwing out all the continuance Bills and thereby force the presentation for our consideration, if it is the Government's desire to continue the provisions of any temporary Acts, of a Bill containing the full provisions.

I would like to make it clear that this is not a question of conflict between the two Houses. It is essentially a matter of the rights and privileges of this House and it is a question that equally raises the rights and privileges of members of another place. I submit for consideration the proposition that in the present state of affairs there is no good reason, or even any technical reason, why such a new Bill containing full provisions should not be brought down forthwith after a continuance Bill is defeated. If, for the purposes of preventing its adequate amendment, the continuance Bill is not in substance a re-enactment of the provisions of the temporary Act, then surely its rejection is equally not a bar, under Standing Order No. 120, to the immediate introduction thereafter of a Bill containing the full provisions of the temporary Act that is about to expire. I do not see how the pedants can have it both ways. If they can, then Standing Order No. 120 should be suitably modified. I would point out, however, that Standing Order No. 120 comes into operation onl when a question or an amendment has bee resolved in the affirmative or negative.

That, to my mind, clearly implies that th re-introduction of a question is only pr hibited if the question has been actuall decided either by an affirmative or a neg tive vote. Support for this view is to b found in May's "Parliamentary Practice, at page 376, wherein we read—

> A question may be raised again if it has not bee definitely decided.

From a discussion on this question, at p. 50 of May's "Parliamentary Practice," i would appear that Standing Order No. 12 would not operate to preclude the intr duction of another Bill in the same sessio if the first Bill were disposed of, not b defeating it on the second reading but b appropriate action in Committee, by th Committee deciding either that the Chairma man leave the Chair or that progress b reported without asking for leave to si again. In either case this would have th effect of refusing to proceed with the Bi without a definite vote one way or the othe and it would thus not preclude the immediat introduction of another Bill dealing with th same subject.

If we keep these points in mind whe considering in future bare continuance Bill then whilst we may hesitate to vote agains the Bill on the second reading, it seems t me that we need not have the same fear c disposing of it in Committee. I sugges that the cause of commonsense and realis must triumph over solemn nonsense and tha the House cannot reasonably be expecte to allow these temporary measures to b re-enacted without having some say as t what extent, if any, such re-enactments sha be modified. In submitting these view I realise my limitations in the matter.

The Standing Orders are apparently ope to more than one construction by hon members. For example, from my experience taking Standing Order No. 405, I would hav thought from that Standing Order that upo motion for dissent from the President' ruling, debate would be permitted on tha motion, and that debate would not onl be permitted on it but that considere debate would be permitted on it; and fo that purpose the motion, having bee moved, was to be adjourned till the nex sitting of the House. But I recollect tha when I moved a motion of dissent th other night you, Sir, refused debate on i

and put it forthwith. I mention this to show that we do have differences of opinion as to just how the Standing Orders are to be applied. I moved my motion in the hope that hon. members would devote some thought to this question with a view to seeing whether we cannot overcome the difficulties of which I have made mention.

THE CHIEF SECRETARY (Hon. H. S. W. Parker — Metropolitan-Suburban) [5.3]: When I first read this motion I was surprised and wondered to what it referred. Mr. Watson obviously is unacquainted with parliamentary practice. The point is obvious if one studies it for a moment. In respect of any matter discussed in any Chamber, or even outside of Parliament in any committee or gathering, there must be rules of debate, and all rules of debate decide that the matter to be discussed must be relevant to the subject under discussion. That is the A.B.C. of debate.

It is suggested that the Standing Orders Committee meet with a view to altering that practice, either by altering the word "relevant" or by altering the meaning of "subject matter of the Bill." It all comes back to the same point, that of altering the relevancy of the argument. Assuming we do alter the Standing Orders, we shall immediately go against the practice that has pertained under the Standing Orders of the Assembly since 1891 and against the Standing Orders of this Chamber, as to which I cannot go back earlier than 1925.

The Standing Orders of this Chamber of that date contain an explanatory preface in which the following appears:—

> In 1908 the Standing Orders of the Legislative Council were published with certain information which it was thought would be useful to members.

Of course, from its inception this Chamber had Standing Orders; and I think I am perfectly safe in saying that the Standing Orders provided that the discussions on, and amendments to, any Bill must be relevant to the matter under discussion or to the subject matter of the Bill. That is obvious. Sir Charles Latham can no doubt enlighten us as to the rules applicable to the Senate, but I venture the opinion that there is not the slightest doubt the same rules pertain there.

Assume we alter our Standing Orders, what will be the effect? It would be futile, because exactly the same Standing Orders apply in the Legislative Assembly. If we sent back to the Assembly a continuance Bill with alterations of various clauses in the Bill, it would simply be rejected, and we would have no say. The Standing Orders of the Legislative Assembly are exactly the same as ours in this respect, that they define "subject matter of the Bill" in exactly the same way as our Standing Orders do. Standing Order No. 281 of the Legislative Assembly contains the same wording as our Standing Order No. 191 and is as follows:—

> "Any amendment may be made to a clause, provided the same be relevant to the subject matter of the Bill

If Mr. Watson would look through the debates of past years, he would find that a continuance Bill is a continuance Bill for the very purpose of preventing an alteration of the context of the parent Act.

Hon. Sir Charles Latham: Not by that Bill.

The CHIEF SECRETARY: That is what I mean. There is confusion of thought. Apparently it is considered that relevancy to a Bill might be relevancy to the Act which the Bill proposes to amend; but the relevancy is to the Bill before the Chamber and it is a very wise precaution that it must be relevant, otherwise stupid things will arise. Over the course of years it has been found necessary to tighten up our Standing Orders in order to avoid such occurrences. I can well understand a new member being somewhat confused with the Standing Orders; but because he is, that is no reason why we should alter Standing Orders which have stood the test of time.

One could, if one wished, quote rulings of Presidents and Speakers that are open to much argument and that perhaps have been wrong, but that is no reason for altering our Standing Orders. The hon. member said that the Deputy President had ruled upon the relevancy of a certain matter; but he did not go further and say whether the Assembly accepted that ruling as correct and whether, if we put something in the Bill which we considered relevant, the Assembly would accept the amendment. The suggestion of the hon. member is that if a Bill is presented for the purpose of continuing a certain Act, the whole matter becomes open to the wide world for amendment. Parliament could never get through its business if that were so; but there is nothing whatever to stop any member from bringing in his own Bill.

Hon. H. Hearn: What would happen to it?

The CHIEF SECRETARY: It would probably be thrown out if it were anything like this motion. For the purposes of the Standing Order it does not matter whether it is passed or rejected. Again there is confusion of thought when it is said, "Very well, we will not bring in a private Bill because it might not be accepted; but we will achieve what we want in an underground way by amending a continuance Bill, where we might get it through."

Hon. W. J. Mann: That is not very generous.

The CHIEF SECRETARY: No. I think members would vote according to the way they thought proper, whether the Bill be brought in by a private member or by a Minister of the Crown. I trust members will always exercise their vote according to conscience; but we cannot alter our Standing Orders to allow of a continuance Bill being thrown open. It would be impossible. I think those members who have not given much thought to the point will, if they give it consideration, come to the conclusion I have. I have not had time to look through the old Standing Orders, but I do know that they do not contain a definition of "subject matter of the Bill," because that was only inserted in comparatively recent times in the Standing Orders of both the Assembly and the Council. But that definition was only inserted for the purpose of clarifying what the substance of a Bill was, not for the purpose of altering what happened in the past.

Other members may be speaking to the motion and will be able to look up the question, but I do hope that members will not accept this motion, as it seeks to alter the principles of debate that have been passed down through the years in this Chamber and in another place. Candidly, I would not be prepared to agree to an alteration of Standing Order No. 191. There are some Standing Orders which might well be amended so as to make for speedier work in this Chamber, but Standing Order No. 191 must remain in the Standing Orders of this Chamber and another place, or even—if I may put it in this way—in the rules of a football club, if it is desired to get through the business.

HON. G. FRASER (West) [5.14]: I intend to support the motion, but on entirely different grounds from those submitted by the mover. We have to realise that it is now some 19 years since the Standing Orders were last reviewed. The time has now arrived when they should be revised, because undoubtedly many things have happened which show that the Standing Orders conflict in some way or other.

Hon. L. Craig: Such as?

Hon. G. FRASER: I am not prepared to mention them now, as I have not had time to look them up since the motion was moved. On one or two occasions I have commented upon certain phases of the Standing Orders which I do not consider are up to date. I think from that point of view no harm could be done. It would not necessarily mean that, because the Standing Orders Committee met and reviewed the Standing Orders, any drastic alterations would be made to them. After meeting, the committee might be quite satisfied that no alterations were required. To seek a review after nearly 20 years is not, I feel, asking too much. As I have said, I am prepared to support the motion, but for reasons different from those of the mover.

It appears to me that if we are to tinker with Standing Order No. 191, we might as well have no Standing Orders at all, because it plainly sets out that we can move amendments only if their exact wording is relevant to the subject matter of the Bill that is being dealt with. If the wording has not necessarily to be relevant, we will be able to introduce any subject at all into a Bill. The hon. member quoted "May" on a ruling as to the Titles of Bills, but surely we are not to gauge what shall be in order simply by the Titles of Bills! If that were to obtain, we could amend any portion of a Bill and later on amend the Title accordingly. I admit that we are not discussing a Standing Order at present, but some Standing Order must be introduced as a basis for the debate.

I would defy anyone to alter Standing Order No. 191 in any way that would make it clearer than it is today. It is clear, logical and leaves no doubt about what the decision must be when any amendment to a Bill is moved. If the amendment is not relevant to the subject matter of the Bill, it is out of order. If we tinker with that Standing Order we will simply be abandoning our

procedure and reverting to the law of the jungle. I do not uphold anything simply because it has operated for 50 years, as I believe in progress, but, except in a very few instances, I think our Standing Orders have been proved to have stood the test of time. It has been said in this Chamber, in justification of the Upper House, that this Chamber acts as a sprag on impetuous legislation from another place, as this is a House of review. I regard the Standing Orders as preventing impetuous legislation being passed by this Chamber.

We may often be in such a temper or frame of mind that we desire to make certain alterations to legislation, but are prevented from doing so by the Standing Orders, and eventually they prove to be right and we realise that, in the heat of the moment, we were wrong. The Standing Orders put a definite brake on anything of that description. I believe that any playing about with the Standing Orders, and particularly No. 191, would be to the disadvantage of this Chamber and of the legislation passed by it. Evidently Mr. Watson had in mind particularly continuance Bills, and I can only repeat what the Chief Secretary has said—that there are very few such Bills that the hon. member could not move to have amended if he so desired. He does not have to wait for a continuance Bill in order to have a go at altering the legislation. He can introduce a measure at any time dealing with the subject matter with which he is concerned, and it will be dealt with on its merits.

Some member asked, by way of interjection, what chance the hon. member would have of getting such a measure passed. If he cannot get it through the House, there cannot be much substance in the alteration sought. The hon. member has not availed himself of the opportunity to alter any Bill in that way, but when a continuance measure comes along, he desires an alteration that the Standing Orders will not permit, and because of that wishes to alter the Standing Orders. That appears to me to be an entirely wrong procedure. While I support the motion, I do it for reasons entirely different from those of the mover.

On motion by Hon. Sir Charles Latham, debate adjourned.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Received from the Assembly and read a first time.

MOTION—SUPREME COURT ACT.

To Disallow Liquidators' Accounts Rule.

Debate resumed from the 10th August on the following motion by Hon. H. K. Watson :—

That Rule 6 of the Companies (Liquidators Accounts) Rules, 1949, made under the Supreme Court Act, 1935, and the Companies Act, 1943–1947, as published in the "Government Gazette" of the 24th June, 1949, and laid on the Table of the House on the 5th July, 1949, be and is hereby disallowed.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.25]: I have made inquiries concerning this matter, and find that the rule or order is advocated by the Registrar of Companies and by the Chief Justice, who consider it essential. Mr. Watson, when moving the motion, stated that it was brought forward at the request of the Chartered Institute of Accountants and the Chartered Institute of Secretaries. Members may not appreciate the difference between a chartered accountant and an ordinary accountant. The chartered accountant is one who devotes the whole of his time to the profession of accountancy and has served his apprenticeship or articles to an accountant. There are various other such institutes, such as the Institute of Architects, and they are all honourable bodies.

A man may become an accountant by passing the necessary examinations, without devoting the whole of his time and attention to accountancy. Section 207, Subsection (5), of the Companies Act deals with official liquidators. They are officers of the court who are appointed by the court as liquidators. They may present a copy of the accounts—I think each six months—or a summary, to all creditors and contributors in the winding up. The regulation with which we are dealing provides only that if required by the Registrar the liquidator shall send an account or summary—

Hon. Sir Charles Latham: Not both?

The CHIEF SECRETARY: The wording is, "account or summary." We are dealing with the liquidator in a voluntary liquidation, who is not appointed by the court. If the Registrar thinks fit, that liquidator must send to all creditors or contributors a copy of the accounts or a summary. In the course of his remarks, Mr. Watson explained the great number of

forms that go to make up the accounts and any member who has been a creditor of a person declared bankrupt will remember the number of forms that the Official Receiver sends out to be filled in. In this case it is much the same, and I think members will agree that though few people would understand the accounts, at least 50 per cent. of them would understand a summary. Therefore, if the Registrar thinks fit he may order a summary to be sent out. The people who are liquidators in voluntary liquidations are in many instances not chartered accountants, although some of them are. Many are just ordinary accountants.

Hon. H. K. Watson: They must all be approved by the Registrar as liquidators.

The CHIEF SECRETARY: Yes, there is no question raised as to their reputation or standing, but at the same time, an accountant in the country does not get the same experience as he would in the city, and therefore the Registrar would keep a somewhat closer eye on his production of the accounts. It is probable that they would be a little less efficiently done than those prepared by a chartered accountant. It is thought that the Registrar should have some authority to ask for the provision of the accounts or summary. Mr. Watson stated that all qualified accountants would prepare a summary for their own benefit, so there is nothing extra imposed. He stated that after everything had been completed, the Registrar might decide to order that accounts or a summary of them should be sent out. I do not think the registrar would do that if the accounts had already been sent out. There is no fear that there would be any trouble from a fully qualified accountant, and I am so advised.

It is only right that we should give the Registrar of Companies a certain amount of power to look after and control these accounts. The hon. member himself has stated that all accountants will prepare a summary and it would be far better to send out a summary than the accounts themselves. I am also informed by the Registrar that quite a number of accountants continually consult with him and that is what he is there for—to assist them. I certainly think that this is a rule that we might well leave, especially in view of the fact that those who are greatly concerned with the administration of the Companies Act consider it advisable.

Hon. J. G. Hislop: Does it mean that the accountant would have distributed all the funds and then would approach the Registrar who might order this to be done, although there were no funds left with which to pay for the issuing of the summary?

The CHIEF SECRETARY: When the liquidator prepares his accounts, they have to be audited by the auditor appointed by the Registrar and he would then decide, before the audit was completed, whether a summary of accounts should be sent out. I do not think there is the slightest doubt about that. I think an accountant would be extremely unwise to wind up the whole estate until he found out what would be the amount of costs the Registrar would allow him.

On motion by Hon. R. J. Boylen, debate adjourned.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 4).

In Committee.

Resumed from the 11th August. Hon. G. Fraser in the Chair; the Chief Secretary in charge of the Bill.

Clause 3—Sections 18F to 18L added:

The CHAIRMAN: Progress was reported on the clause, to which Hon. H. K. Watson had moved the following amendment:—

That in line 2 after the word "sections" a new section be inserted as follows:—

18EE. (1) The provisions of sections eighteen F to eighteen L both inclusive, of this Act shall not apply in relation to premises, being a dwelling house, which are required by the owner for his own personal occupation or that of any person who ordinarily resides with and is wholly or partly dependent upon the owner.

(2) For the purposes of this section "owner" means a person who has been the owner of the premises for a period of not less than three years.

Hon. A. L. LOTON: I move—

That the amendment be amended by striking out all the words after the word "with" in line 6 of Subsection (1) and the word "him" inserted in lieu.

The CHIEF SECRETARY: I would like to know what is meant by the words, "who ordinarily resides."

Hon. H. K. WATSON: I suggest that if the Chief Secretary refers to page 9 of the Bill he will find the same words and perhaps he will explain to the Committee what they mean in that particular proposed new section.

The CHIEF SECRETARY: The words, "and is wholly or partly dependent" convey a very different meaning in that instance. That gives something which one can hang one's hat on, if I may express it in that way. Does not the yardman or the domestic "ordinarily reside" with the proprietor?

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

Ayes	12
Noes	15
Majority against	3

AYES.

Hon. C. F. Baxter	Hon. A. L. Loton
Hon. R. M. Forrest	Hon. H. L. Roche
Hon. H. Hearn	Hon. A. Thomson
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. Sir C. G. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. W. J. Mann (*Teller.*)

NOES.

Hon. G. Bennetts	Hon. W. R. Hall
Hon. R. J. Boylen	Hon. G. W. Miles
Hon. L. Craig	Hon. H. S. W. Parker
Hon. J. M. Cunningham	Hon. C. H. Simpson
Hon. H. A. C. Daffen	Hon. F. R. Welsh
Hon. E. M. Davies	Hon. G. B. Wood
Hon. Sir F. E. Gibson	Hon. E. M. Heenan
Hon. E. H. Gray	(*Teller.*)

Amendment on amendment thus negatived.

Hon. C. H. SIMPSON: At this stage I draw the attention of the Committee to another amendment which I have on the Notice Paper. The effect of it on Mr. Watson's amendment would be that a case of relative hardship as between a pensioned ex-soldier now living in a house required by the owner, and the owner himself would be referred to a magistrate to be considered on its merits.

The CHAIRMAN: I cannot permit the hon. member to discuss his amendment at this stage.

Hon. C. H. SIMPSON: I wished to refer to it so that members would bear it in mind when voting on Mr. Watson's amendment. I am fairly sure that even if the amendment now before the Committee is carried and goes to another place it will be rejected, but the one I have suggested might be accepted.

Amendment put and a division called for.

The CHAIRMAN: Before tellers are appointed, I give my vote with the Noes.

Division resulted as follows:—

Ayes	14
Noes	14
A tie	0

AYES.

Hon. C. F. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. W. J. Mann
Hon. R. M. Forrest	Hon. G. W. Miles
Hon. H. Hearn	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. A. Thomson
Hon. Sir C. G. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. H. Tuckey (*Teller.*)

NOES.

Hon. G. Bennetts	Hon. W. R. Hall
Hon. J. M. Cunningham	Hon. E. M. Heenan
Hon. H. A. C. Daffen	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. G. Fraser	Hon. F. R. Welsh
Hon. Sir F. E. Gibson	Hon. G. B. Wood
Hon. E. H. Gray	Hon. R. J. Boylen (*Teller.*)

The CHAIRMAN: The voting being equal, the question is resolved in the negative.

Amendment thus negatived.

Hon. Sir CHARLES LATHAM: In para. (b) (ii) of the proposed new Section 18F, reference is made to a person having been discharged from the Defence Force or having ceased to be engaged on war service for a period exceeding four years and is not receiving a pension but is receiving Commonwealth medical treatment of such a nature as to prevent him either wholly or partly from engaging in his occupation. This will mean that if a man is not a pensioner, he will still be a protected person so long as he is receiving Commonwealth medical treatment of such a nature as to prevent his engaging in his occupation even one day in the year. If we are going to give these people such protection, the word "partly" should be struck out and the word "substantially" inserted in lieu. If the Committee approves of my proposal, there will be a number of consequential amendments. Doubtless the Chief Secretary will ask for an interpretation of "substantially."

The Chief Secretary: You have saved my asking for it.

Hon. Sir CHARLES LATHAM: It is just as easy to interpret as is the word "partly." I move an amendment—

That in line 6 of the proposed new Section 18F (b) (ii) the word "partly" be struck out and the word "substantially" inserted in lieu.

The CHIEF SECRETARY: My only objection to the substitution is that over the years there will be disputes as to the

meaning of the word "substantially." The word "partly" has been used and, for the easier working of the measure, we should retain it.

Hon. H. K. WATSON: The Chief Secretary will find that both the words have been interpreted in House of Lords judgments. I support the amendment.

Hon. E. M. HEENAN: The object of the measure is to protect soldiers, and surely after a man has been discharged for four years, we should give him protection if he is receiving Commonwealth medical treatment of such a nature as to prevent him either wholly or partly from engaging in his occupation. If he is worthy of protection, the word "partly" should be retained.

Hon. J. G. HISLOP: Here is a man who has not been engaged in war service for four years and whose condition is such that it does not merit his receiving a pension from the Commonwealth. Therefore his position cannot be in any way serious. His disability may not be even war-caused. We should not stretch the provision to the point of making it ludicrous.

The Chief Secretary: It must be war-caused or he could not receive Commonwealth medical treatment.

Hon. J. G. HISLOP: That is far from a true statement of the case.

The Chief Secretary: Why?

Hon. J. G. HISLOP: I have been assured on good authority that 60 per cent. of the people receiving treatment in the Hollywood hospital are being treated for conditions not arising from war-caused injuries. I was informed the other day that there are civilians who rendered service during the war years but did no war service and yet are receiving treatment at Hollywood.

Hon. Sir CHARLES LATHAM: A man who had been engaged in the Labour Battalion might be receiving medical attention. He need not have left Australia to have been in the Defence Force.

The Chief Secretary: Read the definition.

Hon. Sir CHARLES LATHAM: I have read it. My desire is to make the position more reasonable for the individual. They are throwing the responsibility on to one individual who is as much entitled to have his own home as these people are. If this right is to be given, the man receiving it should be undergoing treatment of such a nature as to prevent his either wholly or substantially engaging in his occupation. The right will be given not at the expense of the State or the Commonwealth but of some individual who may be paying for accommodation in a boarding house.

Amendment put and passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That in line 2 of the definition of "female dependant of a member" the word "partly" be struck out and the word "substantially" inserted in lieu.

I would be prepared to support a plea for consideration to be given to a female dependant of a man who is substantially supporting her; but if a man were giving his sister 5s. a week, she should not be entitled to the same consideration.

Amendment put and passed.

On motions by Hon. Sir Charles Latham, the word "partly" was struck out and the word "substantially" inserted in lieu in line 1 of paragraph (a), line 1 of paragraph (b) and line 15 of paragraph (c) of the definition of "female dependant of a discharged member"; in line 2 of the definition of "parent of a member"; and in line 2 of paragraph (a), line 2 of paragraph (b) and lines 15 and 22 of paragraph (c) of the definition of "parent of a discharged member."

Hon. C. H. SIMPSON: I move an amendment—

That a new subsection be inserted in proposed new Section 18G as follows:—

(10) Notwithstanding the provisions of subsections (3) to (8) inclusive, of this section, the Court may make an order against a protected person, or may give leave to enforce an order against a protected person (as the case may be), if the Court, after taking into consideration all the circumstances of the case, is satisfied—

(a) that the protected person has not made any or reasonable efforts to obtain other accommodation; or

(b) that the refusal by the Court to make an order, or to give leave to enforce an order (as the case may be), would cause greater hardship to the person applying for such order or leave than to the protected person.

The substance of the amendment is to allow the relative claims of the occupant of a house and the owner applying for possession to be heard before a magistrate, and the magistrate, at his discretion, to decide the matter. There may have been a misapprehension in the minds of some members in regard to the application of this Bill. Some have been under the impression

that it applies to all ex-soldier personnel, but that is not so. It protects only those who suffered some war-caused disability or those dependent on them. Ordinary soldiers are covered by the war moratorium for four years and at the end of that time have no further protection.

We are concerned now only with those pensioners or disabled persons and their dependants who are the very persons deserving protection. I am willing to admit, with those people who have stressed the hardship of owners trying to get into houses, that they have a claim in many cases worthy of consideration, and that there are soldiers in possession of houses who are sitting pat on their privileges and making no attempt to remedy their position. But there are others who have honestly tried to get a house and have so far been unsuccessful. The object of the amendment is to give a magistrate an opportunity to consider the merits of each individual case and to decide thereon.

In a general way, I think it may be said that the serving soldier faced the dangers of death, disablement or disease for 8s. a day, plus food, clothing and medical attention. But, while he was in the Services, he could make no plan for the future, as he was not in a position to say when he might be discharged. On the other hand, many civilians were working on well-paid jobs and, within reasonable limits, their time was their own. Such people could have purchased a house at a time when houses were much more reasonably priced than today and had all the opportunities denied to the serving soldier.

We have to admit that we promised these soldiers when they went away that their claims to rehabilitation would be protected when they returned. A similar Act has been placed on the statute book in New South Wales which provides that the measure shall be continued at the discretion of the Governor. That means there is no need to bring down a continuance Bill each year. In that State, a soldier has a right to build a house up to 12½ squares without getting a permit. The metropolitan area in this State has had a greatly increased population in the last few years, and we are going to admit more migrants than any other capital city. Therefore, our housing position is much more acute than in the Eastern States. If New South Wales has seen fit to continue a measure such as this for the benefit of its soldier personnel, there is all the more reason why consideration should be given to the matter here.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. SIMPSON: In speaking in support of my amendment I said we were in this position that, if we allowed houses to be released ad lib., it would be advisable that the change should take place gradually. Some soldiers do not quite realise the gravity of the position. They have not made an honest attempt to secure alternative accommodation. The amendment will bring home to them their position and will have the effect of cushioning the changeover from complete to qualified protection at a magistrate's discretion. Too sudden a change might hurt some people. The last ones we would like to hurt would be pensioners.

The R.S.L. is in agreement that soldiers as a whole are not anxious to have a blanket cover, or to adopt the view that khaki covers everything. They are satisfied that if a magistrate has the task of deciding each case on its merits the position will be all right. I am concerned about the reaction there might be in the event of a future war. The soldiers called on to fight then would like to know that their interests were safeguarded. We should also take into account the reaction of people who have freely offered their homes to the dependants of soldiers serving oversea. They will want to know their position when the war finishes. I submit the amendment because I think it is a move in the right direction.

The CHIEF SECRETARY: I do not propose to go over all the arguments we have had from time to time. The Bill was brought down as a buffer to carry on until things settled down after the sudden decision of the High Court. The amendment cuts well into the law as it existed until that decision was given, and therefore I feel I must vote against it.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

That Subsection (12) of proposed new Section 18G be struck out.

It is a cardinal rule of every Parliament that its legislation shall not be made retrospective. This provision seeks to interfere with legal and other administrative actions taken since the Commonwealth regulations were declared invalid by the High Court. The measure

should commence to operate on the day on which it receives the Royal Assent. This proposed new subsection is objectionable.

The CHIEF SECRETARY: Briefly, this means that if action has been taken against a protected person and that action is complete, that is the end of it; but if action has been taken against a protected person and it is not complete before this becomes law, then the ejectment cannot be completed. That is only reasonable and proper. In this emergency legislation the idea is to keep the law, as far as possible, in the state it was in when it became necessary to introduce the Bill.

Hon. H. K. WATSON: The Chief Secretary has clearly stated the provisions of the subsection, and that is the reason I object to it. An owner may have obtained an order but may not have completed taking full action under it. He might have incurred considerable legal expense. We should not, by legislation, override any legal process which an owner may have taken, and deny him its benefits.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 4, Title—agreed to.

Bill reported with amendments.

BILL—SUPERANNUATION, SICK, DEATH, INSURANCE, GUARANTEE AND ENDOWMENT (LOCAL GOVERNING BODIES' EMPLOYEES) FUNDS ACT AMENDMENT.

In Committee.

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

BILL—GUILDFORD OLD CEMETERY (LANDS REVESTMENT).

Second Reading.

Debate resumed from the 9th August.

HON. A. L. LOTON (South-East) [7.43]: There is not much I can say on the Bill. I understood the Chief Secretary to state when he introduced it, that the Guildford cemetery was the pioneer cemetery in this State. I think he said that in 1839—

The Chief Secretary: I said it was part of the original grant, not the first cemetery.

Hon. A. L. LOTON: A burial took place there in the year 1836.

The Chief Secretary: There was one earlier; in 1832, I think.

Hon. A. L. LOTON: It is rather confusing to keep track of the dates. The next year the same person buried another child, and a couple of years later he buried his wife. The point which arises in my mind is this: Why after all these years the Church of England should suddenly be interested in taking over the site? For many years it has been an eye-sore to those residing in the area and to people who travel past it. On several occasions fires have gone through and disfigured the graves. The fence has been completely neglected for many years, and now we see the Diocesan Trustees of the Church of England—

Hon. L. Craig: Better late than never!

Hon. A. L. LOTON: Yes, but better never late. The church, at this stage, is anxious to take control of it, and the Main Roads Department sees, in the handing over to the Church of England, an opportunity to secure a piece of ground which is necessary for the truncation of a corner on the highway. If the church has been so worried about the matter, one would have thought it would have been possible, without having the necessary legislative powers, to have done something during the many years that have elapsed. Adjoining this cemetery is a very beautiful chapel, and to see this piece of hallowed ground in a state of total neglect must have caused many people a good deal of concern. I do not know why some move has not been made in the past in order to try to rectify the mistake.

However, one does not have to go very far from Perth to see almost the same state of neglect. I refer to the old East Perth cemetery. In many instances the tombstones have fallen over, and in the past a number of the graves have been used by passers-by for the disposal of rubbish. I daresay that the Guildford cemetery has served a similar purpose, and it makes me wonder why some move along these lines has not been made before. I daresay the titles must have been mislaid or something would have been done by some body or organisation in an attempt to assume legal control. As Mr. Craig has said, however, it is better late than never. In view of the fact that the church is now prepared to assume responsibility for the maintenance of the tombstones and the cemetery, we must agree to the Bill.

HON. J. G. HISLOP (Metropolitan) [7.47]: This would not be the first occasion on which I have drawn the attention of the House to the need for something more than the control of our cemeteries. The piece of land in question is surely hallowed ground. In that piece of land lie the remains of some of our earliest pioneers. I would have preferred to see introduced into this House a measure which would have controlled the cemeteries of the past in general. It is astonishing to me the way Australians in this generation are prone to forget tradition. One has only to look at the terrible state of disrepair of the cemetery at Busselton around the little chapel to register astonishment at the attitude of people today towards those who pioneered this country.

When one goes further along that same township one sees a much earlier cemetery. It is just across the railway line and the bodies of many who came to our lands in the early days are buried there. They came from all sorts of ships and a number of them probably lost their lives at sea and were buried ashore. That piece of territory has been neglected and many of the distinguishing marks have been destroyed by fire. From inquiries that I have made, I understand that practically the only people who know the names of the people buried there are the employees of the Busselton Road Board. That authority possesses the early history and the orders of that cemetery. The same remarks could be applied to a number of our cemeteries in this State and it might have been better had the Church of England desired the right to form a body which could have cared for the cemeteries the whole State over.

It would have been better had the Historical Society been given a grant and its constitution altered so that it could have been regarded as the responsible body to care for these hallowed pieces of land. Whilst abroad in other countries, one learns to view the cemeteries which contain the remains of ancestors with much greater respect than we have learned to do here. I was impressed as I walked along the main Tremont-street in Boston, to see "Old Granary"—one of their early burial grounds—kept and revered because it contained the bodies of some of their Governors before Federation and of three of the signatories to the Declaration of Independence. That piece of ground was known to every citizen of that city.

Wherever I went, not only through America but other countries as well, I saw cemeteries built in a very different manner, and in certain places I saw cemeteries that were designed more like parks, with small tombstones. These places were really areas of beauty. Surely we can do something in the same way to preserve in a manner different from what we now adopt, the memory of those who have gone before. I want to register my protest again that it is necessary to introduce a measure just to care for one portion of land when there are so many in which we should be interested. I suggest to the Government that although we might pass this measure tonight, it should institute an inquiry into what would be the best means of preserving the cemeteries of the past.

THE CHIEF SECRETARY (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [7.52]: I want to correct one or two remarks made by Mr. Loton. The first burial in the cemetery was in 1830 and in 1831 Lieut. Heale was buried there.

Hon Sir Charles Latham: Is that the last burial?

The CHIEF SECRETARY: No. In 1882 his widow was buried and that was the last burial.

Hon. A. L. Loton: I thought his widow was buried in 1831.

The CHIEF SECRETARY: No. The lieutenant was buried a year after his two children and the widow in 1882. That was the last burial. Unfortunately there were no records of the burials for a great number of years. Many of the distinguishing marks were wooden. The intention of the Diocesan Trustees is to keep the place sacred because that body proposes to place the tombstones that are there on the site of the former church, and thus the ground will be looked after.

This difficulty has been apparent for years and there are on the file notes from Governor Broome dated as far back as 1887. The title belongs to the Church Missionary Society, an Anglican body not represented in this State. The Diocesan Trustees have been anxious to take the cemetery over and the Guildford Grammar School was desirous of having the matter finalised as far back as 1935. For many years this has been a difficult legal problem. The Bil

represents the way it has been, I trust, solved, and due respect will be paid to this hallowed piece of ground.

Hon. W. J. Mann: Will the portion being used for the truncation of the road cover any of the graves?

The CHIEF SECRETARY: No, it will not interfere with any of the graves.

Hon. Sir Charles Latham: They are pretty close to the road.

The CHIEF SECRETARY: Yes, but they are not on the road. The place will not be desecrated.

Hon. W. J. Mann: The new road will not be made over the graves there at present?

The CHIEF SECRETARY: No. It is because of the present desecration that we are so anxious to have this work carried out.

Question put and passed.

Bill read a second time.

In Committee.

Hon. G. Fraser in the Chair: the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Condition precedent to Crown grant:

Hon. J. G. HISLOP: I move an amendment—

That paragraph (i) be struck out.

The right being given to the Diocesan Trustees in paragraph (i) will certainly be questioned by a number of people. I do not think any body can approve of the right to remove these headstones and place them in some design. Surely what has been done in Bunbury, where the tombstones of the people have been moved and placed on the side of the hill, cannot be recommended as a perpetual means of caring for those old headstones. I disapprove of the taking of headstones and setting them in some design as is proposed.

Hon. H. HEARN: I support the amendment. I view with deep concern the lack of a national consciousness in the traditions of the past and what we owe to our pioneers. The Government, instead of introducing a Bill to deal with an individual cemetery, should lay down—

The CHAIRMAN: I cannot allow the hon. member to make a second reading speech.

Hon. H. HEARN: I support the amendment.

Hon. L. A. LOGAN: If we delete this portion of the Bill we will throw the rest of it out of order. If we are to put a road through and the headstones are in the way, what are we going to do about it?

Hon. W. J. Mann: The Minister just said that that would not be done.

The Honorary Minister for Agriculture: It is not proposed to do that.

Hon. J. G. HISLOP: Is the statement true, as Mr. Logan says, that headstones will have to be removed as the road will run across the cemetery?

The Honorary Minister for Agriculture: No.

Hon. J. G. HISLOP: Then Mr. Logan's argument is of no avail!

The CHIEF SECRETARY: There is some misunderstanding. Mr. Hearn suggested that the Diocesan Trustees should put the cemetery in good order, together with the headstones. Apparently he has never seen the cemetery. How could the old rusted, iron railings be restored? The whole place will look much more pleasant with its green sward and the tombstones set up in an approved fashion on the site of the old chapel, than if it were allowed to continue in its present neglected condition. About 30 bodies have already been removed from the cemetery.

Unfortunately, there are no records of them in connection with the South Guildford cemetery where they were re-interred. As a matter of fact, there is no record of the burials between 1841 and 1864 so that almost from the inception, the cemetery has been neglected. If the course suggested is adopted, the ground will be put in proper order and we shall be able to prevent the vandalism that has gone on there. The whole object of the Diocesan Trustees would be defeated if the amendment were to be agreed to.

Hon. L. CRAIG: Dr. Hislop's amendment will not have the effect he suggests. The trustees will have to enter into an agreement with the Minister that they will undertake to carry out the works set out in the clause. If we delete the paragraph suggested, the only effect will be to relieve the trustees of the responsibility to enter into an agreement with the Government.

The Honorary Minister for Agriculture: And they may do nothing at all.

Hon. L. CRAIG: That is so, but the point is that it will remove the responsibility placed upon the trustees to enter into an agreement.

Hon. J. G. HISLOP: I think the remarks by Mr. Craig are grossly misleading. The first part of the clause is complete and I register my protest against the establishment of the principle that we can take away from one of our oldest cemeteries, the tombstones that are still there and put them together in one heap.

The Chief Secretary: Not heap them together.

Hon. J. G. HISLOP: If the Minister cared to inspect the Bunbury cemetery, he would agree that no-one should regard what is done there as anything but a sorry way to deal with headstones erected to the memory of many old settlers. I shall continue to protest vigorously against doing anything of the sort. I am prepared to fight against a clause that will allow anything like that to be done.

Hon. Sir CHARLES LATHAM: I want to correct Mr. Logan on one point. There is a slight curve in the road and the intention is to widen it slightly by adding a portion of the corner of the cemetery. It is not a question of removing any bodies at all. Any interments are well back from the road.

Hon. L. A. Logan: Possibly it will mean taking 12 feet.

Hon. Sir CHARLES LATHAM: I think they could go back 20 feet before getting anywhere near a burial place. I looked over the cemetery last Sunday and I cannot see any objection to removing the headstones and re-erecting them on the site of the old church, particularly as it is consecrated ground. The inclusion of the paragraph sought to be deleted makes the position clearer. I know it is very difficult to get the churches to do anything with respect to the old burial places.

There is one such in Avon-terrace, York, and for a long time attempts have been made to have something done there. Of course, the next generation will have forgotten all about the old folk who were buried in these cemeteries. With regard to the one I have in mind, it is 67 years ago since the last interment took place there. As a matter of fact, there are no remains there now, unless some of the bodies were embalmed. When I was Minister for Health I was informed officially that remains last only 20 years in the ground.

Hon. J. G. Hislop: But tradition remains!

Hon. Sir CHARLES LATHAM: Yes and some of those who are buried there are old pioneers for whose work in the past we have every reason to be thankful.

Hon. W. J. MANN: The point that concerns me is whether any portion of the land to be taken from the cemetery site was ever used for burials. If not, then my mind is at rest. I certainly would not vote for any proposal, the effect of which would be to interfere with the ground where interments had taken place. Reference has been made to the Bunbury cemetery and I agree that we are not proud of what was done there. The tombstones were simply removed and laid against a wall on the hillside.

Hon. Sir Charles Latham: It was a very cheap way of disposing of them.

Hon. W. J. MANN: A very poor way indeed. In this instance if the Diocesan Trustees guarantee that they will deal with the matter in a proper manner and look after the place for all time, not much can be said against the proposition. If some such action were not taken, ultimately the tombstones would weather away and the position would be worse than it is today. I think Dr. Hislop was rather misinformed regarding the position at Busselton. The second of the old cemeteries which is across the railway line, was closed years ago. The third is some miles out of the town. I certainly do not think there is much neglect with regard to the cemetery attached to the Busselton church.

The CHAIRMAN: I have been very lenient in allowing members to deal with matters not covered at all by the Bill. They have referred to cemeteries at Bunbury, Busselton and elsewhere, which have nothing whatever to do with the Bill. I ask members to confine themselves to the clause.

Hon. E. M. HEENAN: I agree with the Minister that we can very well leave the matter in the hands of the Diocesan Trustees who will do their best to pay due honour to the memory of the old pioneers. It will be remembered that there are parts of Western Australia other than those mentioned where the same trouble arises. I refer particularly to the Goldfields where there are countless old cemeteries in towns that are themselves now only memories

It would be a difficult proposition to maintain those cemeteries in the way some people would desire.

Hon. H. Hearn: Is this a second reading speech?

Hon. E. M. HEENAN: That is a rude and most uncalled for interjection! It may be said that the best memorial to the old pioneers of the Goldfields is the State of Western Australia as it is today.

The CHIEF SECRETARY: I desire to correct a statement I made earlier when I said that the last burial recorded was in 1882. I find that records show that burials took place there from 1864 to 1912 so that it would appear that the most recent burial was in the last mentioned year. Members can see the form the memorial will take in the sketch plan I have displayed. The tombstones will be set in cruciform shape and the wooden memorials will be cement-washed before being inset in cement. Thus they will remain in position as long as cement will last. So far as I can see, the truncation will mean the removal of a cape lilac tree on the corner, and it will not go back any distance. I am informed—I will not guarantee this—that it will not pass over any grave.

Hon. J. G. HISLOP: I would reiterate that I do not want to see the principle established in any Bill that the way to care for cemeteries is to take up monuments and headstones and put them elsewhere.

Amendment put and negatived.

Clause put and passed.

Clause 6, Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 8.18 p.m.

Legislative Assembly.

Tuesday, 16th August, 1949.

CONTENTS.

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

QUESTIONS.

HOUSING.

As to Applications for Rental Homes.

Hon. J. B. SLEEMAN asked the Minister for Housing:

How many applications have been received by the State Housing Commission for tenancy homes from—

(1) two-unit families;
(2) three-unit families;
(3) four-unit families;
(4) over four-unit families;
(5) evicted persons;
(6) for McNess Homes?

The MINISTER FOR LANDS (for the Minister for Housing) replied:

(1) and (2) Applications current at the 31st July, 1949, from two- and three-unit families —3,802. (Separate information for two- and three-unit families not available.)