The MINISTER FOR LABOUR: With Cabinet's approval, very likely I should multiply all the lump sum compensation figures by three. However, what we have tried to do is to bring down a Bill so that there will be a favourable comparison between our rates and those operating in the Eastern States. If members care to examine the figures applying in the other States with those payable in this State, they must agree that there is ample room for improvement to bring our rates into line with those that are paid in other parts of the Commonwealth. At this stage I would like to point out that I intend to place on the notice paper an amendment in regard to funeral expenses. I should have really included a reasonable increase in regard to funeral expenses, but I will take the opportunity of doing that in the Committee stage.

Hon. A. V. R. Abbott: Before you sit down, would you tell us if this deals with natives at all?

The MINISTER FOR LABOUR: I am very pleased that the member for Mt. Lawley has raised that. The impression has gained ground that the Workers' Compensation Act does not apply to natives. That is entirely wrong. The member for Mt. Lawley is a highly qualified legal practitioner, and if he reads the definition of "worker" in the Workers' Compensation Act he will find there is no restriction relating to natives or any other section of the community.

The determining factor is the annual rate of remuneration, which is £1,250. A worker is a person receiving not more than £1,250 a year; it is, briefly, where an employer-employee relationship applies. Under the Native Administration Act which I am not entitled to discuss, there is a restrictive provision that employers who employ natives, that is full-bloods or half-bloods of less than 21 years of age and employ them on a permit and pay into a medical fund, shall not be entitled to liability under the Workers' Compensation Act. I direct the hon. member's attention to the fact that there is a provision in the Native Welfare Bill to eliminate that outmoded idea. I move—

> That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

House adjourned at 10.52 p.m.

Legislative Council

Wednesday, 29th September, 1954.

CONTENTS.

	Page.
Questions : Trade unionists, as to number registered	1884
Agriculture Estimates, as to unexpended amounts	1884
Albany harbour works, as to transfer of personnel and gear	1885
War service land settlement, as to new leases	1885
Wundowie iron, as to grades and prices	1885
Swan Districts Hospital, as to parliamentarians invited to opening	1886
Bills : Police Act Amendment (No. 2), 3r., passed	1886
Administration Act Amendment, 2r.	1886
Health Act Amendment (No. 1), 2r.	1887
Government Employees (Promotions Appeal Board) Act Amendment, 1r.	1888
Local Courts Act Amendment, 2r.	1888
Factories and Shops Act Amendment, Assembly's message	1889
Jury Act Amendment, Assembly's request for conference	1890

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

QUESTIONS.

TRADE UNIONISTS.

As to Number Registered.

Hon. A. F. GRIFFITH asked the Chief Secretary:

How many trade unionists are registered in—

(a) the metropolitan area;
(b) the country;
(c) the Goldfields?

The CHIEF SECRETARY replied:

At the 30th June, 1954, there were 88,823 trade unionists registered for the State. Separate figures for the areas referred to are not kept.

AGRICULTURE ESTIMATES.

As to Unexpended Amounts.

Hon. C. H. HENNING asked the Minister for the North-West:

Re Item 3, page 74—Minister for Lands and Agriculture—Estimates of revenue and expenditure for the year ending the 30th June, 1955—

> What was the detail of expenditure provided for in the 1953-54 Estimates that was not carried out, in part or in full?

The MINISTER replied:

In addition to the £96,904 shown in the printed Estimates as actual expenditure in 1953-54 under Division No. 37, Item 3,

Research Stations, the sum of £45,740 was also spent on research stations in the North-West, i.e. Gascoyne, Abydos, Woodstock, and Kimberley. Last year this provision was included in the Estimate for Item 3, but this year it has been transferred to Division No. 55, Item 3.

The difference between the Estimate for 1953-54 and the actual expenditure was therefore £25,758. The principal items on which the full sum provided was not expended, and the details thereof were:—

	Estimate £	Actual £
Wages	60,536	51,668
Livestock	15,311	7,942
Plant and machinery	17,847	11,402
Water supply and irrigation	10,301	3,924
Electric light plant	5,400	349

Some excess over the estimated expenditure also occurred in some items, e.g.—

	Estimate £	Actual £
Repairs	7,170	10,150
Buildings	1,800	6,876

ALBANY HARBOUR WORKS.

As to Transfer of Personnel and Gear.

Hon. J. McI. THOMSON asked the Minister for the North-West:

(1) What personnel have been transferred from the Albany harbour works in recent weeks, and to where have they been transferred?

(2) What qualifications do these personnel hold?

(3) What plant and gear has been removed from these works and to where has it been transferred?

(4) Is it the intention to transfer any more qualified men or any further plant from these works?

(5) What has been the cost involved in transporting from these works?

(a) personnel;

(b) plant and gear;

(6) Is it the intention of the Government to bring these personnel, plant and gear back to Albany?

(7) If so, when is this likely to take place?

(8) Has the cost of this transfer of personnel and equipment been charged against the Albany harbour project and will the cost of returning the same be a further charge against this work?

The MINISTER replied:

(1) During September, eight men have been transferred to P.W.D. Water Supply in Albany and one man to P.W.D. Housing, Albany.

(2) Of the personnel transferred, one was a carpenter and eight were general labourers.

(3) The major items of plant transferred are:—

1 pile driving winch to Fremantle harbour works

1 portable compressor to Bunbury power station;

1 rail turntable to Bunbury power station;

2 concrete mixers to East Perth depot.

(4) This cannot be obviated.

(5) Cost of transferring personnel has been nil. Cost of transferring plant and gear has been £268.

(6) The carrying out of further harbour works in Albany in the future would involve the return of the pile driving winch.

(7) As soon as practicable.

(8) Part of the cost of transfer of the equipment has been borne by the Albany harbour works and the remainder by other works receiving the equipment. If the pile driving winch is returned to Albany the charge will not be against the Albany harbour project.

WAR SERVICE LAND SETTLEMENT.

As to New Leases.

Hon. N. E. BAXTER asked the Chief Secretary:

(1) Have the new lease instruments for war service land settlement been drawn up?

(2) If the answer is "Yes," would the Minister table a copy in the House?

The CHIEF SECRETARY replied:

(1) No.

(2) Answered by No. (1).

WUNDOWIE IRON.

As to Grades and Prices.

Hon. L. C. DIVER asked the Chief Secretary:

Will the Chief Secretary furnish this House with the following information regarding iron produced at Wundowie:—

(1) How many grades are produced?

(2) What price per ton is charged for each grade to the following:—

(a) The State Engineering Works;

(b) private industry;

(c) export to other markets?

The CHIEF SECRETARY replied:

(1) Six foundry grades, three special grades, and other grades to suit customers' special requirements.

(2) (a) and (b):—

Foundry grades—

	£	s.	d.
White iron	19	12	6
Chilling	19	12	6
Standard 1	19	12	6
Standard 2	19	12	6
Standard 3	19	12	6
Foundry 2	20	12	6
Special high silicon—			
Foundry 8	23	5	0
Wundowie special 1	24	5	0
Wundowie special 2	25	5	0

(c) This is confidential competitive trading information.

SWAN DISTRICTS HOSPITAL.

As to Parliamentarians Invited to Opening.

Hon. A. F. GRIFFITH asked the Chief Secretary:

Will the Minister submit to the House the names of those members of Parliament who were invited to attend the opening of the new midwifery hospital at Midland Junction known as the Swan Districts Hospital, on Wednesday, the 22nd September, 1954?

The CHIEF SECRETARY replied:

The Council members for the district in which the hospital is situated, i.e.—Hon. N. E. Baxter, M.L.C.; Hon. L. C. Diver, M.L.C.; Hon. Sir Charles Latham, M.L.C. Assembly members—Mr. J. J. Brady, M.L.A.; Hon. L. Thorn, M.L.A.; Mr. R. C. Owen, M.L.A.; Mr. J. Hegney, M.L.A.; Hon. Dame Florence Cardell-Oliver, M.L.A.; Mr. H. D. Andrew, M.L.A. The last-named was by personal application.

BILL—POLICE ACT AMENDMENT (No. 2).

Read a third time and *passed.*

BILL—ADMINISTRATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 21st September.

HON. H. K. WATSON (Metropolitan) [4.42]: This is a Bill to amend the Administration Act and, in particular, Section 18 of the principal Act. That section provides that, apart from any direction contained in the will, no real estate of which administration has been granted shall be leased for a longer term than three years, or sold or mortgaged without the written consent of the persons beneficially interested, or an order of the court.

In practice it has been found that this prohibition is rather irksome so far as administrators are concerned. There might be beneficiaries in the four corners of the world, and yet their consent has to be obtained before any real estate may be sold. The alternative is to obtain an order of the court, and this not infrequently is an expensive proposition. I understand that even for an uncontested order, the costs are in the vicinity of 15 guineas; and, if the order is contested, the costs could easily be £100 or more. This Bill is designed to ease the disability of an administrator under Section 18 of the principal Act.

As I read the Bill, however, I am afraid that its benefits would be more apparent than real. For example, it merely proposes that the existing provisions of the Act shall be modified, and that an administrator may sell without the consent of the court or without the consent of the beneficiaries in the case mentioned in the Bill, this being where the freehold property is of less value that £500 in an estate the gross value of which is less than £2,000. That is a pretty restrictive franchise having regard to present-day values. A trustee may exercise his powers under this proposal only if the gross value of the estate is less than £2,000, and the real estate comprised therein is of a value of less than £500.

Those who have any idea of real estate values know that there are not too many blocks of vacant land of less value than £500, and I should think there are not many estates which are of less value than £2,000. I suggest that, if this easing of Section 18 is to be of any real worth at all, the value of the land and the gross value of the estate should be increased—the real estate to a value of £2,000 in an estate of a gross value not exceeding £5,000. Those should be the minimum requirements. Even then this exemption and power granted to an administrator is still subject to the qualification that, if a majority of persons who are resident within the jurisdiction and are entitled to the distribution of the real estate request that it be held in accordance with the provisions of Section 13 of the Act, the administrator is denied the right of disposal.

There is one point on which the Chief Secretary should enlighten us when he replies. If the beneficiaries wish to stop the administrator from selling, if they want him to hold the land in accordance with Section 13 of the Act, how do they proceed? Do they proceed simply by sending a formal letter to him and taking no further action, or must they make application for a court order? I think we should be very clear upon that point—just how any dissenting beneficiary is to express and exercise his dissent and his requirement for the administrator not to sell the land.

Another point on which the Chief Secretary might inform us is this: Quite apart from the provisions of the Act, members may be aware that the Commissioner of Titles, in the ordinary exercise of his duty

under the Transfer of Land Act, rightly or wrongly exercises quite a personal and particular interest in any transfer of land held by a trust estate; and in any such case the Commissioner of Titles almost invariably requires the production of the trust document so that he may sight it, and obtains from the trustees a declaration that there is no breach of trust, or any other irregularity, quite apart from the formalities under the Transfer of Land Act in connection with the transfer.

I would therefore point out that although the Administration Act gives an administrator power to sell without the consent of the beneficiaries, the whole object of that section can be nullified if the Commissioner of Titles does as he does today, and simply calls upon the administrator—when the transfer is presented to the Titles Office—to produce proof that none of the beneficiaries has objected to the sale; because if the Commissioner of Titles calls upon the administrator to produce such proof, the administrator cannot make a declaration that no one has objected unless he, in turn, seeks out all the beneficiaries and obtains their consent. Of course, that would leave him in the same position as that in which he finds himself today; and so I think we should have from the Chief Secretary an assurance that, if the Bill is passed, the Commissioner of Titles, in the exercise of his duties under the Transfer of Land Act, will accept the transfer without any further question to the administrator as to whether he has or has not obtained the consent of the beneficiaries under the estate.

In connection with the principle of Section 18 of the Administration Act, and the activities of the Commissioner of Titles as I have been discussing them, there is always this point which strikes me as peculiar in regard to the administration of estates: Under this Act we say—also under the Bill—that an administrator cannot sell land of a gross value of £500 without the consent of the court; yet if the estate happened to consist of shares in a company—which, in its turn, held £100,000 worth of land—the administrator, who might hold 100,000 shares, is not prohibited from selling them. It is difficult always for me to understand why a transfer of land should be hedged in with so many qualifications and obstacles. That is the principal point in the Bill.

A further matter deals with the provision for the bond which an administrator takes out as a guarantee that he will faithfully administer and collect the estate. It would appear that, as a technical proposition, the bond applies to him only while he is an executor, as distinct from a trustee. The question of when a person ceases to be an executor and becomes a trustee has always been one of great nicety.

One learned judge said that the change generally took place at dead of night, and that apparently sums up the position. Generally speaking, the executor is an executor simpliciter during the first 12 months, while he is getting in the estate and paying off the debts and duties. After he has done that, he really becomes the trustee; and this measure proposes to make it clear that the bond is required as a guarantee to cover the person administering the estate, not merely while he is an executor or administrator, but also while he is a trustee; in other words, not merely while he is getting in the estate, but also as a guarantee that he will faithfully distribute it.

The only remaining point in the Bill makes it clear that the judges of the Supreme Court may vary the rules, both those in the schedule to the Act and those of the court, in a manner which in their opinion is necessary for the efficient working of the Administration Act. Subject to the remarks I have made, I support the Bill.

On motion by Hon. E. M. Heenan, debate adjourned.

BILL—HEALTH ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the 21st September.

HON. H. HEARN (Metropolitan) [4.55]: Subject to certain amendments which have been outlined—some on the notice paper and others by members during the debate —I support this Bill. One phase of its operation, however, does affect industry in this State; and to that end I have placed on the notice paper an amendment which I propose to move when the Bill is in Committee. At that stage I will move to delete Clause 13 which proposes to add a new section, 362A; and I feel that that should be done because of the period suggested by that clause. When the time comes for the Bill to be dealt with in Committee, I will give members my views on that and the reasons why I think the clause should be struck out. In the meantime I support the second reading.

HON. R. J. BOYLEN (South-East) [4.57]: I support the Bill, as I think most of its clauses are sound—especially those dealing with the inspectors, sanitary sites for caravans, and so on—but the most important of them is that affecting food and drugs. As has been explained, it is already an offence to sell unwholesome food, and this measure proposes to make it an offence to stock unwholesome food. There are a great many store-keepers who are conscientious; but perhaps others are not; and with modern refrigeration, it is easy to store unwholesome foods and difficult to detect that they are unwholesome until the purchaser has bought them and taken them home.

The same applies to drugs. With the passing recently of the Commonwealth pharmaceutical legislation, many drugs, as members know, are now supplied to the public free, and one of the results of this has been that a number of backyard factories for the manufacture of drugs have come into existence. It is high time provision was made to ensure that only drugs of high quality are put on the market. For those reasons I support the Bill.

On motion by Hon. A. F. Griffith, debate adjourned.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.0] in moving the second reading said: This Bill has as its aim the desire to assist litigants and to reduce expendture caused by court actions. I think that aim ought to be well received by the House.

Hon. H. Hearn: It sounds all right.

The CHIEF SECRETARY: I hope the cooked article is as attractive as it sounds. If agreed to, it will facilitate the procedure of Local Courts and will be of considerable aid to those persons who become involved in legal matters. The proposals in the Bill have been considered by judges of the Supreme Court, who have given them their approval.

The most important proposal is to increase the jurisdiction of the Local Courts in regard to personal actions. At present, where the amount in dispute is £100 or less, the case is heard by a magistrate. This maximum has aplied since 1904, and now has no application to modern money values. In 1930 the Act was amended to enable a magistrate also to hear a case where from £100 to £250 is involved, if both parties to the dispute agree to the case being tried in a local court instead of the Supreme Court. In all other cases the matter has to go before the Supreme Court.

Over a period of years the experience of the court has been that the necessity to obtain the agreement of both parties to cases being heard in the Local Court has proved to be more of a hindrance than a safeguard. It is a fact that Local Court magistrates now are more highly qualified in knowledge of law than were their predecessors in 1904 or in 1930, and for this reason alone it is considered that the suggested increased jurisdiction can safely be given to them.

Furthermore, distances in Western Australia are so great that, in the interests of cheap and expeditious litigation, it is desirable to give to Local Courts, particularly those in country districts, as wide a jurisdiction as possible. The same principles of law and the same difficulties in ascertaining facts are usually involved in a claim of £250 as in a claim of £500. As long as magistrates decide questions of fact, any errors that may be made on questions of law can be corrected on appeal.

It is also desirable to relieve the judges of cases involving relatively small sums. The work of the Supreme Court is likely to increase in the future with the growth of the State, and the accommodation and facilities of the court are already fully taxed. The principal Act was amended last year to provide that the jurisdiction of Local Courts in actions for the recovery of possession of land should be increased from land with a rental of £100 to land with a rental of £500.

Hon. H. K. Watson: These provisions really should have been contained in that Bill.

The CHIEF SECRETARY: Yes. I think they should have been co-ordinated, at any rate. For this reason and those that I have given, this Bill proposes to increase the jurisdiction in personal actions to £500. For the information of members I would state that in New Zealand the jurisdiction of magistrates' courts is £500. In New South Wales the district courts have jurisdiction up to £1,000, this having been increased from £400 in 1949. The Local Court in South Australia has jurisdiction up to £750. In Queensland, magistrates' courts have jurisdiction to £200, this figure having not been altered since 1921.

It will be noted that the Bill provides that, if it is agreed to, it will come into operation on a date to be fixed by proclamation. The reason for this is that, if it is passed, it will be necessary, in view of the increased jurisdiction, to amend the various rules of the court, the forms, etc., and possibly to provide for additional accommodation.

As I said when commencing my speech, the object of the Bill is to simplify procedure and reduce the cost of litigation. In an effort to bring this about, one amendment provides that the plaintiff, when he requires particulars in writing of the defence from the defendant, may apply in the first instance direct to the defendant instead of to the magistrate. If the defendant fails to supply the particulars, an order can be made through the magistrate.

A further amendment provides that a confession or admission of liability may be witnessed by a commissioner for declarations, a member of the Commonwealth or State Parliament, and other persons referred to in the Bill. This will

make it more convenient for defendants who desire to confess their liability and save additional costs. At present the Act provides that these statements must be made before the clerk of the court, a solicitor or a justice of the peace.

It is also provided that where the time required by a summons for giving notice of preference has expired, and notice has not been given, any written admission addressed to the court, or magistrate, or clerk of the court, by a defendant, even though not witnessed by one of the persons specified in the Act, may be accepted by the court as an admission of liability.

In regard to documents, the principal Act provides that any party to an action must apply to a magistrate for an order requiring the other party to state on affidavit what relevant documents the other party has. The Bill proposes to simplify this procedure and to bring it in accord with the practice in the Supreme Court whereby a party to an action may make a direct request to the other party for discovery of documents. If the party requested refuses or neglects to comply with the request, the magistrate may then order that the discovery be made and that the party in default shall bear the costs of the order. This will have the effect of expediting and simplifying legal proceedings and making them less expensive.

A further amendment relates to costs in any action brought in the Supreme Court which could have been commenced in a Local Court. The present provision in the principal Act is mandatory and provides that costs shall be awarded in accordance with the Local Court scale of costs. It is considered that this is too rigid, and it is proposed to repeal and re-enact the provisions.

The amendment would enable the judge hearing the case to award costs in accordance with the Supreme Court scale if, by reason of some important principle of law being involved, or of the complexity of the issues or of the facts, the action was properly brought in the Supreme Court. There may be cases involving fraud or other difficult matters which might properly be heard in the Supreme Court, notwithstanding the comparatively small amount involved.

It should be noted that the amendments proposed do not prevent a plaintiff starting an action in the Supreme Court where the amount involved is under £500. However, if he does so, and is successful, he runs the risk of recovering no greater a sum by way of costs than he would have recovered had the action been brought in the Local Court. Nevertheless, as I have already said, there may be cases where, although the amount involved is not great, the issues at stake are complex or involved. If the action is commenced in the Supreme Court, the judge has power to award costs to a successful plaintiff in such action, on the Supreme Court scale of costs.

There are a few smaller amendments of a complementary or consequential nature, as well as several designed to bring the Act up to date or remove redundancies, etc. These can be explained in Committee, if any member so desires. I move—

> That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had disagreed to the amendment made by the Council now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 2. Page 2—Delete all words and figures after the word "for" in line 24 down to and including the figure "6" in line 26 and substitute the following:—"every additional ten persons employed .... 1 0 0"

The CHAIRMAN: The Assembly's reasons for disagreeing are—

> It is considered that the provisions of the Bill as drafted are fair and reasonable. The fees provided for are not in excess of those operating in other States.

The CHIEF SECRETARY: I move—

> That the amendment be not insisted on.

This amendment dealt with a reduction of the fee from 2s. 6d. to 2s.

Hon. H. Hearn: That was not the motive behind the amendment.

The CHIEF SECRETARY: I know it was not. At the time, I accepted the hon. member's amendment; but it has now been returned from another place, and I do not think it is worth while arguing about it. There is only a difference of 5s. on the 10 persons involved. I thought it would be much better and easier for the department to work on the basis that we agreed upon, but I do not think it is necessary for us to insist on the amendment.

Hon. H. HEARN: I hope the Committee will insist on the amendment. I am staggered by the fact that this amendment should be returned. The Chief Secretary was quite right when he said that he accepted it. In the first place, despite the feelings of many members, we accepted the fact that the fees in this State have

risen, from the lowest in the Commonwealth to the second highest. It was said that this was inevitable because of the increase in administration costs. Therefore, we agreed that we would not cheesepare in any shape or form. This Chamber accepted the amendment on the basis that it would prove to be of assistance both from the department's point of view and that of the individual employer. Instead of heads having to be counted we agreed to provide for a tolerance of 10.

From a monetary point of view it is not clear whether the employers would be better off under this arrangement than under the existing provision in the Act. However, for the convenience of smooth working between factory inspectors and industry, this amendment was agreed to. It was inserted with the concurrence of the Chief Secretary and a majority of members. Bearing in mind that we were most generous in our attitude towards the Bill, and that we want this amendment for smooth working, I consider that the Committee should insist on it.

Hon. N. E. BAXTER: I trust that the Committee will insist on the amendment. If I remember correctly, it was on this measure that the Chief Secretary took to me drastically, and accused me of being very narrow-minded. Yet another place has gone to the limit in regard to a minor adjustment that will assist industry in compiling the fees they have to pay the department. It rather staggers me that after I was accused of being so narrow-minded that I could look through a keyhole with two eyes, this amendment should come back from another place, which has a much narrower view than I displayed. I was prepared to go further, and my view was a little broader than that expressed by another place, with the poor excuse that it gave.

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

Ayes	11
Noes	15
Majority against	4

Ayes.

Hon. C. W. D. Barker	Hon. R. F. Hutchison
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. R. J. Boylen
Hon. E. M. Heenan	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. A. F. Griffith
Hon. A. R. Jones	(Teller.)

Pair.

Aye.	No.
Hon. W. F. Willesee	Hon. Sir Chas. Latham

Question thus negatived; the Council's amendment insisted on.

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

BILL—JURY ACT AMENDMENT.

Assembly's Request for Conference.

Message from the Assembly requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers now considered.

The CHIEF SECRETARY: I move—

> That the Assembly's request for a conference be agreed to.

Hon. J. G. HISLOP: It seems ludicrous to agree to a conference on this Bill; because, from the temper of the House, there are only two points at stake. I am not prepared to give way in the slightest in the matter, and I think there must be many others who voted in the same manner and are not prepared to give way. To go into a conference with the spirit that there is nothing on which to compromise seems to me to be ludicrous. I for one raise a protest against conferences of this type between the two Houses when there are fixed opinions on both sides. If there were something around which a compromise could be reached, I would certainly agree to a conference. But we have emphatically stated that we agree to the age being 30 and that women should write in.

Hon. E. M. Heenan: How emphatically?

Hon. J. G. HISLOP: To the extent that it was repeated in this House twice.

Hon. E. M. Heenan: It was fifty-fifty.

Hon. J. G. HISLOP: I intend to vote against the motion.

Hon. J. MURRAY: I find myself in complete agreement with Dr. Hislop. We have shown ourselves to be in perfect accord with the principle of giving women the right sit on juries. From what has occurred in another place, it is obvious that while the Government brought down this measure, it is not very keen about it, and is not particular whether it goes out of the window or not. Otherwise it would not have insisted on the age being put back, but would have allowed the Bill to go through with the amendments that were carried in this House with some force. I join with Dr. Hislop in opposing any attempt to hold a conference on this matter.

Hon. E. M. HEENAN: Last night we spent a good deal of time on our Standing Orders, and those Standing Orders provide for just such a situation as this. I hope the day will never come when we adopt the attitude of saying in a downright manner, "There it is; no compromise!" That spirit is too prevalent in the world today, and leads to a lot of trouble.

Hon. J. Murray: You prefer legislation by six members?

Hon. E. M. HEENAN: I cannot see that this House would be giving anything away by entering into a conference. If it is possible for this Bill to be saved, and for something to be achieved, surely we should use every means to bring that about. I repeat that there are uncompromising forces in the world today; and if everybody adopts the attitude of "You are utterly wrong and we are 100 per cent. right," the future will not be very rosy. Surely we have three men who can interpret the wishes of this place and assist a conclusion to be reached that will do credit to both sides. I do not say that one side is 100 per cent. correct, and that the other is 100 per cent. wrong. But on the issue on which we failed to agree provided an even division, and that does not throw the balance of opinion one way or the other. I hope the Committee will accept this last effort to do something with this contentious measure.

Hon. H. K. WATSON: If the House agreed to a conference of managers, the managers would attend the conference on the basis that if the question at issue were one on which a compromise was possible, or if there were half a dozen issues in respect of which there could be a compromise on one or two, well and good. One would be prepared in those circumstances to consider the question of compromise. Alternatively, if it were felt that the point at issue was such that there was no room for compromise but that, by a conference, the managers of another place could be convinced that the views held by the opposite side were unassailable, that would be another method of approach.

But I find myself in agreement with the views expressed by Dr. Hislop—namely, that in this instance there is nothing to argue about, and that the limit with which our managers would attend a conference would be the hope of convincing the managers of another place as to the reasonableness of the view we have taken and the amendments we have made. I found myself in such a position on one occasion.

I also found myself criticised by a Minister from another place who said, "If you have only come here to convince us of your views and that the Legislative Council is right, you are wasting your time and ours. Why did you not do the right thing and say, 'We have arrived at our decision. There is no room for compromise'? Why did you not refuse our request instead of bringing us here on false pretences?" That being so, I feel we should not agree to this request; because, if it is agreed to, it may well be that members in another place, or some of them, will be under the misapprehension that we are going to the conference in an endeavour to modify the decisions we have made. I agree with Dr. Hislop on these two points: one, that there is really no room for varying the decisions which have been made; and, two, that the best we could hope for would be to convince the members of another place that in all the circumstances, our view were the proper ones to be adopted. I oppose the motion.

The CHIEF SECRETARY: I am going to ask you, Sir, whether I am entitled to speak at this stage without closing the debate, because I merely formally moved the motion.

The PRESIDENT: Very well.

The CHIEF SECRETARY: Thank you. When a request for a conference comes from another place, it is only common courtesy that we grant it. I do not ever recollect that in the whole of my 26 years in this Chamber, the Council has taken up the attitude that it would not even confer with the Assembly.

Hon. H. K. Watson: You refused to go on a conference a couple of years ago.

The CHIEF SECRETARY: That may be so, but I did not vote against the House agreeing to a conference. When we sum up the position from the point of view of the Legislative Council, there could not be a worse time to take this stand. I could understand this action if there had been a two-to-one or three-to-one vote against these amendments. But what are the facts? On one of the amendments the House was even.

Hon. H. K. Watson: It was not even on the amendment.

The CHIEF SECRETARY: It was only because of the actual provision in the Bill that those who are opposing the conference were successful in the vote. If the positions in the House had been reversed, they would have lost. The House was so evenly divided that it was only the luck of the draw that gave the decision against what was provided in the Bill.

Hon. J. Murray: The Chairman of Committees—

The CHIEF SECRETARY: That does not matter. The electors of his electorate are not to be disfranchised because he is Chairman of Committees. He has a perfect right to vote, just the same as have members who are on the floor of the House. He has only a deliberative vote, and not a casting vote; and he is entitled to use it. The circumstances are all against members on this occasion, because there was a majority in one division of one vote, from memory; and in the other, the voting was even.

I am surprised at Mr. Watson for saying that the only reason we should go to the conference is to convince the Assembly that our view is the correct one. What a bad spirit in which to go to a conference! To hold the view that "We are right and you are wrong; and if you do not agree with us, out it goes!" is not

right; and such an idea should not be held by those participating in a conference. We go to a conference to exchange the viewpoint of this House with that of another place; and the six reasonable men at the conference arrive at some understanding, if it is at all possible.

I would like members to take these points of view into consideration: firstly that the vote was equal on one amendment, and there was a majority of one on the other; and, secondly, that we should go into a conference with an open mind and without prejudice, and without assuming a stand-and-deliver attitude.

Hon. C. H. SIMPSON: I was not favourably disposed towards the Bill, and I opposed it on the second reading. Feeling, however, from the speeches of members on this side of the House that some were prepared to accept the Bill but in an amended form, I put a few amendments on the notice paper, some of which were accepted; and the Bill, as amended, was returned to another place. That Chamber has refused to accept the amendments, and has now asked for a conference.

While I would be perfectly happy, in regard to my initial reactions, to see the Bill lost, I do think there is a principle at stake. We have, for better or for worse, embodied in our Constitution and the Standing Orders of both Houses, machinery providing that points at issue between the Houses shall be resolved by a conference. I think it would be a backward step to refuse the request for a conference. I am disappointed that another place did not accept our amendments, because I think they were reasonable. It has not done so, but has asked for a conference, at which I think we should put forward our views and thrash out the whole matter. Because of the principle at stake, I support the motion of the Chief Secretary that we agree to a conference.

Hon. A. F. GRIFFITH: A principle is involved in connection with requests for conferences. But I say to the Chief Secretary that an examination of the "Hansard" reports of this and other sessions shows that legislation that comes to us from another place, passes—in the main—on party lines, with a majority of one vote. The Minister suggested that we were not very persuasive about this Bill, but I submit that the legislation that we receive from another place is never very persuasive, because it comes here as a result of that fine margin of one vote.

Hon. R. J. Boylen: Would not the point about the one vote apply here?

Hon. A. F. GRIFFITH: Sometimes it does; and in this particular case one amendment was carried by the deliberative vote of the Chairman.

Hon. H. K. Watson: Not the amendments; they were carried by two or three.

Hon. A. F. GRIFFITH: I am referring to the consideration of them when the message came from another place. With all due respect to Mr. Hall, I think that in that particular instance he was in a good position to count the number of members who had moved to the right before he voted. I do not think there is much to say that there was deliberative persuasion there one way or another.

I do not believe that the Government members of another place are at all keen on the Bill, but I think it is politically significant that they should be keen about it, so that at a later stage the Government may be able to say that the Council tossed out, or chucked out, the Jury Bill and deprived women of the right of acting on juries. That will be the position without any doubt at all. To obviate that misrepresentation; a conference should be agreed to. It is interesting to see in "Hansard" that when a matter concerning very greatly the Minister for the North-West and his colleagues of the North Province came before the House—a motion seeking Commonwealth financial assistance to develop the North-West—certain members—

The PRESIDENT: Order! The hon. member must not refer to debates that have taken place in the current session of Parliament.

Hon. A. F. GRIFFITH: I apologise. For the reasons I have mentioned, and because of the principle attaching to the matter, I think we should agree to the conference.

Hon. F. R. H. LAVERY: I support Mr. Simpson in his remarks, because I think they are entirely correct. When both Houses fail to agree on a Bill, but there is a possibility of saving it, the Constitution provides for the holding of a conference. Therefore the words used by Mr. Simpson convey my thoughts.

Hon. J. McI. THOMSON: If the House refuses to agree to the conference, it will be establishing a very bad precedent indeed. I, therefore, am not prepared to support the move to refuse the conference that has been requested by another place. I clearly indicated my views on the Bill when speaking on the second reading, and I have recorded my votes throughout the various stages. I do think, however, that when a request is made for a conference between the two Houses, it should be acceded to. I agree that there is the difficulty that has been pointed out by Mr. Watson, but there is something more at stake—a principle—and because of that principle, I support the request for a conference.

Hon. E. M. DAVIES: I regret that Mr. Griffith has seen fit to introduce the political aspect into this question. The Constitution provides that there shall be a two-House Parliament in this State; and the Standing Orders lay down that when there

is a disagreement between the Houses, a conference can be held with a view to finding a solution of the problem, or perhaps a compromise. Notwithstanding what our opinions might be, this is not a question of a difference of opinion between individuals, but a difference of opinion between two Houses of Parliament. In the interests of justice and the people whom we represent, it would be unwise, as the Constitution and the Standing Orders provide for a conference, for us to refuse one. If a conference is held, at least it can be said that some action was taken in that way to arrive at a solution. I hope the House will not refuse to meet the Legislative Assembly in conference.

The CHIEF SECRETARY (in reply): I regret that Mr. Griffith has cast reflections on the honesty of members of another place in regard to their voting.

Hon. A. F. Griffith: I did not do anything of the kind. How can you say that I reflected on them?

Hon. H. Hearn: He said it was a majority of one; that is all.

The CHIEF SECRETARY: If he had said that, it would have been all right.

Hon. A. F. Griffith: I said that in the main all the legislation that we get has been passed on party lines, with a majority of one vote.

The CHIEF SECRETARY: I do not take exception to that. I take exception to the hon. member saying that a lot of members of this party would like to see the Bill thrown out. That casts a doubt on their honesty in the way they have voted on this Bill.

Hon. A. F. Griffith: In that case, I beg your pardon.

The CHIEF SECRETARY: I regret that the hon. member said that.

Hon. A. F. Griffith: That is what I felt about it.

Hon. A. R. Jones: "If the cap fits . . . ."

The CHIEF SECRETARY: One must count half a dozen before one says anything here. Things are said by members in both Houses, and they do not help to improve the relationship between the two Chambers. I do not like to hear things said which will widen any breach there might be between us. While our Standing Orders provide for a conference, it is only common courtesy, when a request is made for a conference to take place, that we should accede to the request. The same applies in both Houses; and if we reach the stage where we refuse to agree to a request for a conference, we should ask our Standing Orders Committee to meet and alter the Standing Orders in that regard.

Hon. H. K. Watson: Would you discuss that proposition, along similar lines, with your colleagues in another place?

The CHIEF SECRETARY: I will let the hon. member into a secret. A number of members in my party want it wiped out.

Hon. H. K. Watson: That is what I am telling you. They have voted against the holding of conferences on occasions, too.

The CHIEF SECRETARY: I have not made up my mind in that regard, but that does not come into the present picture. If our Standing Orders provide for a conference, we should honour them.

Question put and passed.

The CHIEF SECRETARY: I move—

> That the managers for the Council be Hon. C. H. Simpson, Hon. N. E. Baxter and the mover, and that the conference be held in the President's room at 12 noon on Thursday, the 30th September.

Question put and passed, and a message accordingly returned to the Assembly.

Sitting suspended from 6.12 p.m. to 2.15 p.m (Thursday).

THURSDAY, 30th SEPTEMBER, 1954.

CONTENTS.

		Page
Bills :	**Jury Act Amendment, conference managers' report, Bill dropped ....**	**1893**
	War Service Land Settlement Scheme, 2r., Com.	**1893**
Adjournment, special	**.... ....**	**1903**

The PRESIDENT resumed the Chair at 2.15 p.m.

BILL—JURY ACT AMENDMENT.

Conference Managers' Report.

The CHIEF SECRETARY: I have to report that the managers appointed by the Council met the managers appointed by the Assembly and failed to arrive at an agreement. I move—

> That the report be adopted.

Question put and passed.

Bill dropped.

BILL—WAR SERVICE LAND SETTLEMENT SCHEME.

Second Reading.

Debate resumed from the 16th September.

HON. J. McI. THOMSON (South) [2.17]: When the war service land settlement legislation was first introduced in 1945, it was hailed by everybody in Parliament and outside as an excellent measure. Profiting by the previous experience of soldier settlement after World War I, we felt sure that the scheme proposed to be adopted would afford ex-servicemen