While they are actually engaged in battle and our country and homes are in danger nothing is too good for them! We promise, we help, and give what we can, but once that danger is passed we forget. We promise them a crown of glory and when they come back we offer them a piece of tarnished tin.

Mr. J. Hegney: That is right.

The Premier: That is not right by any means. There is too much croaking about what is done.

Mr. SPEAKER: Order!

Mr. LESLIE: Today we hear a lot of loose talk about what is going to be done for the service man. Unfortunately there is little evidence he can see of anything tangible being done. He wants to have a feeling of comfort in the knowledge that he can look to the future with confidence. So far as land settlement is concerned he cannot do that. I appeal to members, irrespective of party and creed, to join with me and say to our fighting men that we as their representatives and the representatives of the people of this State, are concerned with their welfare and will do what we can to see that some of the things that they hope for will become established facts; that we propose to leave no stone unturned to bring that about, to see that whatever promises and plans are made are not going to be subject to failure as they were the last time, and to profit from the experience of the practical men and not base the fortunes of our returned soldiers on the theories of professors.

I submit in all sincerity that this motion contains no party bias. Without in any way attempting to disparage the particular Government in power at Canberra today—had it been of another political colour it might have been just as lethargic and apathetic regarding the welfare of our men—I ask the House to support the motion purely from the point of view of the interests of the members of the Fighting Forces. I believe that no member will find it in his heart to oppose the motion, but will support it to ensure that it is forwarded to Canberra to add strength to the representations that the Premier and the Minister for Lands must of necessity have made in the interests of Western Australia.

On motion by the Premier, debate adjourned.

House adjourned at 9.52 p.m.

Legislative Assembly.

Thursday, 7th September, 1911.

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

QUESTION—MEAT INDUSTRY CONTROL.

As to National Security Regulations.

Mr. SEWARD asked the Minister for Agriculture:

(1) Has he read National Security (Meat Industry Control) Regulation recently promulgated?

(2) In view of the fact that under the definition of "owner" the owner or occupier of land on which he bred or fattened the stock only is provided for, will one who is a dealer or who has neither bred nor fattened the stock concerned be excluded from the operation of this regulation?

(3) As the regulation refers to stock which are slaughtered for—

(a) export;

(b) for frozen beef, mutton, or lamb for the Australian and Allied Services;

(c) mutton for debydration;

(d) mutton for canning;

will the owner of stock which is intended for local civilian consumption be excluded from the regulation?

(4) If such information is not at his disposal will he obtain it from the Commonwealth authorities?

The MINISTER replied:

(1), (2), (3) and (4) These questions involve legal interpretation and are being referred to the Commonwealth Crown Law Officers. On receipt of a reply, the information will be supplied to the hon. member.

BILL—CROWN SUITS ACT AMENDMENT.

Introduced by Mr. McDonald and read a first time.

BILL—DRIED FRUITS ACT AMENDMENT.

Second Reading.

Debate resumed from the 31st August.

MR. THORN (Toodyay) [4.33]: The Minister for the North-West, in moving the second reading of the Bill, referred to it as a very short measure. Undoubtedly that is so, but it is very important to the dried fruits industry in this State, and I am sure growers will be pleased to learn that the Act is to be continued for another two years. We have Commonwealth legislation which deals with the export part of the industry, and the State legislation assists to control the marketing of the local portion of the crop. The Act is not absolutely watertight, but there is a very good understanding existing between those concerned in each State, and this has been brought about by the good work of the Australian Dried Fruits Association and the good relationship that exists between all concerned in the matter of the distribution of the dried fruits crop.

This crop plays a very important part on the food front. Growers have endeavoured to step up production because we know this is a commodity that the Empire greatly needs at the present time. The commodity lends itself to control; it is not one that perishes very quickly. It is one that can be reconditioned after 12 months because the only thing likely to happen to dried fruits now is sugaring, for which it can be treated. In the past we had trouble regarding the packing of dried fruits but, thanks to the advance of science, the pests that troubled us have been overcome. During the processing and packing of dried fruits, a little preservative is used. The use of this preservative has been approved by the Department of Health, and this little corrective keeps the fruit free of any insect life at all.

Mr. Cross: What is the preservative?

Mr. THORN: I do not know the name, but it is most effective. The cases containing the dried fruits are lined with paper of high quality and are properly sealed, and the effect is to keep the fruit free of insect life so that it can be sent to the Old Country and relied upon to arrive in excellent condition.

The Minister for Justice: Would that also apply to dried apples?

Mr. THORN: The preservative could be used for all dried fruits. Though the tonnage produced has been stepped up this year, I do not claim the whole of the credit for the growers. Seasonal conditions favoured us. We were asked to step up production and, having experienced a favourable season, we were able to export a larger quantity to the Old Country.

Nevertheless, we have our difficulties. Western Australia, at the outset, received a raw deal through the fixation of a flat rate price for Australia. Statistics over the years prove that our dried fruits always brought £6 or £7 per ton more on the London market than the dried fruits from other parts of Australia, but I am afraid that the weaker States sometimes suffer under arrangements of this sort. The flat rate put this State at a disadvantage and gave the other States an increase of £7 per ton. We took the matter up and, after negotiations, arrangements were made for an equalisation, since when we have received a slight increase. The prospects at present are a little brighter. We have our manpower troubles and have experienced great difficulty in carrying on so that the work in the vineyards is well behindhand, but, by co-operation, we are doing our best to get the requisite work carried out and get the properties up to date.

Lack of fertiliser threatens considerably to interfere with production, because we cannot get the essential fertilisers to build up the vines and keep them in the condition and productivity that we were able to do previously. However, we are endeavouring by turning in green crops of tick beans, field peas and New Zealand lupins to provide more nitrogen for the soil. We also met with difficulty in the matter of packing-cases. After representations had been made by the Government for growers to use cases made of local timber, the largest company on the Swan entered into the business wholeheartedly, and today we are using the karri box and no other. In the packing-sheds we were using imported timber and the boxes were costing 7d. more than those of local wood. Others now want a share in our State boxes. Before timber control was introduced we had no difficulties at all in this direction, as the State Sawmills were handling the business quite well.

When timber control came in, however, it interfered with the work. The sawmills were directed what timbers they were to cut and in what quantities and to do this, that and the other. If we are not very careful, we shall find ourselves in difficulties. I have had to appeal to the authority in control of timber to prepare for starting to supply cases. One season is no sooner finished than we have to get everything prepared for the next season. I am sure the authority controlling timber will take that warning to heart and see that there is no hold-up in that direction. Therefore, generally speaking, the industry is going along all right, holding its own under many difficulties. All the growers realise their position, and the important part they play in assisting to provide foodstuffs for the Empire. If this war finishes soon, as we all hope it will, we shall get over all our difficulties; but if the war goes on much longer I am afraid we shall have to appeal for a better supply of fertilisers.

I know that growers in this State have been hit by the disaster at Wyndham and the non-operation of the Wyndham Meatworks, from which we were getting 1,000 tons annually of first-class blood and bone manure. Today we are deprived of that supply, and thus our difficulties have been increased considerably. However, as I have said before in this Chamber, I can assure members that this legislation is not framed with a view to putting up prices on the public. The position as regards prices is practically the same today as it was when this legislation was first introduced. The idea of the legislation is not to increase prices at all, but to combine the growers and to make provision for proper packing. There has been a great improvement in the packing and grading of dried fruits.

When control was first established, I was the first inspector in charge of the industry; and I know that some methods of packing then obtaining were not at all up to standard. But now our methods are equal to any methods elsewhere. The people are getting the right quality of fruit, and it is being marketed in a manner that is a credit to the State. I had the pleasure of meeting Sir Basil Brooks, then Minister for Agriculture in Northern Ireland, and today Prime Minister of Northern Ireland. That gentleman made highly favourable comments on Western Australian methods of packing fruit and also butter and eggs. I believe that his remarks will be appreciated by the people of Western Australia. This legislation was necessary for the control of the dried fruits industry, and I offer the thanks of the growers to the Government for continuing the Act.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—LOCAL AUTHORITIES (RESERVE FUNDS) ACT AMENDMENT.

Second Reading.

Debate resumed from the 31st August.

MR. DONEY (Williams-Narrogin) [4.47]: My examination of the Bill discloses nothing whatever in it that is harmful to the interests of health authorities or any local governing bodies with which they may be associated. The main purpose of the measure is to extend to health authorities a right which is now enjoyed by, and only by, road boards and municipalities, that right being to put unrequired revenue into a separate fund for post-war uses. Members generally are aware, although some new members may not be, that prior to the passing of the parent Act in October of 1932 many local governing bodies, owing to shortage of manpower as well as material, and because of other disabilities arising from the war, found themselves in possession of considerably more revenue from rates than they could profitably or suitably expend. The Bill, if enacted, will provide a statutory cure for that sort of thing; that is, a too-ample surplus—reducing that surplus to normal by striking lower rates despite the sure knowledge, things being as they are, that with the coming of peace and normality rates would have to be heavily increased.

As can readily be seen, the jumping up and down of rates is entirely undesirable both from the standpoint of ratepayers and from that of town clerks and road board secretaries and others associated with the conduct of those bodies. Health boards will not be affected by the position to the same extent as are other local governing bodies.

Yet, as the Minister for Education pointed out in introducing the Bill, there may easily arise occasions when special expenditure will be needed during the post-war period; and but for legislation of this nature the local governing bodies would have little or no means of financing those needs. The Bill does more than stabilise rates; it also secures to local governing bodies a reserve fund with which to meet exceptionally heavy expenditure, such as will undoubtedly be necessary during at least the first five or six years of the post-war period, when, as will be realised, it is easily conceivable that there will be only restricted opportunities to raise loan moneys for financial operations. Therefore it appears to me that, having regard to all the circumstances of the case, this measure is desirable; and for that reason I intend to support it. The only other provision of consequence in the Bill is one that permits the Governor to empower the Minister to sign notices bearing upon the question of just exactly what amount local governing bodies shall pay into the fund. I raise no objection whatever to that arrangement. The other clauses in the Bill——

Mr. J. Hegney: What clause are you discussing?

The Premier: We are discussing the second reading.

Mr. DONEY: I am not discussing any particular clause. I am speaking on the second reading.

Mr. J. Hegney: I thought you were discussing some clause.

Mr. DONEY: I think the hon. member can probably find the clause he wants as quickly as I could. I have indicated that I have no objection whatever to the Bill. It has my support.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—NORTHAM CEMETERIES.

Second Reading.

Debate resumed from the 31st August.

MR. THORN (Toodyay) [5.52]: I have examined this Bill, the object of which is to bring the control of the various cemeteries in the Northam district under one Act. I consider that most desirable, as it will lead to better control and prove more economical. As the various denominational churches have been consulted on the matter and are in accord with this Bill and desire it to be passed, I cannot see any reason for opposing it. The Cemeteries Board at Northam also desires this change to be made and to bring it about this measure must be passed. It was suggested that the Northam Municipal Council could co-operate and elect one or two members to the board; but, as the Minister pointed out, the council does not desire to do so. It is therefore proposed to place the control of the cemeteries in that area under the Northam Road Board and this I think highly desirable. I raise no objection to the measure.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).

Second Reading.

Debate resumed from the 31st August.

MR. DONEY (Williams-Narrogin) [5.55]: So far as I am concerned, this Bill is not on this occasion going to give rise to the amount of contention that it has raised in past years. All that it contains is a repetition of Sections 5 and 6 of the Main Roads Act (Funds Appropriation) Act of 1941, except that on this occasion the provision for extension will be over three years instead of one, thus making just the one bite at the three years yet remaining before the statutory expiration of the Federal Aid Roads Agreement Act. I have no objection at all to this longer period. It will, as members will doubtless agree, save time and it will certainly save some expense. It will also save a great deal of futile argument. Except for the newcomers to this House, members know that the purpose of funds appropriation legislation is to take annually some £30,000 from the traffic fees of the metropolitan traffic area and, instead of placing that sum—or some similar sum—to the credit of the main trust account, to by-pass that account and place the £30,000 in Consolidated Revenue.

The Premier: It will be used for financing loan charges on this State's roads debt.

Mr. DONEY: Yes. If the appropriation stopped at that point, it could be anticipated that country members of this House, irrespective of party, would be altogether unconcerned, but that the metropolitan members, on the contrary, would feel deeply aggrieved. As it happens, the appropriation did not stop there. A further appropriation took place. This time the petrol tax collections were raided, and the amount that had previously been taken from the metropolitan traffic fees was recouped to the metropolitan local governing bodies from the petrol tax fund. I did not agree with that and I am only doing so this time with certain reservations. The metropolitan members, as can be seen from the facts I have just stated, were relieved from any ground of grievance for the reason that they had lost nothing by this transfer of funds; nor had they then, nor have they at any time since, had any ground at all for opposing these annual measures.

Country members, on the contrary, were, although possibly to a lesser degree today, justifiably perturbed at all this financial juggling. Perhaps I should not use the word "juggling"; the word "finessing" might be more appropriate. I am prepared to admit, of course, that this finessing might be interesting from a purely accountancy point of view, but it certainly did not appeal to me, since it meant that our rural road programme would be—and of course has been—annually short of the sum of £30,000 or thereabouts. I admit that that is not a large sum by comparison with the total grant, but it is, nevertheless, as members should agree, large enough when it is multiplied by the seven years over which the appropriations have been made and are yet to operate. The Government excuses this departure from what had been a long standing custom by saying that the Grants Commission——

The Minister for Education: Not excuses, but justifies!

Mr. DONEY: I used the word "excuses." The Minister's interjection merely indicates to the House that the Government and I hold diverse points of view in respect of this transaction. I assert that the Government excuses it by saying that the Grants Commission considered Western Australia was not expending its road funds quite as judiciously as it should and in consequence some punitive action was necessary.

The Premier It did not say that.

Mr. DONEY: That is my interpretation of the attitude of the Government. There is this in addition: Western Australia was required to finance road debt charges from traffic fees instead of from Consolidated Revenue or from loan. Whichever way one cares to look at it, the net result is that the road funds of the State are annually short of the amount I have named.

The Premier: Where do we get those road funds from? We get them from the Commonwealth.

Mr. DONEY: Of course!

The Premier: Does it matter whether they come from a grant or from the petrol tax?

Mr. DONEY: It does not matter one bit. The only thing that matters is exactly how the funds are dispersed when once they do come into the hands of the Treasury. Whether that be so or not, I contrast the position here with that in other States. I pay the Premier, or at least his ex-Minister for Public Works credit, in saying that over the years the Main Roads Trust Fund has been thriftily and well distributed throughout the State. I contrast the very thrifty and proper road expenditure in this State with the far less satisfactory position in the other States. I compare, too, our very poor share of the Federal grant in this regard with the rich and luscious fruits that seem to fall so easily into the lap of, for instance, the New South Wales Treasurer, and I feel angry—and have felt angry through the years—that our Government should have come to heel so compliantly. I am ready to admit that the Government was put on the spot, but I wish, as I have said on many occasions, that the Government had stood up and fought the matter out. I consider that it acquiesced far too easily. Nor is it apparent to me, either, that there is any clear evidence that the reward for our weakness was actually paid over to us.

It is claimed by the Government that in 1942, 1943 and 1944 Consolidated Revenue benefited to the extent respectively of £30,000, £37,000 and £29,000. I agree that Consolidated Revenue did so benefit, but that proves nothing in respect of this argument and certainly does not settle any argument. A vastly more important factor is that the roads, as I have already stressed,

lost the amount that I have mentioned. I claim that the Consolidated Revenue is entitled to benefit only when the job in hand has been fully and faithfully completed and paid for. As I intimated at the commencement of my remarks, in the circumstances it looks to me as though, seeing that this legislation has but another three years to run, following which other arrangements will be entered into, this would appear to be my last word on this particular matter. I suppose most people would look at it from the angle that the Government has won three consecutive victories in regard to this matter and by now should be entitled to the fruits of victory. I shall therefore raise no objection whatever on this occasion to the passing of the measure.

The Premier: Hear, hear!

Mr. DONEY: However, if I might claim your indulgence, Mr. Speaker, and the indulgence of the House, I would like, with these appropriation measures in mind, to pay a tribute to the pertinacity, the unfailing good temper and the tactical strength of the former Minister for Works, and the ability of that gentleman, as evidenced by his very successful conduct of his department over many years. I hope the House will realise the worth of the member for Mt. Hawthorn, a man with whom I have today—and have been privileged to enjoy for many years—the very closest friendship. I would say this of him too: He has something I unstintedly admire, to wit, a very unusual but very comforting philosophy of life, and I do him credit by saying that he put that philosophy into daily use. I could wish that other members of this House might also be privileged to know the hon. member as fully and favourably as I myself have. I have already intimated that I do not raise any objection to the passing of this measure.

MR. McDONALD (West Perth): This Bill embodies a principle which, after a very full debate, has been accepted by the House in previous years and it is in accordance with recommendations repeatedly made by the Grants Commission. It is therefore incumbent upon the House to pass the Bill, which carries out a decision arrived at regarding the treatment of these funds. The agricultural areas have always appeared to be protected and the metropolitan areas appear to have accepted the Bill. I have had no intimation that the metropolitan areas take exception to the continuation of the provisions that were made previously and are continued in the Bill. I therefore support the second reading.

MR. HILL (Albany): I have no intention of opposing this Bill, which deals with a very important subject. As a matter of fact, there should never have been any need for it to be introduced. As far back as 1929 a committee was appointed by the Commonwealth Government to report upon transport in Australia, and one of the subjects dealt with by that committee was roads. The gist of the recommendations of that committee was that when loan money was spent upon roads that expenditure should be limited to economic needs, and further that arrangements should be made so that interest and sinking fund payments should not be a charge on Consolidated Revenue. The State Government ignored both those recommendations. Our loan expenditure on roads has exceeded the economic needs, and quite a large amount of loan money was spent for the relief of unemployment. The second mistake made was that when the Government spent loan money on roads it made no provision for interest and sinking fund payments until the Commonwealth Grants Commission took it to task about 1938. It then introduced a Bill to take £75,000 from the traffic fees to be used towards meeting the interest payments on the loan money expended on roads. The Government then proposed to take £75,000 from the petrol allowance and use it to make good the £75,000 taken from the traffic fees. In 1938, we spent £65,000 of loan money on roads. In 1939, it had risen to £325,000. So, when this legislation was first introduced we were really asked, in a roundabout way, to pay interest from loan money.

I have some rather interesting figures here. During the 13 years that the Labour Government has been in office it has spent £2,400,000 of loan money on roads; an average of £184,000 per year. During the last three years that the Mitchell Government was in office, and during the three years of the Mitchell-Latham Government, the total expenditure was only £162,000, or an average of £27,000 a year. It will be noticed that the average amount of loan money spent by the Labour Government on roads is equal, roughly, to the annual deficiency on our roads today. I contend that it would have

been better many years ago to provide work for the unemployed out of revenue. But the damage has now been done, and we have a loan liability of something like £3,400,000 on our roads. I would like the Government to take action to reduce that liability. Under the present Commonwealth agreement—the Minister will correct me if I am wrong—the money raised from the petrol tax must not be paid against the interest charges on the loan liability on our roads. I think that is why this legislation has been introduced. The agreement has three years to run, and I would suggest that the Government consider the advisability, when a fresh agreement is made, of having some portion of the petrol tax made available to pay the interest and sinking fund of the loan liability on our roads.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair; the Minister for Education (for the Minister for Works) in charge of the Bill.

Clauses 1 to 6—agreed to.

Clause 7—Duration of Act:

Mr. DONEY: I am curious to know what reason the Minister can give for changing the period of extension from one to three years. On past occasions when this measure has been before us, it was the definite opinion of the Minister in charge that one year and no more was feasible.

The MINISTER FOR EDUCATION: The hon. member himself supplied the reason in his speech on the second reading. This Chamber agreed to the measure for three successive years, thus indicating its desire that the legislation should be operative. As there seems little to be gained by bringing the measure down year after year, it was considered that the reasonable thing to do was to make provision for the remaining period of the agreement.

Mr. DONEY: The explanation is hardly sufficient. Precisely the same conditions obtained in the first year of the extension as obtain now. If the Minister's reason is good enough today, why did it not operate in the first, second and third years of extension? If the Minister is doing this purely to save time and money, or argument, why was not this method adopted six years ago?

The PREMIER: The position this year is a little different from last year and the year before, and the year before that. The hon. member will recall that on each occasion this House, of its own volition, extended its life, but this year the position is entirely different inasmuch as if this Chamber, constituted as it is, agrees to the measure, it can be assumed that it will adopt the same attitude during the next three years, because we do not anticipate any violent change in the membership of the Chamber during that time. If, however, during that period the Chamber became composed of members of a different political complexion, or even of different membership, it might easily be that they would take a different view.

Mr. DONEY: With all due respect, the Premier has contributed nothing new, and certainly nothing conclusive. My view of the position is precisely the same now as it was at this moment six years ago. We then had two and a half years in front of us. The argument raised now might quite properly have been used then. Having regard to a suggestion just made to me, I am minded to put the Government to the trouble of giving a much more acceptable explanation than that already tendered. I move an amendment—

That in line 7 the word "seven" be struck out and the word "five" inserted in lieu.

The MINISTER FOR EDUCATION: The general agreement was previously that no legisation on this subject should be introduced to extend the life of the measure beyond the period of the Federal Aid Road Agreement. It was not that we decided that an extension of one year at the time was sufficient. Parliament has agreed on three occasions to pass this legislation, and it must be obvious to the member for Williams-Narrogin that if it was acceptable then it became a mere futility to ask for the extension of one year only instead of providing for the remainder of the period during which the Federal Aid Road Agreement would operate. If the desire is to add to the work of Parliament and of Ministers, this is the way to do it. The amendment can secure no other results, and I oppose it.

Mr. WATTS: If the amendment can be described as applying to the last word in the Bill, what the Minister has said is obviously not the last word. In all the discussion on the Bill so far I understood it, the Minister's reason for introducing it was, in short, to keep sweet with the Grants Com-

mission in order that the State might obtain an unascertained and by no means definite sum from the Commission.

The Premier: The grant has been increased this year by about £50,000.

Mr. WATTS: The reason so far given was the justification for extending the life of the Bill for one year. In my opinion, that was the reason why the member for Williams-Narrogin abandoned his strong hostility to this legislation and has not opposed it. There is no justification for continuing the Act as suggested unless the Grants Commission does what is alleged but not proved, namely, increase the grant in consequence of some re-arrangement of the liability in regard to the expenditure on roads out of loan funds, which is being made by means of the Bill. That can be justification for the life of the Act being extended for one year only, but we do not know what the Grants Commission may do next year or even whether the Commission will be in existence next year. Even is it is still in existence, the Commission may not make any further grant in consequence of this legislation.

The Premier: The Commission has already made the grant and a statement to that effect was made in the Commonwealth Parliament today. You are not usually so pessimistic!

Mr. WATTS: I look the facts in the face. This wishful thinking——

The Premier: You are merely suggesting possibilities, not probabilities.

Mr. WATTS: —is unjustified and wholly unwarranted. I suggest that the Minister looks at the matter as merely wheedling the Grants Commission to give the State something in exchange for the manipulating of the finances of the Main Roads Fund. That is no reason why we should pass the Bill giving the Act a further life of more than one year. If the Grants Commission should not make any further allowance we may be placing funds in Consolidated Revenue for no return whatever. If that were to be the position, we would break down the whole arrangement under which traffic fees and main roads funds are collected and received, respectively. That is the question the Minister must answer. It is not a matter of what Parliament will do because it has before it now a life of three years. First, there was an attempt to extract from the Grants Commission more money.

Mr. J. Hegney: Is there anything wrong about that?

Mr. WATTS: That attempt having succeeded, we now seek to extract from the Commission a similar sum of money or perhaps more. If we cannot do that there is no justification for the Bill, and certainly not for extending the life of the Act beyond one year.

Hon. H. MILLINGTON: Where does the Leader of the Opposition get his authority for saying that the only reason for the Bill is to wheedle the Grants Commission? The legislation was never introduced for that purpose only.

Mr. Watts: I listened to the remarks of the Minister last week!

Hon. H. MILLINGTON: That was never the sole reason for the legislation. It may have influenced the position but the real reasons were quite independent of the Grants Commission—and there were solid reasons. At one stage it was even suggested that interest and sinking fund charges should be provided in respect of money expended on roads.

The Premier: And so there was for some time.

Hon. H. MILLINGTON: Where would we get the money for interest and sinking fund charges on account of money expended on the construction of main roads?

The Premier: Quite so, but at one stage there was an obligation on the local authorities.

Hon. H. MILLINGTON: When the local authorities decide to float a loan for the construction of roads, the people have to be rated. Money has to be found before interest and sinking fund charges can be paid in respect of roads. As a matter of fact, the Treasurer is involved in an expenditure of about £160,000 a year in respect of roads constructed out of other than main road funds and the Government has no means of servicing the loan. That is what the Grants Commission pointed out, but, independent of that, there is ample justification for transferring of money in the manner suggested and extending the life of the legislation. The money is there and no provision is made other than this small amount to service the loan. I take exception to the suggestion that the only reason for the introduction of the Bill was to conform to something the Grants Commission had said. I do not know that the Commission was justified in saying what it did, but we had to take notice of it because it holds the purse strings.

The Premier: And I took notice of the extra £50,000 we had, too.

Hon. H. MILINGTON: I do not say the Commission was justified in putting that restriction upon us. I admit we used the influence of the Grants Commission when bringing down the Bill each year. As for the continuance of this measure for three years, I point out that we have just passed a measure for a two years' extension. What virtue is there in one year in this particular case? This business has become the policy of the State. Instead of a paltry few thousand pounds that we are getting there should be considerably more forthcoming to the Metropolitan Traffic Trust. These road loans must be serviced. I cannot understand the attitude of members opposite, considering that 97 per cent. of other than main road money is spent in the country. In view of that generous treatment members opposite should help us to devise ways and means of servicing this loan. I asume there will be a new agreement when the time comes, and that it will be at least as good as the present one. There is a tax of about 1s. 2d. per gallon now on petrol, and we receive 3d. The money we are getting we must spend on the construction and maintenance of roads. We are limited to that extent, hence we have to use some of that money to service the loan for roads built other than main roads. I think a measure similar to this has been passed on three previous occasions, and has now become quite antique and respectable.

Mr. Watts: It has almost the merit of antiquity.

Hon. H. MILLINGTON: We are not taking any grave risk in accepting the year 1947.

The MINISTER FOR EDUCATION: When the member for Williams-Narrogin addressed himself to this Bill on the second reading he expressed approval of it, and did not indicate that he had any objection to the term of it. On the contrary he said that as such a measure had been passed for three years we were justified in agreeing to its being re-enacted for the remainder of the term of the Federal agreement. I take it that was his considered opinion.

Mr. Doney: You misinterpreted my mind.

THE MINISTER FOR EDUCATION: The hon. member has now moved this amendment. His attitude on the second reading is the one this Chamber should follow. I cannot accept the amendment.

Mr. HILL: This is a very big question and there is a great deal at stake.

The Premier: My word there is, if we are to do justice to the finances of the State.

Mr. HILL: Motorists have to pay petrol tax and traffic fees. In all the other States I believe the Government collects the traffic fees.

The Premier: Certain grants are given to the local authorities out of the money.

Mr. HILL: If we collected all the traffic fees there would be no need for this legislation. Any Government would be rash to interfere with the present system of allowing the local authorities to take the traffic fees.

The Premier: This is the only State that is allowed to do it.

Mr. Watts: It is the only sensible State.

Mr. HILL: A lot has been said about the money being spent on country roads. I point out that a good deal of it has been spent on the relief of unemployed. The interest on that money should not be charged to our road construction. I hope the Chamber will not forget my previous suggestion that when the three years are up we must endeavour to have some provision made out of the money received from this source to service the loan liability on our roads.

Amendment put and negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—MORTGAGEES' RIGHTS RESTRICTION ACT CONTINUANCE.

Second Reading.

Debate resumed from the 31st August.

HON. N. KEENAN (Nedlands) [5.38]: It is to be regretted that the acoustic properties of the House are far from perfect. One result of that is that those who sit in this part of the Chamber have great difficulty in hearing the speeches delivered from the Ministerial bench. Owing to this difficulty I am not able to refer exhaustively to the Minister's second reading speech on this Bill, but I gather that he asked the House to accept it on two grounds. The first reason was that though a number of applications had been lodged by mortgagees in recent years, particularly last year, asking for relief from the disabilities of the Act the number of such appli-

cations has been growing less year by year and the time was approaching when they might altogether disappear. The second ground was that it was intended to bring down a consolidating measure at an early date dealing with mortgagees. Taking the second point first, I point out that we have no knowledge or information whatever concerning the provisions of that consolidating measure.

As regards the first ground, the Minister pointed out that more money is available nowadays principally owing to war expenditure, and that people, being in possession of money, have paid off their mortgages. This may or may not be the case. It probably is the case to some extent, but it seems most peculiar to me because, if the statement is fully accurate, it means that this Act is dying and therefore we ought to leave it for a belated burial—let us wait until it disappears. That, I submit, is not a good ground. Moreover, the other and very easily understandable reason why applications by mortgagees for relief from the restrictive conditions of the Act are becoming fewer is that mortgagees have become absolutely tired of making application. This Act has been in operation for 13 years and they have 13 years' experience of those conditions and no doubt have arrived at the conclusion that it is useless for them to make any further struggle, and so they are not doing it.

This Bill is a perpetuation of a most indefensible anomaly which was enacted under the circumstances of a very severe financial strain. The same strain justified a reduction in the allowances made to members of Parliament to the extent of 22½ per cent. and also a reduction in Ministerial allowances by 22½ per cent. But both of those reductions have been restored long ago. The principal Act of 1931 related only to mortgages that were in existence at the date when the measure was before the House. It merely postponed the right of mortgagees to demand the payment of mortgage moneys on the due date until the 31st December, 1932, and no longer. Nevertheless, every year since then, a Bill has been brought down extending the period from year to year.

The measure that was passed in 1931 applied only to mortgages which were then in existence. It did not apply to any mortgage that might be made after the date of the introduction of the Bill. For that there was a very good reason. Had that been the law, no money would have been lent on mortgage after that date, or very little. So the Act did not apply to any except existing mortgages. We know of the extraordinary position that has arisen. Mortgages have been made year in and year out for almost 13 years since the measure came before the House, and not one of those mortgagees suffers any disability whatever. Not one of those mortgagees is restrained from receiving payment in terms of the mortgage on the due date by reason of any measure we have passed. There is absolute freedom from any restraint on the rights of the mortgagees who have entered into those mortgages.

I have been told by a mortgage broker in Perth, and have confirmed his statement by other inquiries, that the average term of a mortgage is three years. The term might seem somewhat short, but after making extensive inquiries, I am satisfied that that is so. The three years' terms is never departed from. That being so, it means that four generations of mortgages—if I may use the phrase—have come into existence since 1931, have matured and been paid off, but all that time mortgages which were made prior to 1931 have continued to suffer this disability and this restraint. Now I ask, is there any possible justification for an anomaly of that sort? Does any member say that it is fair and reasonable to keep this penalty alive only in respect of mortgages made before 1931 and that all subsequent mortgages over the 13 years should be entirely free of this restraint?

I know—and I daresay other members know—of mortgages that were entered into long before 1931. I know of one that was entered into in 1924 for five years. It became due in 1929 and the mortgagor requested postponement because in 1929 financial conditions had taken a serious turn. He was granted the postponement out of good nature, a postponement for three years, and so that mortgage came under the Act. The mortgagee has died long since and his widow has made two applications to get relief so that she might realise or call up the mortgage, and has been refused. She has been refused, as I have been informed by her solicitor, only on the ground that the interest was being paid regularly. That is a fact; the interest has been paid regularly. I ask whether this is just or unjust, seeing that the

interest on mortgages has been by statutory provision reduced to five per cent. and the estate of the deceased mortgagee has to pay 5½ per cent. interest on the overdraft at the bank. I do not lay stress on individual cases. They are a bad guide when discussing legislation.

One case might present a picture that is not typical of the whole, and so I do not lay any particular stress on this or on other individual cases. But what I ask myself and the House is this: Is there any just reason why those who lent money secured on a mortgage prior to 1931 should be kept in this position while those who lent money, also secured by mortgage, after 1931 are entirely free from any restriction? Is there any answer to that? I do not know that any answer can be made. So I say I cannot find any justification whatever for this Bill. It is continuing a state of affairs which has no justification when one knows that exactly the same state of affairs is not visited with the penalty which this legislation imposes on a particular class. Were mortgagees who lent money on mortgage before 1931 guilty of any matter that one would reprove them for? Is there any suggestion of that kind? Of course there is not, any more than a similar suggestion could be made regarding those who lent money after 1931. Therefore it is a grave anomaly to continue this legisation.

In the case of mortgage companies that lend money as a part of their business, they have got their interest. There is in their case an anomaly, but no injustice. The mortgage company, although it may possibly be irritated through having its hands tied, if it receives the interest has nothing particular to complain about. But that is not the case when it comes to private mortgagees, those who have lent only small sums of money, and in many cases lent it only because they believed they were certain to be repaid on a certain date. Again I ask, as regards people who have lent sums of money and have made up the whole plan of their lives on the basis of being repaid that money on a certain date——

The Premier: When they retire from work.

Hon. N. KEENAN: Yes, or when their children come of age and they want to place them. I know personally of a case where the whole plan of life has been defeated by this legislation. That requires a very grave ground before we agree to continue this law. Where is that grave ground? It has not even been suggested. Therefore I am not at all prepared to support this measure, and intend to vote against the second reading.

MR. SEWARD (Pingelly): I fear I cannot endorse the sentiments just expressed by the member for Nedlands. In the course of his remarks that hon. member stated that he would not judge this matter from an individual point of view. I think that if he were to look at it from a different angle, from the angle of the farmer, he might see that this measure is, unfortunately, still required in order to protect many men who were so adversely affected by the disastrous fall in values which took place in the depression years, and thus gave rise to the introduction of this legislation. Those sitting on this side of the House and speaking on behalf of those men have made repeated efforts during that period to have some action taken in order to secure the writing-down of secured debts, so that these debtors could get some alleviation from the pressure of those debts. Despite the fact that this Chamber carried resolutions in favour of that course, no effect has been given to such action; and until such time as something is done in that regard to ensure relief, it is necessary that the parent Act should remain on the statute-book.

As was rightly pointed out by the member for Nedlands, the gradually diminishing number of applicants every year does not point to there being no longer any necessity for this legislation. The mere fact that the legislation remains on the statute-book in all probability precludes people from making application for leave to exercise their rights under their mortgages. I venture to say that if we were to remove the measure from the statute-book, many people, especially in the country districts, would be placed in such unfortunate positions as I tremble to think of, solely by reason of the fact that this protective legislation had been taken away. I am not conversant so much with the cases the member for Nedlands had in mind, but I do know that any mortgagee of country property who has a reasonable case and can find justification for approaching the court to secure relief through any failure on the part of the mortgagor to live up to his obligations, will get relief from the court. We have to remember, however, that the mortgagee must prove that the

mortgagor is not endeavouring to live up to his responsibilities before he can get relief. Where he cannot prove that, the court will not grant him relief.

I regard that safeguard as most desirable. In fact, I would not give any support to a movement to take this measure off the statute-book while our repeated efforts to have secured debts dealt with remain resultless. Many farmers today could not possibly pay those debts, and consequently they must have the protection of this legislation. While I regret the necessity for having the parent Act renewed from year to year, still I contend that it is our duty to see that the need for it has disappeared before we remove the safeguard. Consequently I intend to support the re-enactment for another year.

MR. CROSS (Canning): I have spoken against such Bills as this in the past, and have especially protested against that clause which provides that the operation shall continue until a certain date, and no longer. Yet we have the Act carried on from year to year. There are fairly poor people in the metropolitan area who are penalised by the Act. I know of a case where a man saved money in the prime of life and paid off the price of his home, and in addition accumulated £500, which he lent on mortgage against another home. Now the man is getting rather old, and because he wanted his money back to live on he approached the court, which refused his application on the ground that the interest on the mortgage debt was being paid regularly. His position is that he cannot obtain an old-age pension, because, in addition to owning his home, he has £500 invested outside. Thus he is debarred from obtaining any part of a pension, and this means that he has to struggle to live on about £25 per annum. It means, further, that the old fellow has to go to work; and he is not capable of working. Such a position is distinctly unfair. I was amazed that when he approached the court his application was refused, since his intention, when he invested the money, about 1926, was to have it available to live on when he retired, repayment under the mortgage being due on the expiration of five or six years. If he had got it back when he expected to receive it, he would have been able to live on his capital and would not have required any pension whatever.

Mr. Thorn: What is the position of the mortgagor?

Mr. CROSS: That person is dead, and his widow carries on owing the money. There is another phase to be considered in this connection. Much of the money lent on mortgage has been borrowed on the security of wooden properties, and I am informed that there are cases where no repairs have been done and accordingly the security has disappeared. During the past five years no repairs could be done, and in the case of wooden houses no repairs have been effected for a considerable number of years. One can readily understand that in such cases the security is disappearing. I consider that the Act should not be extended. I recollect that three or four years ago I protested against a similar measure, as did the member for West Perth, and we were assured that the object was merely to carry on the legislation for another year and no longer. A similar measure has since been introduced each year. We are told the same tale this year and I suppose will be told the same tale next year. On this occasion I shall vote against the measure.

MR. WATTS (Katanning): I intend to support the measure. I can of course see some justification for the arguments that have been advanced by the member for Nedlands, and, to a less degree, by the member for Canning. I also realise the Minister's difficulties. I recollect that two years ago he introduced a continuance and amendment measure in an effort to simplify the situation that arises when a mortgagee considers he is entitled to his money without an order of the court, but, as the law stands, cannot obtain it. The amendment the Minister proposed was of such a nature as apparently not to meet with the approval of the House, and he amended the Bill—I think with the general consent of the House—to make it a continuance measure only. I understand that at that time—although I cannot find the actual record and I may be wrong in this statement—the Minister intended to go further into the matter with a view to having an amendment drafted which would to some extent meet the difficulties raised by the member for Nedlands and others, while at the same time affording the protection which is necessary, as was shortly explained by the member for Pingelly. That it was not done is a matter for regret. Whether

or not the Minister mentioned it at the time, I think it could with advantage have been done and a Bill introduced which would have tided over the present difficulty until at least the cessation of hostilities, and the removal of the type of restriction that now exists on the raising of money under the National Security Regulations and the problems associated with rural debt adjustment.

Under the National Security Regulations it is not possible at present to raise substantial loans without the consent of the Federal Treasury. Many loans which are involved in rural mortgages are substantial. It is, therefore, not exactly correct to say that money in those cases is easily obtainable at present in order to pay off mortgages which have existed over a period of years and which are substantial as to the amount involved. It is by no means easy, unless one has money, to pay off such amounts in full. There are but few people concerned in transactions of this kind who, in recent days, are in that happy position. Consequently, there remains undoubtedly a body of reasonable and careful people in the community who are entitled to the protection of this legislation. There is also on the evidence of such reliable members as have spoken, a body of people suffering some hardship because of its continuance. It is well known that the court is unlikely to make an order for repayment of principal where the interest has been paid. In cases where the money is merely an investment the payment of interest should be satisfactory and there should be no clamour by the mortgagee for a return of his principal.

In cases where it is not an investment—and such cases include many mortgages for small sums such as that mentioned by the member for Canning—there is some justification for a sympathetic reconsideration of this legislation. But the measure before us is only one for its continuance for a further period of 12 months. Not to continue the legislation for that period would undoubtedly work substantial hardship to a responsible section of the people, for the reasons I have mentioned and for others. To continue the legislation in its present form undoubtedly means that some persons—and deserving persons, too—will suffer hardship. The correct procedure is for this House to pass this Bill, and to suggest to the Minister in charge of it that immediate consideration should be given to some proposal which will rectify the hardship suffered by persons such as the mortgagee mentioned by the member for Canning and at the same time afford a proper measure of protection to those falling in the other category to which I have referred.

Mr. North: In other words, to differentiate.

Mr. WATTS: That is so. That is what I think after this long period of years and in the present circumstances should be done. I hope the House will agree to the passage of this measure and that the Minister will agree to consider all the other aspects of the case before the session closes.

MR. BERRY (Irwin-Moore): I have the fullest sympathy with the remarks made by the member for Nedlands and the member for Canning, but surely this is a question of considered balance. I feel certain that the Minister, before introducing this Bill, gave the matter that balanced consideration it merits. I know that it is very hard on certain people that this Act should be on the Statute Book. At the same time it is a question of what is best for the majority and what is best for the State, and I feel convinced that the Minister has weighed up and given it his fullest consideration. I cannot help thinking of this matter in its bearing on farming interests and, seeing that Western Australia is so essentially a country dependent on primary production, it would probably be a most ill-advised step at this stage to wipe out the measure completely.

A great deal of bankruptcy might follow and it would unfortunately come about at a time when the fortunes of the people in the country are improving to such an extent that many of the mortgages, debts, and overdrafts appertaining to the business of primary production are being very firmly dealt with by those people to whom the money is owing. Therefore I associate myself with the remarks of the Leader of the Opposition and the member for Pingelly, and suggest to the House that we consider that the Minister has given the necessary balanced consideration to the continuation of the Act and that it should continue until such time as he in his judgment, and with his ability directly to balance the position, tells us it is no longer necessary.

MR. McDONALD (West Perth): Like many other members, I have voted year by year for the last 11 years for the continuance of this Act and I have done so mainly for the reason mentioned by the member for Pingelly, the Leader of the Opposition and the member for Irwin-Moore: that its cessation might create a certain amount of hardship to those engaged in the farming industry. For the same reason I feel reluctant to close down on this Bill if thereby any embarrassment might be occasioned to those engaged in primary industry. But there is a field of mortgages outside the primary industries as to which I think other measures could be devised. The Minister for Lands has made attempts to meet the situation, as the Leader of the Opposition mentioned, but the trouble has been that when he has brought down a Bill, we have not been able to agree about it. A good many factors have been involved and nothing generally acceptable has been devised. I think that I would be disposed to favour a continuance of this Bill so far as it affects those engaged in the primary industries—I mean those whose mortgages include farms or pastoral land. Apart from those securities, I think the Minister or anybody else might well consider some amendment to the Act which would enable mortgagees to have some chance of being repaid.

I am told that money is available for taking up mortgages at the present time. I got in touch with one of the banks this week in order to find out what the prospects would be for raising money if the mortgages were called up, and I was told that the banks are now lenders. It is true they work under the general supervision of the Commonwealth Bank. But when it comes to paying off existing mortgages or loans the banks are allowed a fairly free hand, and they are definitely lenders and are available for the purpose of taking up any security which affords reasonable protection for the amount proposed to be advanced. I suggest that if we continue this measure as proposed consideration should be given to an amendment of the Act, by a separate Bill, under which securities or mortgages which do not cover farm lands might be taken altogether out of the Act or taken out of the Act after the expiration of a certain time.

The Minister for Lands: You can readily imagine the same hardship might apply in cases of mortgagees of farms.

Mr. McDONALD: I agree. I can imagine there might be hardship to people who have lent money on farm lands. I am impressed also by the fact that many mortgagors, especially for city securities, would have taken steps long before this, in the past 13 years, to make some arrangement to meet their liabilities and, indeed, many have done so. A great many mortgages have been paid off, especially since the war started. But I do not want to do anything that may inflict hardship on those engaged in our primary industries, although I am told that their financial position is immeasurably better than it was. At all events, might we not consider an amendment which, in the case of mortgages that do not cover farm lands, might give notice to the mortgagor that after a certain period—say six or 12 months—the mortgagee would be entitled to enforce his ordinary rights?

Sitting suspended from 6.15 to 7.30 p.m.

MR. FOX (South Fremantle): I realise that there would be chaos in Western Australia if this Act were not continued, notwithstanding the fact that times are much better now than when the legislation was first brought down. I hope that the Minister will introduce some inexpensive way of dealing with the cases of people who have money tied up under this legislation, and who suffer hardship as a result of the continuation of the measure. Like other members, I know of a case of a man who is now an invalid, and who has all his money invested in a mortgage. He is unable to work. The mortgagor is in a position to pay off the mortgage, but has no intention of doing so. At least, he has a very comfortable income, and all that he is doing is to pay the interest on the mortgage. That would be all right if the mortgagee were in a position to leave his money where it is.

It is not a bad investment, but this man is not able to work. He has an income of between 25s. and 30s. a week and as a consequence of that income, coupled with the capital that is tied up, is unable to get a pension. If he could have the capital released he could buy a home which would mean that he would have no rent to pay, and would be in a much better position. Many people are similarly placed. I trust that the Minister will give some consideration to the question of bringing down a

measure to give relief to such persons without their having to go to court. If a man goes to court he is involved in a great deal of expenditure, and people in these necessitous circumstances are not in a position to do that. I hope the Minister will consider my suggestions and those advanced by other members.

THE MINISTER FOR LANDS: I intended to reply to the observations of the member for Nedlands immediately he concluded, but had I done so I would not only have concluded the debate, but have prevented members from——

Mr. SPEAKER: The Minister did not introduce the Bill.

The MINISTER FOR LANDS: It was introduced on my responsibility.

Mr. SPEAKER: The Minister will not close the debate. The Minister who introduced the Bill still has the right of reply.

The MINISTER FOR LANDS: I am relieved to know that, in case I become provocative and it is necessary for someone to take up cudgels on my behalf. I was very interested in the varying points of view raised. I am afraid that some of those who have spoken have absolutely overlooked the attempt of two years ago in the measure introduced both as a continuing measure and as the one to overcome the difficulties raised this evening. That Bill had to be withdrawn because of the difficulties that could be seen, particularly by the representatives of the legal fraternity in this House, to the suggestions I made in it. I remind the House of what transpired at that time. Two years ago, after considerable scrutiny not only of the principles in the original Mortgagees' Rights Restriction Act, but of the hardships they imposed on people who had invested not only small sums, but their all, in mortgages 11 years ago and more, it was felt that unless they could get a return of their capital, they would be in a sorry plight.

I even went so far as to communicate with the Federal Treasurer to see whether any strictures would be involved under the National Security Regulations. I went to the extent of conferring with the manager of the Commonwealth Bank in Perth to find out whether, in the event of the mortgagees exercising their rights, there would be at that time sufficient money available to replace the old mortgages with new. The principles in that Bill briefly were that, to avoid the costly process of a mortgagee approaching the court, on an affidavit being presented to the Commissioner of Titles he could hear the case of a mortgagee if hardship could be proved. It was necessary, firstly, for the mortgagee to be in possession of an income of less than £5 a week, secondly that the amount involved in the mortgage did not exceed £1,000, and thirdly that his total assets did not exceed £2,000. In addition, provisions were made to simplify the transfer of the mortgage. I was particularly interested tonight to hear the comment of the member for Nedlands, although I could not accept his spirited speech in any way as a rebuke. Although if it was so intended I remind the hon. member that two years ago he saw much virtue in the continuation of this measure.

Hon. N. Keenan: On certain conditions.

The MINISTER FOR LANDS: Yes, and in one sentence he did so without any qualification. I will read it to the hon. member if he cares to hear it. That is a change of front on his part. Tonight he finds no virtue whatever in the continuation of a measure which certainly would impose hardship on all mortgages affected thereby if it were wholly removed. On the occasion to which I have referred, four of the legal gentlemen then in the House were seriously at variance in connection with the principles I was endeavouring to include in the Bill. I can, for example, recall the then member for East Perth finding no point of agreement with the present Leader of the Opposition. Ultimately such chaos developed in the interpretation of what could happen under the clauses I had introduced, that it was decided, firstly, that it was unsafe in respect to the tremendous sums involved in mortgages to let the Bill lapse, and secondly that it was necessary to give the matter much more scrutiny. I have done that, and I find that although the money position is a lot easier than it was two years ago, very large sums of money are represented in mortgages which are affected by the parent Act.

If we ignore entirely the National Security Regulations we still must make provision, surely, that although we relieve certain mortgagees of hardship, we do not in turn impose further hardships on mortgagors. So that we may scrutinise this mat-

ter further and not come to a hasty decision as to how to overcome the difficulties that affect people who have expectations—and the right to those expectations—of benefits from money invested years ago, I am quite prepared to meet the requirements of the House if members will agree to carry the Bill through to a stage which would permit of its remaining on the notice paper. I understand that as it is a continuance Bill it cannot be amended substantially as the requirements of members may demand. I will then have an opportunity thoroughly to scrutinise not only the substance of the case I put to the House two years ago but anything fresh that may have arisen since. That would enable consideration to be given to the presentation of a new Bill covering the points that have been enumerated. The member for South Fremantle is anxious, with others, to overcome the difficulties.

I understand—I intend to confer with you, Mr. Speaker, on the matter—that the Standing Orders may enable me to introduce a new Bill while the one now before the House remains on the notice paper. However, the whole position will receive further consideration. It is not the simple matter that the member for Canning would suggest. He seemed to contend that because the legislation would not meet all cases, and that some people might continue to be adversely affected, the whole Act should lapse. If that course were adopted considerable chaos would ensue. We must make sure that, whether it can be done in the manner that I hoped for on the last occasion or whether it must involve a costly procedure through the courts, the situation is adequately dealt with, but it is certainly not the simple matter that the member for Canning suggested. I assure members that if the Bill goes through the Committee stage, I will take care that the third reading is not moved until the whole subject has been reviewed.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Marshall in the Chair: the Minister for Lands in charge of the Bill.

Clause 1—agreed to.

Clause 2—Continuance of Act, amendment of Section 20:

Mr. CROSS: The clause is the crux of the Bill. After listening to the Minister, I still have no reason to retract anything I said earlier in the debate. I realise the difficulties that confront many farmers and those with farming properties that are heavily mortgaged. The position of some is such that no-one would accept the securities that they offer. In my opinion, even if the Act were to lapse, quite a number of the mortgages would be taken up. In any event, there is no doubt that people are suffering from the effects of this legislation through no fault of their own, and I do not know why they should still be penalised. To convince members that the case I cited was not the only one that has occurred, I intend to read a letter published in "The West Australian" yesterday dealing with this matter.

The CHAIRMAN: Does the letter deal with the discussion that has taken place on this Bill or otherwise?

Mr. CROSS: The writer is giving his reasons for dealing with the Act—

The CHAIRMAN: I understand from the hon. member that the letter merely discusses the Mortgagees' Rights Restriction Act.

Mr. CROSS: That is so. The letter reads as follows:—

> The Mortgagees' Rights Restriction Act has been in force for 13 years, and for that period working people who invested their life's savings in mortgages for the purpose of providing for the lean period of old age have been deprived of the use of their money. My wife and I reared a family of seven on a wage that, for a considerable time, was less than is now paid to a couple drawing the old-age pension. There were no baby bonuses, no child endowment, no clinics and other forms of help now afforded to the thrifty and unthrifty alike. In spite of all the difficulties we succeeded by strict economy and much self-sacrifice in accumulating a sum sufficient to invest in a suburban mortgage two years prior to the passing of the Act. There is no reasonable excuse for the continuance of the Act as the Government proposes. Plenty of money is available for investment on account of the bank rates for deposits being so low. In the case of the property over which I hold a mortgage there has been frequent changes of ownership because it was easy to sell a property which carried a mortgage that there was no necessity to liquidate. Meanwhile the interest is not sufficient to keep me and I have no other source of income. The Federal Government informed me that they pay child endowment to the wealthy and the poor alike, but as far as the old-age pension is concerned the money I have out on mortgage prevents me benefiting under the O.A.P. Act, thus penalising thrift. Had I spent my money on riotous living and improvident spending I would have been much better off today.

Apparently that individual has found that because he draws a few paltry shillings for interest and because he has more than £400 invested, he cannot obtain the return of his capital and cannot be granted an old-age pension. If that man had wasted his money, he could have drawn the pension and been much better off today. That is distinctly unfair. I suggest that the Minister report progress with a view to seeing whether that type of person, who is most desirable in the community, can have justice meted out to him. At the same time, he should ensure that justice is done to the farmers who are today burdened with indebtedness. Naturally I do not wish to penalise the farmers. I desire to safeguard the interests of those individuals who have been thrifty and saved money so that, as I instanced in one case, they could refrain from accepting the old-age pension. If the Minister will do that, I will be able to support a measure of assistance for the farmers.

The MINISTER FOR LANDS: It is interesting to find voices raised at this stage in support of principles for which I had difficulty in getting support two years ago. I have assured members that I am prepared to scrutinise cases such as those quoted by the member for Canning, although not prepared perhaps to introduce into a Bill boundaries or definitions of boundaries. I am prepared to give consideration to cases of hardship where rural mortgages are concerned. There must be instances of rural mortgages, perhaps for small sums which were lent by individuals who are badly in need of that money today. If we exclude rural mortgages as such, we are sure to impose hardship somewhere. The whole matter must be elastic. Every point raised by members will be given attention, and I will endeavour to advise the House of the scrutiny as soon as possible.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from the 31st August.

MR. McDONALD (West Perth) [7.52]: This Bill proposes a major change in the Constitution of the State, and as such is an important Bill demanding the consideration which is due to its importance. The idea of the Bill is to abandon the present basis of representation in the Legislative Council which is associated with the occupation and ownership of property, and substitute for it a franchise based on what is commonly known as adult franchise without relation to the occupancy or ownership of property. It is not proposed to alter the bicameral system; we are still to retain the two Houses of Parliament. The principle involved is the basis on which the second Chamber should be elected. This is something that has been the subject of discussion and controversy for many years. It has been of particular interest in Great Britain where, for the last 50 years, people have been discussing the composition of the House of Lords, and many ideas for reform in the way of representation have been brought forward, but so far there has been no measure of agreement sufficient to result in any change being made in the composition of the House of Lords.

Mr. Triat: The powers of the House of Lords have been curtailed.

Mr. McDONALD: Yes; that occurred in 1911. By the measure which became law in that year if a Bill is passed three times by the House of Commons in successive sessions, then, even though it be opposed by the House of Lords, the measure becomes law. That was an important Act, for it ensured that as far as the Imperial Parliament was concerned, the decision of the popular Chamber would ultimately become law if the determination of the House of Commons was maintained by the passage of the Bill in three successive sessions.

The Minister for Justice: And in the case of money Bills, once.

Mr. McDONALD: In the case of money Bills, the control was virtually confined to the House of Commons. For this important change in the constitutional basis of the Parliament of Western Australia, the Minister has advanced three reasons. The first reason is that he is acting under a mandate of the people at the last elections. I propose to examine that point. At the last elections the total valid votes cast numbered 179,233. Of those, the Government candidates, including amongst their supporters all candidates who stood as

Independent, Unendorsed, or Progressive Labour, secured 87,124 votes.

Mr. Cross: What about the uncontested seats?

Mr. McDONALD: I will come to those in the course of time. I am speaking now of the valid votes cast. As against the 87,124 votes cast for Government supporters, candidates who opposed them secured 92,109 votes. Thus the votes cast for Government candidates, giving the Government the benefit of the Independents I have mentioned, were 4,985 less than those cast for candidates opposing them.

Mr. Cross: How many did the Independents get?

Mr. McDONALD: I think they secured about 7,000 votes, and if they were eliminated, the difference would be 12,000 or more. Consequently when we come to the matter of a mandate, we find incontestably that the votes cast for the Government and its supporters were less than those cast for their opponents.

Mr. Marshall: That is not true. What about the uncontested seats?

Mr. McDONALD: I am coming to them.

The Premier: You are a long time in coming to them.

Mr. SPEAKER: Order!

Mr. McDONALD: Of the uncontested seats, 11 were held by Labour, and one by non-Labour. It has to be assumed that for each of the 11 held by a Labour member, there would be the return of a Labour candidate, and for the one held by non-Labour, there would be the return of a non-Labour candidate. But we are talking now of a mandate, and a mandate is an expression by the electors of their views on a particular question. While we may assume what the expression may have been on the part of uncontested seats, the fact remains that they were not allowed, or did not have an opportunity, to make any expression at all.

The Premier: Nobody would oppose the mandate in those uncontested seats.

Mr. McDONALD: That may be so; and if we include those, then it may make a difference in favour of the Government side; in fact, would do so. But when we come to talk about a mandate of the electors, then I fail to see how any mandate can be said to have been expressed by electors who did not speak at all. The position is that when we talk about mandates, we must talk about a direction from the electors who voted; and I am still to learn that we can talk about a mandate for a constituency which did not express any opinion at all.

The Premier: That is not logical.

The Minister for Lands: We have the numbers, and that is logical enough.

Mr. McDONALD: The Minister knows as well as I do that the weighting of votes is on a differential basis. Our franchise is not one man, one vote. We know very well that the votes in the mining and pastoral areas count three times as much as the votes in the metropolitan area, and that electors in the pastoral areas can elect three times as many members as members in the metropolitan area. We also know that in the goldfields and North-Western areas there are four seats which have very few electors. We recognise that principle because we realise that the outlying areas are entitled to be favourably weighted as against the metropolitan area. The Government holds various seats in the mining and pastoral areas and seats in the North-Western areas which are very small electorates, whereas seats down here have as many as 13,000 electors.

Mr. Cross: I have twice as many voters as you have!

Mr. SPEAKER: Order!

Mr. McDONALD: The member for Canning has, I think, 13,000 electors. The fact remains that when we come to examine the claim of a mandate from the people and add up from the electoral list the figures of votes cast for Government candidates and compare them with the total votes cast against Government candidates, the latter candidates have nearly 5,000 votes less. So that so far as the electors have spoken, so far as they cast their votes and had an opportunity to express an opinion on the rival policies, there was no mandate for the Government proposal. My case is inescapable. This talk about mandate must be based on a real mandate from electors who spoke, and the only way the Government can get a mandate is by an assumption of the views of electors in seats where there was no election.

The Premier: The Labour policy was well known, and opposition to it was not considered suitable.

Mr. McDONALD: Where the electors had the chance of speaking and voting—and that is what I am trying to point out—

The Premier: Give the electors a chance next time and see how you get on!

Mr. McDONALD: This matter has not been raised by me, but by the Minister for Lands. He is the man who justified this Bill on the ground of a mandate from the electors.

The Minister for Justice: Which we had, of course!

Mr. McDONALD: I pointed out that if we take every man and every woman in the State who voted at the last election, there is no mandate, but just the opposite; the mandate is the other way. If the mandate argument had not been adduced, I would not require to draw attention to it; but as the mandate argument has been brought forward as the ground for this Bill, I point out that if the voices of the electors are taken into account, their voices are against this Bill.

Mr. Fox: If we had a few more uncontested seats, you would have still a better argument!

Mr. McDONALD: The uncontested seats can be looked upon, obviously, as seats that would have been won by the sitting members; but when the Government brings down a Bill to Parliament and says the electors have given the Government a mandate for it at recent elections, then it is incumbent to show what electorates did give this mandate, and the only electorates that can be taken into account are those whose electors had an opportunity to speak and vote on the issue involved. What is the mandate? I have the policy speech here. There is I may say, a qualification and ambiguity about the terms of the policy speech. I will read what the Premier said. I am sorry I have not the whole speech here, but I can indicate what he said and I will send him the actual Press report, which gives the matter in inverted commas, and therefore is a verbatim expression of opinion. The report I have here states—

> The Premier said he proposed a reform of the Upper House or Legislative Council with a view to leading ultimately to the adult franchise.

I do not want to bind myself to the exact words, because I am speaking from recollection; but it was a reform of the Upper House franchise and it did not in the first expression suggest either an immediate extension to adult franchise. Later, however, when the Premier summarised the points of his speech, he included, in No. 12, adult suffrage for the Legislative Council. But I will get his exact words, I hope, and read them to him.

The Premier: This is near enough for ordinary people!

Mr. McDONALD: The point I want to make before leaving this stage is that, when we come to take the mandate argument regarding this Bill, it simply does not exist. My figures show conclusively that of the electors who spoke the majority were against the Government at the recent election.

The Minister for Lands: Figures can be made to prove anything.

Mr. McDONALD: That is a reflection on the Chief Electoral Officer.

Government members: No!

Mr. McDONALD: I have taken my figures from the Chief Electoral Officer's figures, and to me it is simply a matter of addition. Anybody can add the figures up; they cannot come to any other total. So that if we look for grounds for this Bill then we must turn to some other ground than the alleged mandate, because the mandate, as I have said, does not exist.

The Minister for Justice: We have 30 members on this side of the House; there are 20 on the other.

The Minister for Lands: There is a difference between numbers and figures!

Mr. SPEAKER: Order! Members must keep order.

Mr. McDONALD: The Minister forgets that there is a difference between numbers and representation. The 490 electors of Roebourne get one member of this House and the 13,500 electors of Nedlands also get one member. The difference is 27 to one as regards representation between Roebourne and Nedlands; and, as I have said, while we may not agree with the ratio and may not think it democratic in many respects, we—or rather I—agree that regarding outlying areas there should be some weight in representation to compensate for the distance from the centre of government. We turn to the second argument of the Minister, which is that the Upper House can veto the decisions of the popular Chamber, and we admit at once that that is perfectly correct. I for one consider that that is a reform which is overdue.

Members: Hear, hear!

Mr. McDONALD: We should alter our Constitution on the lines of the British Parliament Act and provide that if a measure

is passed a certain number of times through the Assembly then it must become law. I also agree to the proposition that the control of money should be a function of the popular Chamber.

Mr. Marshall: Solely?

Mr. McDONALD: On the lines of the British Parliament Act. But the argument about veto is not argument for this Bill, because this Bill will not alter the power of veto. We can pass this Bill without altering one comma and the power of veto would remain. The Upper House would still have the same equal power as the Lower House and could rightly veto not only ordinary Bills, but also money Bills. This Bill will not affect the right of veto in the slightest degree; it has nothing to do with the right of veto. That right would have to be dealt with by an entirely separate measure and for that reason it is no use invoking the question of veto as an argument in support of this Bill, because this Bill does not affect that right at all. I am prepared to go as far as to say that I consider the right of veto should be removed on reasonable terms, somewhat similar to those contained in the Act passed by the British Parliament in 1911.

The Premier: Do you think you could influence your colleagues in the Upper House to take the same viewpoint?

Mr. McDONALD: I think they would behave as reasonable men in that respect.

Mr. Marshall: It would be the first time they ever did so.

The Premier: Give them the opportunity.

Mr. SPEAKER: Order!

Mr. McDONALD: Give them the opportunity! The Government is not doing it.

The Premier: We are not doing it all at once.

Mr. McDONALD: Personally, I had hoped the Government would do so some years ago when the then member for East Perth introduced a Bill that was kept at the bottom of the notice paper week after week until the end of the session. That was the golden opportunity for the Government, and many people may be pardoned for forming the impression that the Government is not serious about the right of veto when it declined to allow a measure to pass which was actually introduced by a member on the opposite side of the House. The right of veto mentioned by the Minister as an argument for the passage of this Bill has, of course, no relevancy whatever. It is said by the Minister that the Legislative Council is not progressive. That is a matter of opinion always. If a person does not agree with us we think he is not progressive; we call him a reactionary. It is a favourite term of mutual recrimination.

The Minister for Justice: It would not be so bad if they were reactionary.

Mr. McDONALD: The Premier himself has seen fit to give us a sufficient testimonial to the progressive attitude of the Legislative Council, when he said quite recently—I quote from Volume 110 of "Hansard," 1942, at page 1327—

> We sometimes hear people criticise local industrial and social conditions, and contend that they are better than they need be.

He went on to say—

> I am convinced that those critics deep down in their hearts are proud of the industrial conditions under which the workers of Western Australia are employed.

Those industrial conditions of which we should be so proud and of which the Premier spoke are under measures all of which have been passed by the Legislative Council.

Mr. Triat: Mutilated in many instances.

Mr. McDONALD: They were passed and they are the origin of the conditions of which the Premier so justly spoke.

Mr. Triat: A number of measures were vetoed.

Mr. McDONALD: Possibly we might have the millennium, but let us be reasonable people and agree that we enjoy in this State for workers social and industrial conditions of which we have a right to be proud.

The Premier: The persistency of the Government was responsible for that.

Mr. McDONALD: All those conditions emanate from legislation which has been passed by the Upper Chamber of this Parliament. It would not be impossible for the Legislative Council to accuse this Chamber of being unprogressive, because I have recollections of measures which the Council has passed as being reforms but which this Chamber has refused to entertain. The Upper House has endeavoured to make what I believe to be reforms in our divorce law. It did so on three occasions by measures which passed through that Chamber, but this Chamber was not prepared to pass them. The Legislative Council passed a Bill relat-

ing to S.P. betting, which at that time was giving great concern to the people of the State, but this Chamber refused to pass it. This Chamber did later accept the measure, but at the first stage it refused to do so. Whether people are progressive or not is largely a matter of opinion and point of view and I do not propose to place much weight on that argument.

The Premier: S.P. betting is not a progressive thing.

Mr. McDONALD: No. It is highly retrogressive.

Mr. SPEAKER: There is nothing about S.P. betting in this Bill.

Mr. McDONALD: I will eliminate that, beyond saying that apart from those particular measures in which reforms have been originated and passed in the Upper House and refused in this House, I do not think much can be gained by an exchange of courtesies as to which Chamber is the more progressive.

Mr. Cross: Some of the divorce law reforms were questionable.

Mr. SPEAKER: Order!

Mr. McDONALD: We pass from the arguments which the Minister advanced in favour of this Bill and which I have endeavoured to show do not afford any justification to this House for entertaining it. We have now to consider whether there are not other arguments which may afford some justification for an extension of the constitution of this Parliament. If his arguments, as I have endeavoured to show, do not help us, there may be others which do help us, and I am sure members are prepared to view this matter on the basis of a proper examination of the considerations that should affect them when they pass in review the constitution of the Houses of Parliament. The first thing one has to consider in a matter of this kind is the experience of other countries, because this matter of the composition of the second Chamber is, as I have said, one of difficulty and one in respect of which various countries have made attempts to find a solution. From those attempts and experiences we may obtain a certain amount of guidance. The idea of the second Chamber is to afford an opportunity to review legislation passed by the popular Chamber, and an attempt has been made, in almost every instance, to ensure that the representatives in the second Chamber will represent an aspect of popular opinion, of the people's opinion, which is different from that of the lower Chamber.

The Minister for Justice: You cannot have an opinion of the people when so few are represented.

Mr. McDONALD: If the Minister will listen to me for a moment or two, I shall endeavour to show what has been done in other countries. I do not want to detain the House unduly, but I am not prepared to let this measure be debated without some proper examination being made of the issues involved. If we take the Australian States, we find that one of them—Queensland—has abolished the Legislative Council. Therefore the problems of that State are solved or they are created, however one may happen to view the matter. Passing to New South Wales, we find that the people are allowed no direct vote at all for the members of the Legislative Council, who are elected by the members of the Legislative Assembly. Whether that can be called democracy or not, it is a fact that the people in New South Wales, whether they have property or not, have no franchise for members to represent them in the Legislative Council. So that is one way in which the matter is dealt with, and I consider that our own system here, in spite of what might be said against it, is definitely more democratic than that of New South Wales.

The Premier: An anti-Labour Government put that on the statute-book.

Mr. McDONALD: And a Labour Government has never altered it. The Labour Government in power for many years has never endeavoured to alter it, so it must take more responsibility than did the originators. Now we pass to Victoria, where the electors for the Legislative Council can have a number of qualifications. One is the possession or occupancy of property of a ratable value of £10 a year if derived from freehold land, or £15 a year if leasehold land, or the occupation of rented property. The franchise, quite apart from property qualification, is also given to graduates of any British or Colonial University, to matriculated students of the Melbourne University, to Ministers of religion of any denomination, to certificated teachers, lawyers, and medical practitioners and to officers of the Army and Navy, active or retired. So, in addition to

the property qualification in Victoria, the franchise is given to a certain number of specified people.

Mr. J. Hegney: And the workers in industry are excluded.

Mr. McDONALD: I do not suppose there are many workers in Victoria who do not pay 5s. 6d. a week in rent. If they do that, they have a vote for the Council. In South Australia the qualifications are occupancy of freehold land worth £50 or leasehold land of £20 annual value, or the occupancy of a dwelling-house the rent of which is not less than £17 a year. In addition, the franchise is given to registered proprietors of Crown leases with improvements to the value of £50, to the head teacher of a school or college, residing on the premises, to a postmaster or postmistress residing in the building, to a railway station-master resident on the premises, to a member of the police force in charge of a station, and to officiating ministers of religion. In Tasmania, the qualification is a freehold property worth £10 or a leasehold property worth £30 a year.

In addition, apart from the property qualification, the franchise is given to members of certain professions and to all returned soldiers. I do not want to go through all the qualifications in our State, but the most usual is being a householder or renting a house of an annual value of £17 or 6s. 6d. or 7s. a week. In New Zealand, which is supposed to be a democratic country, there are no votes for the Upper Chamber, which is appointed by the Governor-in-Council. Even in England, for the House of Commons there is not only a residential vote for the men and women in the constituency in which they live, but an elector may also get a second vote for another constituency if he has in that constituency the occupancy of business premises worth £10 a year. For the House of Commons today there is, in addition to the personal vote, a property vote, but no person can have more than two votes.

The Minister for Justice: In Western Australia one person can have ten votes.

Mr. McDONALD: That is so. I shall come to that in a moment. We see then that attempts have been made to reach a basis upon which the Upper Chamber will not be a mere reflection of the Lower Chamber. The Senate of the Commonwealth has been criticised as being a mere reflection of the House of Representatives. It is elected by the same people, and writers on our Commonwealth Constitution have pointed out that our Senate has been a disappointment because it has been a weak imitation of the House of Representatives.

The Minister for Justice: Democracy stands for adult franchise.

Mr. McDONALD: It stands for good government, and the attempt on the part of other countries has been to provide that their second Chamber should be something which would make an additional contribution towards the art and science of government, and that the additional contribution should be created or facilitated by the second Chamber presenting a different aspect of the people's views. What has been attempted in so many of these second Chambers is the putting of the representation of that second Chamber upon a family basis. The idea has been mainly to base the Legislative Council on the family man; upon the man who has accepted family responsibilities; upon the man who has a house, and who has put his roots well into the State, and by such means to have a Chamber representing, we might suggest or hope, the opinion of the more responsible people of the State.

I took the slight trouble of looking at the first three pages of the latest roll of the Metropolitan-Suburban Province of the Legislative Council of our State. Of the 89 names in those pages 70 appear to me to be clearly identifiable as people who own or rent the house in which they live. So, 70 of those 89, just taking these first three pages at random, represent the ordinary householder; the responsible family man who is regarded as having the right to vote by virtue of the residence in which he lives, as an owner or as an occupier paying rent. In order that the family man's franchise might retain the widest possible scope the amount of rent to qualify a person as a voter is £17 a year, or not more than 7s. a week. Very few if any householders in this State, or in Australia, are likely to pay less.

Mr. Cross: It is possible for four people to have a vote for the one house, and for the next house to be represented by only one vote.

Mr. Watts: It is a good scheme in the North-East Province—

Mr. SPEAKER: Order!

Mr. McDONALD: I will not talk about that aspect for the moment beyond asking members not to judge these things upon the

present time, which is abnormal from every point of view. It is abnormal from the point of view of house shortage and overcrowding, and because tens of thousands of our population are oversea or out of the State, or otherwise away from the places in which they usually reside.

Mr. Fox: Not too many of them would have a vote.

Mr. McDONALD: Not too many would not have a vote.

Mr. Fox: Thousands.

Mr. SPEAKER: Order!

Mr. McDONALD: Of the adults in the State roughly one-third have a vote, and the Legislative Council roll is somewhat but very slightly inflated on account of plural voting. If we assume that most of those comprised in the one-third are married men, we find that the family unit covers a pretty wide section of the adult electors of our State. Even the latest Russian constitution provides for two Houses of the Supreme Soviet of the U.S.S.R. Curiously enough in spite of the representative vote each of these two Houses is equally powerful. If they cannot agree provision is made for them to be dissolved. But in Russia no attempt has been made to make one House superior to another. For that there is, however, possibility some degree of justification because both Houses are elected by the whole of the people. The Upper House is the Soviet of the Union and is elected by the citizens of the U.S.S.R. according to the electoral areas and on the basis of one deputy for every 300,000 people. The Lower Chamber is the Soviet of Nationalities and is elected by the citizens of the U.S.S.R. according to their republics.

Mr. Cross: They have an equal vote.

Mr. McDONALD: Yes, but in one House they are elected by the whole of the people, whereas in the other they are elected in republics according to the nationalities involved. There again the same attempt is made to secure in the Upper Chamber the reflection of a point of view of the people different from that obtained for the Lower Chamber.

The Minister for Justice: They still have adult franchise in both houses.

Mr. McDONALD: Yes, and the peculiar framework of the Russian Soviet makes its constitution necessarily different from those of other countries because, as the Minister knows, the candidates must all hold one particular theory of politics. The two Chambers must, of course, be composed of members who all hold the same political beliefs. All that the electors can do is to choose the individual who is to represent them, and he must have the same theories as any other candidate.

Mr. J. Hegney: They have national unity there, evidently.

Mr. McDONALD: They have a few national purges there, too. A political constitution is not more sacrosanct than any other human creation. Political constitutions require to be examined, reviewed and improved the same as any other human organisation. I would be the last to suggest that the Constitution of this Parliament, either of the Assembly or of the Council, could not benefit as a result of periodical examinations. But what I do suggest, and very strongly, is that when we seek to alter the Constitution under which the people are governed, it is not a matter to be lightly undertaken. It should be carried out only after the fullest consideration, and after comparisons with other systems.

Mr. Fox: How many years has it been considered now?

Mr. McDONALD: I have been here 11, years and this is the first time that this Bill has been brought down. I have been 11 years waiting for a veto Bill like the Parliament Bill of Great Britain, and the only time it came forward the Government squashed it. So I am approaching this question on the first occasion on which the Government has brought such a measure forward. What I do suggest is that there may be certain alterations to our Constitution that might with advantage be considered. I shall refer very briefly to these. In addition to elected members from the general public, might there not be some appointee members? For instance, in England certain universities have the right to appoint members to the House of Commons. It is possible that our second Chamber might be strengthened by appointees representing responsible bodies such as the university and the local governing authorities throughout the State. It might be possible to have, along with the ordinary elective system, some kind of system of election by, say, this House as is done in New South Wales.

The Premier: I do not think that would be very satisfactory.

Mr. McDONALD: It might be, if the Premier will not mind my saying so, that

provision might be made for ex-Premiers and Ministers of the Crown who have held office for a certain number of years to hold seats in the Legislative Council.

Mr. J. Hegney: A sort of peerage for them.

Mr. McDONALD: At any rate, that would enable the State to retain the benefit of their experience.

The Premier: No-one desires to be an ex-Premier!

Mr. McDONALD: Consideration might be given to an extension of the franchise to people who would be particularly qualified to exercise it and might be assumed to do so with responsibility. I refer to what has been done in a number of other States where persons in various categories have been appointed, such as doctors, nurses, the professions, and so on.

Mr. Cross: Would you include returned soldiers?

Mr. McDONALD: I would be prepared to consider the position of returned soldiers—that is, of those who have returned from service abroad. When it comes to a question of including all those who have worn uniform, I would like to say, as one who is a returned soldier who saw service abroad in a war that occurred a very long time ago, that under modern conditions there are many thousands of men in Australia who have not been able to enter one or other of the Fighting Services. Those men were manpowered for essential jobs. They would have entered the Services had they been allowed to do so. Great care has to be exercised to ensure that we do not draw distinctions unfairly between those who were able to, and did, serve in the Fighting Services—perhaps they were not able to serve abroad through no fault of their own—and those who, again through no fault of their own, had no opportunity to serve in the Fighting Forces.

Mr. Cross: You had better support the Bill.

Mr. Thorn: What has the member for Canning to say to the statement of the member for West Perth?

Mr. McDONALD: I approach the question sympathetically; but as to a general extension to all, I do not suggest that a member of the Armed Forces who has not served in a war zone is necessarily more entitled to a vote than a man who has rendered good service in a reserved and important war occupation. In addition, there are certain phases of our present law that require examination. For example, there is the position of tenants of flats, which should be made clear. When we come to the question of plural voting, I would be prepared to agree that to impose a limitation on plural voting would be to improve the franchise of the Upper House. If it became the will of Parliament that we should have adult franchise, I think consideration should be given to the age at which that franchise should be exercisable for the second Chamber.

The Minister for Justice: Do you think the age should be reduced to below 21?

Mr. McDONALD: No, I do not think we want to be any more juvenile—either in or outside this House. The Scandanavian countries are not unprogressive and I understand that there an elector for the Lower House must not be under 23 years of age. That applies in the country that the Minister may have come from; I refer to Norway. If we should regard it as our objective that our second Chamber should be, in one sense, a House of assured responsibility, we might well consider whether the age for electoral qualification for the Legislative Council should not be raised above that for the Legislative Assembly.

Mr. Cross: Yet lads are old enough to fight oversea at the age of 19!

Mr. McDONALD: I do not intend even to discuss that phase with the hon. member. It has been said that the pianist Mozart was able to perform on the piano beyond all others of that day when he was nine years of age—but I would not have given him a vote. A person may have great physical powers at the age of 19—much greater than those possessed by, say, Mr Churchill. Nevertheless I would not regard such an individual as politically equal to Mr. Churchill. There are two factors I shall mention in connection with this subject. Western Australia may receive, in the immediate post-war years and for some years thereafter, a considerable influx of population. There are some people who think that unless we can populate this State we will not long be able to retain it to do anything with it at all. These migrants may be people from southern and eastern European countries. They will come to this State after having been brought up in a way of life, politically and socially, in many respects quite alien to

that of the Australian people. It may take them many years before they assimilate Australian ideals.

The Premier: Yes, but they would have to be here for five years before they could vote.

Mr. McDONALD: But even a period of five years will not necessarily make them Australian as Australians are.

Mr. Triat: If they were here for five years and had property, they could have a vote.

Mr. McDONALD: If such people are naturalised and have property it may be assumed that, as householders or otherwise, they have put their roots in the country and have accepted responsibilities. If they did that, then I would not deprive them of any privilege they would otherwise enjoy. Until that time comes, as to those people who may not have accepted those responsibilities, I suggest they would not be entitled to the same say in the parliamentary representation of our country as would those who had been living for a long time in Australia and had made their homes here.

The other factor is that we are invited to enter upon this proposition at a time when many people are out of the State and are not able to take part in contemporary politics. I am not keen on any major and permanent changes in the institutions of our country being made while men are away and not able to take part. There were many who did not vote at the recent Referendum because they had no chance to vote. In considering this major change, this House and the Legislative Council which is vitally affected, would be wise, and it would be no more than their duty to the people, to subject this measure to examination by a Select Committee consisting of members of both Houses. They could consider the various aspects involved and make recommendations to Parliament as to what reform, if any, should be made in the Constitution as it affects the Legislative Council. I hope that this course will be adopted, because otherwise I fear that all the factors may not receive the weight and consideration to which they are entitled. On the other hand, if the two Houses, through a Select Committee, met and discussed what could be done to make the Constitution more workable and more fair in its operation, they might be able to devise something which would be an advance in our constitutional provisions and at the same time not impair the stability and effectiveness of the Constitution from which, on the whole, this State has received good results and results of which it can be proud.

MR. WATTS (Katanning): Unlike members on the Government side, I and those associated with me in the platform to which we subscribe make no reference whatever to the Legislative Council. We do not postulate for its abolition or amendment or for its non-abolition or non-amendment. We have, for all practical purposes, left it out entirely. Therefore, in the circumstances, in discussing this Bill, I find myself speaking for myself, leaving each of my colleagues to speak as his conscience dictates. I am, however, prepared to make a few observations and suggestions on this subject, not at great length, that will explain my attitude to the Bill and the way in which I think this matter should be approached by a Government claiming to aim at carrying out the fundamental principles of democracy.

It will be interesting at this stage to consider what is democracy and what are its fundamental principles so far as one can ascertain and explain them. Viscount Bryce, a man with a great reputation and I think a well deserved reputation, has made many contributions to political questions of this character, both in regard to matters democratic in general and also in regard to great constitutional questions. I consider his work on the American Constitution, for example, as one which has stood the test of time and received general approval from all sections of the people who give any great study to the principles of the government of that great democracy. I have before me another of his works entitled "Modern Democracies," Volume 1, written approximately 20 years ago, just a little while before his lamented death. Before I turn to his observations on the principles of democracy I would like to read a few words from the introduction. Referring to the government which is desired by all democratic people, he says—

> A people through which good sense and self-control are widely diffused is itself the best philosopher and the best legislator, as is seen in the history of Rome and in that of England. It was to the sound judgment and practical quality in these two peoples that the excellence of their respective constitutions and systems of law was due, not that in either people wise men were exceptionally numerous, but that both were able to recognise wisdom when they saw it, and willingly followed the leaders who possessed it.

I hope that we in Western Australia, in discussing matters of this sort, will be able to recognise wisdom when we see it and follow the leaders that possess it if, as I believe, we have such amongst us. To my mind he deals with the matter in a very fair and straightforward manner, giving both sides of the case. Turning to his idea of what constitutes democracy, he says—

The word "democracy" has been used ever since the time of Herodotus to denote that form of government in which the ruling power of a State is legally vested, not in any particular class or classes, but in the members of the community as a whole. This means, in communities which act by voting, that rule belongs to the majority, as no other method has been found for determining peaceably and legally what is deemed the will of a community which is not unanimous. Usage has made this the accepted sense of the term, and usage is the safest guide in the employment of words.

A little further on he has this to say—

So far there is little disagreement as to the sense of the word. But when we come to apply this, or indeed any broad and simple definition, to concrete cases, many questions arise. What is meant by the term "political community"? Does it include all the inhabitants of a given area or those only who possess full civic rights, the so-called "qualified citizens"? Can a community such as South Carolina, or the Transvaal, in which the majority of the inhabitants, because not of the white race, are excluded from the electoral suffrage, be deemed a democracy in respect of its vesting political power in the majority of qualified citizens, the "qualified" being all or nearly all white? Is the name to be applied equally to Portugal and Belgium, in which women do not vote, and to Norway and Germany, in which they do? Could anybody deny it to France merely because she does not grant the suffrage to women? Or if the electoral suffrage, instead of being possessed by all the adult, or adult male citizens, is restricted to those who can read and write, or to those who possess some amount of property, or pay some direct tax, however small, does that community thereby cease to be a democracy?

There is a question that I think we have posed for us, and which is well worthy of the consideration of the Minister who so frequently and so loudly proclaimed his interest in the word "democracy" when addressing this Chamber last Thursday night. But let us finish these interesting extracts. I quote further from page 24—

In all the last-mentioned cases must we not consider not only who possessed the right of voting, but how far that right carried with it a full control of the machinery of government? Was Germany, for instance, a democracy in 1913 because the Reichstag was elected by manhood suffrage?

Further, from page 26, I quote this interesting extract—

Although the words "democracy" and "democratic" denote nothing more than a particular form of government, they have, particularly in the United States, Canada and Australia, acquired attractive associations of a social and indeed almost of a moral character. The adjective is used to describe a person of a simple and friendly spirit and genial manners, "a good mixer," one who, whatever his wealth or status, makes no assumption of superiority, and carefully keeps himself on the level of his poorer or less eminent neighbours.

It seems to me that there are no members of this House who do not come very nicely within that term, not even excluding my jovial friend the member for Canning. Now we will have one extract more in order that I may, as far as practicable, complete the education of the Minister by some of these edifying quotations—

The Sovereignty of the people is the basis and the watchword of democracy. It is a faith and a dogma to which in our time every frame of government has to conform, and by conformity to which every institution is tested. We shall have, in the course of our examination of the working of many forms of government, to observe in what ways doctrine is applied to practice, and how far each of the methods of applying it gives good results. It is therefore worth while to begin by enquiring what that sovereignty imports, and who are those that exercise it?

What is the People? The word has always had a fascination. It appeals to the imagination by suggesting something vast and all-embracing, impersonal and intangible. We are in the midst of a multitude and part of it, and yet we do not know its thoughts and cannot forecast its action, even as we stand on the solid earth and cannot tell when it will be shaken by an earthquake; or as we dwell under and constantly watch the sky yet can seldom say when tempests will arise and lightings flash forth, or as we live in the midst of the vibrating ether and have no sense-perceptions of its presence. There seems to be something about the mind and will of the People so far transcending human comprehension as to have a sort of divine quality, because it is a force not only unpredictable but irresistible.

Having mentioned those matters to the House, partly for the edification of the Minister and partly for my own, I am now about to say that my view of the matter may be summed up in a very few words. I have already stated that in this matter I speak for myself, leaving my colleagues to speak for themselves when the time comes. I am prepared to support the second reading of the Bill upon one condition as to its future

progress after the second reading, and that condition is that the Government shall be prepared to submit the measure to a referendum of the people of this State, to be passed by a majority of those qualified to vote for the Legislative Assembly.

The Premier: In wartime would you do that?

Mr. WATTS: I am not going to argue about the time at this juncture. The time is a matter which, if necessary, may be discussed at some subsequent date.

The Premier: I am afraid we shall have to pass this Bill without you!

Mr. WATTS: I have read those extracts because they convey my ideas far better than anything I can say for myself. My view is that before this substantial amendment and, a further substantial amendment of the Constitution are made, the Government should obtain a mandate from the people of the State. I am prepared to assist the Government to obtain it.

The Minister for Justice: Through the other place?

Mr. WATTS: I am prepared to assist Ministers to the best of my ability to obtain the mandate. They already know what I have told them in regard to the matter generally.

The Minister for Justice: Then you are definitely in favour of adult suffrage?

Mr. WATTS: I am not definitely in favour of adult suffrage under this Bill; but I am definitely in favour of the will of the people being irresistible and supreme, and I doubt whether the Minister for Justice is. It may be necessary for me to take up the attitude which some members on the opposite side of the Chamber adopted in regard to the referendum question, and take no part in the matter at all. I will decide that at the proper time. I am prepared to take that course because I hold that the will of the people, properly ascertained, should be supreme; and therefore I consider that this matter should be referred to a referendum requiring a majority of the electors who are qualified to vote for the Legislative Assembly.

The Minister for Justice: If we did secure the will of the people, as you say, and if the other place did not agree to it, what then?

Mr. WATTS: Why surround the incomprehensible with the unknowable, as Mr. Hughes said to Dr. Evatt about the Referendum? How can I answer the question? I can only tell the Minister the right way to go about his proposal.

The Minister for Justice: It seems to me that you are asking for something that is impossible!

Mr. SPEAKER: Order! It seems to me that the Minister has the right of reply.

Mr. WATTS: All that my suggestion requires the Minister to do is to accept a clause in this Bill, or to bring down a separate Bill, authorising and prescribing the methods to be used for a referendum. When the Minister has done that and has got the verdict of the people of this State, he will be entitled to claim a mandate and then be entitled to his rights in that respect—which certainly he is not entitled to now, because he has no mandate. I do not propose to reiterate the observations, though they are perfectly correct, of the member for West Perth; but there is also another aspect of the matter which I bring before the Minister in all sincerity for his instruction. One of the mistakes, in my opinion, made in regard to electoral methods for the Commonwealth Senate was that there was no provsion for proportional representation. In consequence, there have been cases when the Labour Party with 49 per cent. of the votes has had no members, or practically none, in the Senate.

The Premier: At one time the present member for Perth was the only Labour member in the Senate.

Mr. WATTS: I believe so. There have been occasions when non-Labour parties with a large percentage of votes have had no members, or practically none, in the Senate. The circumstances are as I have stated, that a mistake made in connection with the Commonwealth Constitution was that it contained no provision of any kind which ensured that those who had a substantial backing of a great proportion of the people should obtain a reasonable proportion of representation in the Senate Chamber, because, there being only six Senate electorates, the circumstances are quite different from those of the Lower House, where there are 74 or 75 electorates. It is impossible in the Lower House, or virtually so, for any line of political thought to be devoid of representation, but it is by no means impracticable or impossible in the Senate—as has been proved—for a line of political thought which has substantial backing in the electorate to be

left without virtual representation or entirely without representation.

Unless the Minister is very careful he may very easily run the same risk if he were to get away with the mandate to which I have referred and from the law which we are discussing. He would have to be very careful not to fall into the same pitfall in regard to the Legislative Council of Western Australia, because no provision exists to increase the number of the provinces and consequently we might easily find that all the members of the Legislative Council, or a great proportion of them, would on some pendulum swing ultimately become representatives of one line of political thought instead of, as they should be, proportionally representative of all shades of political thought, or as near thereto as human ingenuity can devise.

The Premier: That line of political thought would have to remain constant for six years.

Mr. WATTS: I do not think that aspect of the matter safeguards it at all. It might have some braking effect on it, as compared with the Senate, but I doubt very much whether a proper state of affairs could be ensured because of biennial elections.

The Premier: But if the opinion remained constant for six years it would be the opinion of the people.

Mr. WATTS: That is so. Nevertheless, even although the opinion of a majority—and frequently a small majority—remains constant, there is a very substantial minority which under the Senate system obtains no representation whatever in certain circumstances, and that is not a principle of democracy, because the minority is at least supposed to have a voice although it must submit to the will of the majority. There are no fewer than five electorates in provinces of 25,000 or 30,000 square miles in the smallest of the rural areas, and others of hundreds of thousands of square miles in other parts of the State.

The Minister for Justice: There are only two provinces larger than my electorate.

Mr. WATTS: There are hundreds of thousands of square miles in the Minister's electorate and only a few voters. As a matter of fact, the Minister for Justice represents such a vast area of Western Australia that has neither production nor population that his existence in this Chamber can hardly be justified.

The Minister for Justice: I have as many electors as you have.

Mr. WATTS: There are other times, as we look upon his smiling face, when we feel encouraged to believe that we ought to have two of him. It depends upon the circumstances of the case and the time.

The Minister for Lands: And the mood you are in.

Mr. WATTS: Perhaps that has something to do with it. Like the Minister himself, I am more complacent one moment than I am the next. I have even seen the Minister's ire aroused, but not recently, I must admit. That is the position as far as I am concerned. Turning now to the observations of the member for West Perth, and failing a proper proposal which I contend should be put to the people of the State on the lines I have indicated, I am prepared to have this matter submitted to a Select Committee. If the House determines on that course I certainly shall not oppose it. I think there are other aspects of the relationships between the Council and the Assembly which ought to have been considered in this Bill.

I regret the measure is rather hastily conceived and put together, for it does not solve the problem of the relationships between the two Houses. It will not cure the necessity for conferences of managers when Bills are the subject of dispute between the two Houses. If this Bill becomes law, it is not clear that the Upper House would simply be a reflex of this Chamber. If it were not, the necessity for conferences between managers on disputed items would be evident. Nor, as the member for West Perth has said, has anything been done to ensure that the will of the people—which he discussed under the heading of right of veto—should be put into effect if there were a refusal by the Upper House to pass legislation carried by this Chamber. The member for West Perth suggested the passing of an Act similar to the Parliament Act of Great Britain to overcome that difficulty.

The Premier: We can deal with that in separate legislation.

Mr. SPEAKER: Order!

Mr. WATTS: Yes, but the Government keeps on bringing down amendments to the Constitution line by line and letter by letter, month after month and year after year. Why not get down to the business and settle the problem once and for all if the Government is so anxious to settle it? Fiddle, fiddle, fiddle with the Constitution!

The Minister for Justice: How would you do that?

Mr. WATTS: Before long there will be nothing left in the Constitution. I study the book of Standing Orders and I have found that many provisions have been taken out of the Constitution Act and put into the Electoral Act, such as this one. Shortly, the Constitution will be unrecognisable as in its first and former state. Why does not the Government get down to these problems and tackle them all at the same time?

The Premier: Not in one Bill, surely!

Mr. WATTS: I do not see any reason why that should not be done. In fact, I cannot for the life of me understand why the Constitution was not amended instead of the Electoral Act. We have an extraordinary position here. We are asked to consider an amendment to the Electoral Act that is going to replace Sections 15, 16 and 17 of the Constitution Act; then we are going to be asked to repeal Sections 15, 16 and 17 presumably almost simultaneously with the amendment to the Electoral Act. We are going to substitute new sections for those to be taken out of the Constitution Act. If we are not particularly careful we shall become much involved and we may easily find ourselves with a Constitution Act that does not contain Sections 15, 16 and 17 and consequently no electoral qualification for the Legislative Council at all, and with an Electoral Bill that is rejected. Then, as far as I can see, the members of the Legislative Council could sit for ever because there would be no electors to whom they would be responsible.

It is quite clear to me that the whole matter should be given more careful consideration and that the various aspects to which I have referred should be put before the House in one measure, that is, if there is any intention of dealing with this and other problems which have been discussed tonight. However, I do not propose at this hour of the evening to continue the debate on this measure. If the Government chooses to adopt my suggestion, it will have my support for the measure throughout its life in this House. It is obvious that I shall have to vote for the second reading. If my suggestion is not adopted, then I shall persist in asking that we have some further inquiry into other aspects of the amendment of the law in regard to this proposition. Let us have this question—if it be a burning question—settled once and for all. Do not let us carry on month by month whittling away at the Constitution Act and the Electoral Act and not arriving at any conclusion whatsoever. To continue doing that would simply brand all the members of this House with insincerity. The best way to do it, therefore, is to lay down in clear and categorical terms what we want and what this House as a whole is prepared to recommend, and then see what becomes of it in either of the ways I have suggested. So for the purposes of the present I shall support the second reading. My future conduct on the matter will be determined by what happens subsequent to the second reading.

MR. NEEDHAM (Perth): When the member for West Perth addressed the Chamber he said that the question of altering the franchise for the Upper Chamber had been a topic of discussion for many years. That is quite true. My own memory goes back many years to the time when this question was discussed. A long time ago I was a member for Fremantle and then we had talk about an alteration of the franchise for another place. Then, as now, the Labour Party had the idea of a reform of the Chamber with a view to its ultimate abolition. But 40 years have gone by and we are a long way from having made much alteration, if any, in the franchise for that Chamber. It was thought we might be able so to alter the representation in that House that we could bring about the same position as exists in Queensland. But I regret to say that the Legislative Council is still with us. I remember on one occasion going through some caves in the Eastern States. The guide was explaining all about the stalagmites and stalactites. He was asked how long it would be before a stalagmite and a stalactite met and he replied that it would take about four million years. I said to one of my colleagues, "By that time Labour may have a majority in the Legislative Council."

Over all the years that this reform has been attempted there has been an alteration of eight men. That is about as far as the intended reform has gone. I have doubts whether the Bill we are now discussing will ever become a statute. The member for West Perth occupied some time in endeavouring to prove that the Government had not a mandate to introduce this legislation. He went on to quote the number of votes cast for this side of the Chamber as against those cast for the opposite side.

The undoubted fact remains, however, that the members on this side of the House were returned with an increased majority at the last election, and nearly every one of them put the question of a reform of the Legislative Council before his electors. The member for West Perth must realise that the vote of the people was in favour of that part of the policy speech of the Premier.

The Premier: There is no denying that.

Mr. NEEDHAM: If the Government has not a mandate for the legislation now before this House, it has not a mandate on any question. If we are going to discuss the question of a mandate, I wonder where and when the Legislative Council ever obtained a mandate for anything it has done!

Mr. McDonald: The Tasmanian Legislative Council got a mandate the other day.

Mr. NEEDHAM: I am looking at the matter from the standpoint of the words used by the hon. member—"a mandate from the people." Every man and woman in this State who is over 21 years of age has a right to vote for members of this House. But that is not the case with regard to the other Chamber for the members of which, as the hon. member knows, about one-third or less than one-third of the people vote. Surely if there is anything in a mandate at all it is here where the Government has a majority in this Chamber for the members of which every citizen over 21 years of age has a right to vote provided he has been six months resident in the State. So that particular part of the hon. member's speech can easily be passed by. Let me, however, congratulate the hon. member on his admission that he would agree to a reform of the second Chamber to put it in the same position as the British House of Lords. I welcome that statement. We would certainly achieve something if we could get legislation through both Houses of this Parliament, curtailing the power of the other Chamber in the same way that the power of the House of Lords has been curtailed. There, after a measure has passed the House of Commons on three occasions in two years, it automatically becomes law whether the House of Lords agrees or not. I suggest to the hon. member that before we can reach that position a Bill of this kind is necessary in order to bring about adult franchise for the Legislative Council and alter the complexion of the membership of the second Chamber. The hon. member also referred to the oft-repeated statement that the Legislative Council is not progressive. I repeat that statement tonight. The history of the Legislative Council proves that. It is proved by the Council's rejection or emasculation of many progressive Bills, which had for their object an improvement of the conditions of the people and particularly industrial Bills introduced into and passed by this House that set out to improve the conditions of the workers in this State. Such Bills have frequently been either rejected in toto or emasculated—amended in such a way that they had to be abandoned.

The member for West Perth referred to a statement made by the Premier in connection with the industrial conditions obtaining in Western Australia. I admit that the conditions of the workers of this State have been improved in recent years, but there is room for greater improvement. Had it not been for the rejection or the emasculation in another Chamber of the measures I have mentioned the conditions of the worker would be much more improved. So I still hold the view that the Legislative Council is a strong bar to social reform. The hon. member then referred to a number of different States and the composition of their second Chambers, and the methods of election. I notice that he quickly skipped over Queensland. He did stress, of course, that Queensland had abolished the second Chamber. For many years now Queensland has been without a second Chamber and during that time it has placed in its statute-book legislation of a very advanced nature. In many instances, and particularly in connection with industrial legislation, Queensland leads the way. If this State had a single Chamber conditions would be much better here. Another objection raised by the member for West Perth against the adult franchise proposed by this measure as a qualification for the election of members of the Legislative Council is that it would bring about a condition of affairs where the other House would simply be a reflex of the opinion of this House. He instanced the Senate and said that it was a disappointment. It is true that the adult franchise operates for the Senate as well as for the House of Representatives. But I know that on many occasions the Senate has not been a reflex of the opinion

of the House of Representatives. I had the honour to be a member of the Senate for many years and there were times when it was anything but the reflex of the opinion of the other House. But even if it was, and if the hon. member is disappointed about that condition of affairs as sometimes happens, I have not yet heard him suggest the abolition of the Senate, nor has any member of his party. The Senate for many years was composed of members of his party. Just now, for the first time in 27 years, Labour has a majority in both Houses. During those 27 years, and during the earlier years of Federation the party to which the hon. member belongs—and I sometimes get mixed up as to which party he and his colleagues do belong to because it changes its name so frequently, the latest being the Country and Democratic League—at any rate, I will put it this way that for the major portion of the 44 years of Federation non-Labour parties have been in power in that Parliament and none of them, to my knowledge, has ever advocated the abolition of the Senate. There is another feature of this matter that I wish to put before the House. If by any chance this measure reaches the statute-book, and if by some miracle another place accepts adult franchise for the election of its members, the dangers envisaged by the member for West Perth will not eventuate. The members of the Senate are elected on the same day as are the members of the House of Representatives. That would not occur in the case of our Legislative Council, because the retiring members of that body would be elected at least a year after the members of this House.

Mr. Seward: That can be easily altered.

Mr. NEEDHAM: If the Government of the day had done anything wrong between the time of its election and the election of the members to fill the triennial vacancies of the Legislative Council, the electors would have a chance to indicate their opinions of the Government's action in a much more forceful and effective way than under the present system where only one section of the people has the right to vote. That phase of the question need not worry the member for West Perth. He made another suggestion that we might include the system of special representation, and instanced the position that arises in the House of Commons where members are elected to represent universities. That kind of special representation was done away with long ago in Australia. I think the last place in which such representation occurred was in the State Parliament of Victoria. I presume that the hon. member thinks that men representing the universities and other such institutions would have training and knowledge that would be of assistance in forming legislation. That may be so; I believe it would be, but there is no bar to any of these gentlemen becoming members of this or the other House. They have the right, like any other citizen, to seek election to Parliament and, if successful, then to devote their intelligence and ability in the formation of legislation to govern the country. The hon. member mentioned that in certain conditions the soldier might be given the vote. Why should the soldier be denied the vote for the Legislative Council unless he has the particular qualification of rent or lease, or ownership of a block of land? It is true that the members of the Fighting Forces did get a vote at the Federal election and in the case of the State Assembly elections.

Mr. Seward: Some of them.

Mr. NEEDHAM: As far as they could be reached they got it and the hon. member knows perfectly well that many could not be reached. But his friends in another House refused them a vote altogether, no matter where they were. They were good enough to fight for members in another place, but not to have the vote. Yet, thousands of them have not either the rent or the property qualification. Why should these men be debarred from having a vote for that august Chamber?

Mr. Seward: They are not.

Mr. NEEDHAM: Yesterday the member for Mt. Marshall pleaded feelingly for the returned soldier, and rightly so. I know of no member in this House who has a better right than he to plead for good treatment for these men when they return. He has gone through the mill and has made a vital contribution not only to this but the last war. I would ask him to extend his solicitude for the servicemen in another direction than that of settling soldiers on the land. I hope he will vote for this measure and give to those colleagues of his that we hope will return shortly from the horrors of the present war the right to vote for members of another place. This Bill

represents just another attempt to see what can be done with the situation confronting us regarding the electoral machinery for the Legislative Council.

Mr. Thorn: You are not "dinkum" in that!

Mr. NEEDHAM: The Leader of the Opposition made the suggestion that if the Government submitted the Bill to a referendum of the people he would support the second reading. I assume that he meant —if the Bill went through another place as well. I would point out that if the Legislative Council passes the measure, there will be no need for a referendum. On the other hand, I assert that if the Bill is defeated in the Upper House, a referendum of the people should be held—without another place being consulted. This matter has been going on too long. For far too long have the members of another place been strongly entrenched in their legislative hall. When moving the second reading, the Minister rightly pointed out that the Council is the most strongly entrenched second Chamber in the British Commonwealth of Nations. The Constitution which authorises its existence cannot be altered without its consent. In my opinion, a Bill to take a referendum of the people would be rejected by another place. No matter what we may do, members of the Legislative Council are complete masters of the situation. I agree that if the Bill does not become law, we should pass a measure in this House extending the right to the electors not merely to decide whether there should be adult franchise for another place but whether the second Chamber shall be abolished altogether. If the members of the Council will not agree to an alteration of the franchise and if the present electoral machinery cannot be amended, then the existence of another place should be ended altogether. At one time a more democratic feeling existed in another place than is apparent today. In 1887, the Secretary of State for the Colonies recommended the creation of—

> A single Chamber Legislature for Western Australia, with full power to make, repeal and alter laws for the government of the whole Colony, including the power of creating a second legislative Chamber at a future time if a majority of two-thirds of all the members shall consent to it.

At the next sitting of the House, in March, 1888, Mr. S. H. Parker moved—

> That the constitution of the Colony should from the first provide for the establishment of a second legislative Chamber and that the second House should be elected by the people.

That was many years ago and it will be noted that Mr. Parker did not suggest that the second Chamber should be elected by some of the people. His suggestion was that it should be elected by all the people. Needless to say, these proposals were vigorously debated in the Chamber and, during the course of that debate, Mr. Hensman, who afterwards became Chief Justice of this State, made the following very interesting statement, which I think is worthy to be quoted—

> The Upper Chamber would gradually become more powerful, more inclined to opposition and create more mischief than the good it was intended to produce, because, as Mr. Parker had said, those who were elected by the people must eventually have their way. They could get a second House of wealthier or elder men, but was it desirable that such a House should control the energetic, busy and practical representatives of the people?

Those words have come true. It is really a prophetic statement when we have regard to the powerful position of the second Chamber today. Wealthy men have seats there; and there are elderly men. During a number of years past they have defied the will of the people as represented by the electors for this Chamber. In that regard Mr. Hensman builded better than he knew. I realise the difficulties in trying to bring about the reform of a Chamber of such a nature. However, the result of the debate to which I have made reference was the formation of a second Chamber. Later there were many attempts to effect alterations. As far back as 1927, Mr. Drew, who was then Chief Secretary in a Labour Government, moved the second reading of a Bill similar to that which we are now discussing. During a very interesting speech, Mr. Drew said—

> The opposition which exists is due to the illiberal franchise for this House. It is due to the fact that only a little more than a third of the people have representation here. We are supposed to have responsible government in this State. We boast of the possession of adult suffrage but so far as political effectiveness is concerned, it is a sham and a delusion. The entire legislative position is governed by the restricted franchise on which members of this House are elected.

That statement by Mr. Drew is as true today as it was when he uttered it. We boast of

democracy. Where is our democracy? How can we have democratic government when a Legislative Council elected by one-sixth of the people can and does defy the Chamber elected by all the people? Another anomaly that this Bill, if passed, will remove, is that of plural voting. That is certainly not a democratic method of election. There are ten provinces in this State and three members represent each province in the Legislative Council. It is possible for one man to have ten votes at an election. I do not know whether that actually happens; I know that some men have recorded two or three votes, but the possibility is there. Anyone with a qualification in each of the ten provinces may register a vote in each.

I have referred to the constitution of the Senate and the House of Representatives. The system has worked very well there and, if adopted in this State, I am sure it would not react in the way feared by the member for West Perth. It would not make the Legislative Council a reflex of the Assembly because of the fact I have mentioned, namely, that the election for the Council would be held at a different time from that of the Assembly. I hope the Bill will become an Act. I think the day has arrived when second chambers of any sort should be abolished, not even excluding the Senate. After all the people with the franchise have an opportunity every three years to say who shall be their representatives. Why not, then, follow the good example of Queensland and have only one Chamber? I support the second reading hoping that the Bill will be passed, and I repeat that if this legislation is defeated this House should consider submitting the whole question to the people by way of referendum to determine whether the second Chamber should be abolished.

On motion by Mr. Graham, debate adjourned.

House adjourned at 9.53 p.m.

Legislative Council.

Tuesday, 12th September, 1944.

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

ASSENT TO BILL.

Message from the Lieut.-Governor received and read notifying assent to the Supply Bill (No. 1) £2,700,000.

QUESTION—BUS SERVICE.

As to Perth-Como-Canning Bridge Timetable.

Hon. J. A. DIMMITT asked the Chief Secretary:

(i) Is it correct that a new time table was put into operation on August 20th last, for the Government bus service operating between Perth, Como and Canning Bridge?

(ii) If so, when is it proposed to make available to the public particulars of such alterations and to issue new time tables, in order that the inconvenience and annoyance now being experienced may be obviated?

The CHIEF SECRETARY replied:

(i) Yes.

(ii) A special issue of the time table was made and copies handed to bus drivers on this service for distribution to passengers. A large number have already been distributed, and further copies are available on application to bus drivers.

LEAVE OF ABSENCE.

On motion by Hon. A. Thomson, leave of absence for twelve consecutive sittings granted to Hon. H. V. Piesse (South-East) on the ground of ill-health.