

Legislative Council.

Friday, 12th December, 1941.

(First Sitting of Date.)

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The PRESIDENT took the Chair at 3 p.m., and read prayers.

BILL—LEGISLATIVE COUNCIL (POSTPONEMENT OF ELECTION).

Introduced by the Chief Secretary and read a first time.

BILL—ADMINISTRATION ACT AMENDMENT (No. 1).

Second Reading.

Order of the Day read for the resumption from the 11th November, of the debate on the second reading.

Point of Order.

The Chief Secretary: Before replying to Mr. Piesse, I would like to ask your ruling, Sir, as to whether the Bill is in order. I have been advised by the Crown Law authorities that it is not. I question whether I should give reasons at this stage; perhaps it might be as well to do so.

The President: I think so.

The Chief Secretary: The Crown Solicitor has advised me that there are two reasons why the Bill is unconstitutional. In the first place, it is introduced by a private member and will, according to evidence supplied by the Master of the Supreme Court, affect revenue. For instance, there is no doubt that the Government will, if the Bill passes, have to employ additional staff to carry out the matters provided for in the Bill. Aside from that reason there is, according to the Crown Solicitor, a still more drastic prohibition. Section 46 of the Constitution Acts Amendment Act provides—

Bills appropriating revenue or moneys or imposing taxation shall not originate in the Legislative Council.

On this point, it matters not whether the Bill is introduced by a private member. The

Government could not introduce a Bill in the Legislative Council which would result in appropriation of revenue, and I submit that the standing orders cannot override the Constitution Act. Briefly, those are the two reasons which I submit make this Bill unconstitutional, and therefore out of order. I could perhaps quote opinions. I have a great deal of information which has been given to me by the Crown Solicitor and by the Master of the Supreme Court; but I understand that you, Sir, have given some consideration to these points, and consequently I do not propose to take up the time of the House in dealing at length with them. I simply ask for your ruling as to whether or not the Bill is in order.

The President: Does the sponsor of the Bill wish to speak on a point of order? If so, I ask him to confine himself to the point of order.

Hon. H. V. Piesse: Yes. I take it the Government asserts that the Bill will involve appropriation of revenue. From my knowledge of country magistrates and clerks of court, I do not think any extra expense will be incurred by their undertaking this work. Anyone who has had experience of obtaining probate or letters of administration knows that very little work is involved in filing the original application. If that work were done in the country, the magistrate or the clerk of the court would be carrying out exactly the same kind of work that is done in the Perth Probate Office. In the metropolitan area, people have the right to apply for probate or letters of administration in those cases where the value of the estate is under £500. That right is not enjoyed by goldfields residents or by residents in country districts. It may be said that the court can appoint agents in country districts to receive applications, but it has never yet done so. My desire is that the people residing on the goldfields and in country districts should, in this respect, enjoy the same rights as are enjoyed by residents in the metropolitan area. I do not consider any extra expense will be involved.

Hon. G. B. Wood: I am not in agreement with the point raised by the Chief Secretary. His contention is that the Bill will involve an appropriation of revenue. I maintain that it will not, because the work will be done by a country magistrate or by a country clerk of courts. Even if this did involve a little extra expense, that expense

would be saved the Perth office. The taking out of probate or letters of administration in Perth for country estates involves a good deal of negotiation with country solicitors. I trust that you will rule against the point raised by the Chief Secretary.

Hon. J. Cornell: The point is one for you, Sir, to decide and it will then be open for members to dissent from your ruling. If you rule the Bill in order, I am not concerned; but if you rule it out of order, I am. I have perused the Bill and have also read Section 46, Subsection 1, of the Constitution Acts Amendment Act, and am of opinion that the point put forward by the Chief Secretary arises by implication only, as there is no direct appropriation. The Chief Secretary said that the Bill would, if passed, entail the employment of extra staff and that that would mean an appropriation of revenue. If my recollection serves me aright, during the years I have been Chairman of Committees and during the period that you, Sir, were Chairman of Committees, amendment after amendment has been moved in Committee involving appropriation of revenue. If the Bill is ruled out of order, then I, so long as I continue to act as Chairman of Committees, will have to rule out of order an amendment involving appropriation of revenue and I shall have to quote your ruling on this Bill as my authority. For the sake of argument, some amendment may be moved to a Bill which would involve the appointment of a mining inspector or a magistrate, and that clearly would involve an appropriation of revenue. That is the view I take.

The President: I thank the Chief Secretary for telling me beforehand that he intended to raise the question of whether this Bill is in order. His doing so is in accordance with the courtesy he has ever shown to me as President, and generally to members of the Council. It has enabled me, with the assistance of officers of Parliament to consult a number of authorities and give the question full consideration.

The objection to the Bill is that it is a Bill which, if passed, would impose a charge on the revenue, and as such could only be introduced in the Legislative Assembly by a Minister of the Crown, and be preceded by a Message from the Governor. There is nothing on the face of the Bill that would indicate that, if passed, it would affect

revenue. If passed, the result would be that public work now done by public servants in Perth would be done by public servants in rural and goldfields areas. If any extra work were to be entailed, it would be done by the existing staff. I can only conclude that the Chief Secretary has been advised by those who, whatever their knowledge of the law may be, have certainly very little knowledge—or none at all—of Parliamentary practice.

If I were to rule this Bill out of order, it would alter the course of legislation in this Parliament, materially lessen the rights of private members in both Houses, and be contrary to accepted practice of this Parliament. There are, indeed, but few Bills introduced that directly or indirectly may not, in the words of the Crown Solicitor "affect revenue." I rule that the Bill is in order.

Debate Resumed.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [3.11]: Having asked for a ruling, and you, Mr. President, having ruled that the Bill is in order, I do not propose to contest the ruling. I propose now to reply to the many points raised by Mr. Piesse. He said his main idea was to give country people the same rights that are now enjoyed by people in the metropolitan area in respect to probate matters, to the end that the court may be given power to appoint district agents for the Master of the Court in any town beyond 30 miles of Perth. His proposal is that magistrates be appointed as district agents. It must be accepted, therefore, that the main clause in the Bill is Clause 5. Mr. Piesse also seeks to amend certain sections of the Act which deal with the requirements of the court regarding sureties to an administration bond.

The hon. member's wish to make it more convenient to secure probate and letters of administration is appreciated, but unfortunately the provisions of the Bill in that regard are impracticable. The proposal which seeks to do away, arbitrarily, with the need for sureties in certain cases is a dangerous one, whilst that which seeks to eliminate the town agents of country solicitors and to allow personal application in country centres in probate matters will, if passed by Parliament, lead to endless trouble and difficulty. I have, personally, no experience of the business, but I understand

that Mr. Piesse has, for many years, had considerable experience in matters of this kind. Much surprise has been expressed by those in a position to understand the implications of this Bill, that the hon. member should imagine that these matters could be satisfactorily dealt with in the way he suggests. Section 53 gives power to appoint a district agent, and it has been the law since the year 1903. Consequently it is reasonable to assume that, had there been any particular advantage or if it was really practicable, the provisions of that section would have been availed of on numerous occasions.

Hon. H. V. Piesse: That is only from a departmental point of view in Perth.

The CHIEF SECRETARY: If the hon. member will allow me to put my case forward he will probably see the logic behind it. At the outset it should be clearly understood that a district agent would find that in every case he would have to prepare the whole of the individual's papers for the application. Mr. Piesse would probably agree with that. That is what happens with personal applications attended to at the Probate Office in Perth, and it is inescapable, according to the officials in that office. Then it must be pointed out that probate work is not simple, and a certain amount of experience and training and a knowledge of the Wills Act, the Administration Act and rules, and probate practice generally are required before even ordinary applications can be prepared satisfactorily. Difficult questions sometimes arise in connection with small estates, more so than with large estates where the deceased has usually taken the precaution of having a will drawn up by a solicitor. Country magistrates, with the exception of one magistrate, who practised as a solicitor, are inexperienced in probate matters, as such work has not formed part of their training; and in the more remote centres it must be remembered that the doctor is also the magistrate. The magistrate would consequently find it necessary continually to seek guidance and assistance from the Probate Office.

The work of preparing a personal application for probate seems hardly to fit in with the usual conception of a magistrate's functions, which are of a judicial character. He has, furthermore, to carry out a certain periodical itinerary in his dis-

trict and the length of his stay in various centres is limited, while other towns are visited by him at infrequent intervals. This would necessarily cause delay in dealing with applicants, whose papers could rarely be disposed of in one visit even if the magistrate had time to attend to them. The magistrates would find the additional work burdensome and it would be interesting to know what they think of the proposals.

Application for probate and letters of administration is sometimes, if not frequently, a complicated and tedious matter. Here are two examples of the many difficulties that a magistrate would have to face: Frequently, formal notice of an application for administration must be given to all the next-of-kin who may be both numerous and scattered. Their names, ages and places of residence have to be ascertained and the gathering of this information usually involves delay; and then the notices must be prepared and served on each by registered post. Subsequently, the person effecting service must make an affidavit proving service. Until this is done the application cannot proceed.

Again, it often happens that in the absence of an attestation clause in the will, or for some other reason, due execution of the will as required by the Wills Act must be proved before the will can be admitted to probate. This means that one or both witnesses must be found and special affidavits obtained from them. If the witnesses are dead, then further complications ensue. Magistrates will lack the specialised knowledge necessary to prepare some of these affidavits, and will also be unable to prepare affidavits by the executor or administrator in certain cases to which the usual forms cannot be adapted. They could not be expected to know anything about some classes of applications such as applications for administration de bonis non, which are fairly common, where an estate has been partly administered and the executor or administrator has died. The instances mentioned are only a few of the many difficulties which magistrates would be encountering continually.

Even in Perth, where personal applicants are attended to by a clerk who has had long experience and training in probate work, it is often found necessary to obtain direction or guidance from the Deputy Master. Thus the proposal to appoint magistrates as district agents would prove to be unworkable

in practice. This opinion is fortified by the views of the Masters of the Supreme Court since 1903.

If the appointments contemplated by the clause were actually made, the work of the Probate Office would be considerably increased. Many applications now made through country solicitors would be made through the district agent, and the volume of correspondence would be large and would need skilled attention. In addition to a good deal of routine correspondence, much advice and assistance would have to be given to the agent, and particularly would he have to be assisted in completing applications returned to him for further attention—a thing that would frequently happen. The small staff of the Probate Office is barely able to handle the present work and, owing to the war, is further hampered by having to use several temporary officers. The present staff would be quite unable to attend to the extra work, and the large volume of correspondence which would be thrown upon it by the appointment of district agents and the engagement of extra skilled assistance would be unavoidable. Under existing conditions such assistance would be difficult to obtain.

Dealing with Clause 7, the proposed new Section 57A, if enacted, will have the effect of transferring to the Probate Office the duties and responsibilities at present undertaken by the town agent of the country solicitor in connection with the applications. There can be no doubt that the work of the Probate Office will thereby be largely increased and that the present small staff will be unable to attend to the extra work. It must again be emphasised that if either Clause 5 or Clause 7 becomes law, an immediate increase in the staff will be imperative. The town agent is of assistance to both the country solicitor, the Probate Office, and the court, and often facilitates the granting of the application and the issuing of probate. He is entitled to be paid according to scale for work actually done and, in the case of a straightforward application for probate or administration, his bill of costs is inconsiderable.

A large proportion of all applications for probate or administration has to be referred back to the solicitor for further attention before being granted by the court. At present the town agent finds out what is wrong with an application by a country solicitor and reports back to him with any

necessary suggestions for remedying the matter. Sometimes the agent saves time by attending to the requisition himself, or even anticipating it before lodging the papers. In many cases it would be found to be impossible for the officers of the Probate Office to deal satisfactorily with a rejected application from a country solicitor except through a town agent. Under the proposed new Section 57A, not only will the Probate Office have to take the place of the town agent in this and other respects, but the probate assessor at the Treasury will also have to conduct by correspondence with the country solicitor work which is now more readily transacted through the town agent. The court would be placed in the position of having carefully to instruct country solicitors by correspondence as to what to do—

Hon. H. V. Piessé: They learn that during their training as solicitors.

The CHIEF SECRETARY: I am stating what I am advised will be necessary.

Hon. H. V. Piessé: Not what you think.

The CHIEF SECRETARY: I am informed that this is the result of years of experience. The court would be placed in the position of having carefully to instruct country solicitors by correspondence as to what to do to put their defective applications in order, and of having to return through the post wills and other valuable documents for further attention, and accept gratuitously the responsibility for the safe transit of such documents. Now I come to a point that was somewhat surprising to me. As an instance of the trouble that would be caused, no will could be sent back to a country solicitor without being carefully copied, and the copy examined by two clerks and then certified by them, in case the original was lost in transit. This is an indication of the care exercised in matters of the kind. This fact alone shows clearly that if the proposals of the hon. member are adopted, they must necessarily entail not only increased staff but also increased cost. It is to be anticipated that in many cases where application would in the first instance be made through the district agent, complications arising would later necessitate the employment of a town agent.

The proposed new section will impose on the Probate Office work and responsibility which are outside its scope, and the provisions of the proposed new section are not warranted by the expense incurred by the

employment of a town agent. It is only by the co-operation of the legal profession generally and the assistance received from town agents that the office is able to carry on with its present staff. Another matter dealt with by the Bill concerns the sureties to an administration bond. When any person applies for letters of administration with or without the will annexed he has to furnish a bond in the gross value of the estate and, in cases where he cannot supply grounds for the reduction or total dispensation of sureties, he has to supply two sureties to the bond and also the gross amount of the estate.

The purpose of requiring sureties is to ensure the due administration of the estate by payment of funeral and testamentary expenses, the claims of creditors and the distribution of the balance of the estate to the persons entitled thereto by law. Mr. Piesse desires to do away with the necessity for an applicant to supply any sureties at all for the due administration of the estate where the applicant is a widow or widower of the deceased and where the estate does not exceed £1,000 in value. He also proposes to supply a formula for a reduction of the amount of sureties in a certain set of circumstances.

The proposed amendment to Section 26 of the Act contained in Clause 2, is unnecessary. The requirements of the court regarding sureties to an administration bond are set out in the administration rules and provide that, unless otherwise ordered, two sureties to the bond shall be required and the bond given in the amount of property to be placed in the hands of the administrator by means of the grant. Any alteration of this procedure should, it is submitted, be made by the judges who constitute the authority for making or amending rules as to practice and procedure and who are best fitted to decide whether any modification is desirable.

The amendment proposed by paragraph (b) of Clause 2 will have the effect of depriving an applicant for a grant of his present right under probate practice of having the number of sureties increased beyond two in order to facilitate the finding of the requisite security. For instance, if an applicant is required to furnish two sureties for the sum of £500 and can find only one surety for the full amount, he would be permitted to make up the amount of the bond in respect of the other surety by furnishing bonds of two sureties for, say, £200 and

£300 respectively, thus making three sureties to the bond. This practice favours the applicant and should be preserved.

The proposed new section contained in Clause 3 deals wholly with matters of procedure, and therefore should be the subject of rules made by the judges if any modification of the existing practice is deemed necessary. The existing requirements regarding sureties to the administration bond are an integral part of administration law and are the result of very many years of experience. It would be extremely dangerous to alter those requirements in the drastic manner suggested by the Bill. The proposal, if enacted, would deprive the beneficiaries of the deceased other than the applicant, and also his unsecured creditors, of all security for the due administration of the estate. Parties entitled to the residue of the estate after payment of the share of the widow or widower might be young children or relatives living overseas, and these are surely entitled to some protection in respect of their shares. Then again, in framing this amendment the fact that a large portion or even the whole of an estate often belongs to the unsecured creditors seems to have been overlooked.

Another weakness in the proposal wholly to dispense with sureties in the cases specified, when the estate does not exceed £1,000 in value, is that frequently the true value of the estate is not ascertained until some months after the grant has been made, and the probate assessor has had an opportunity to investigate the duty statements filed by the applicant. It would then sometimes be found that an estate which had been previously sworn by the applicant as being under £1,000 in value was actually worth more than £1,000, and, although the applicant would have administered the estate for some months without any sureties at all, he or she would then have to be called upon to provide sureties under penalty of the grant being revoked. This would cause serious inconvenience and confusion. Also, it is anomalous that whereas in an estate valued at £1,001 the administrator would be required to find two sureties, in a more complicated estate where more interests needed protection and the value was, say, £999, no surety at all would be necessary.

The probate practice followed by the court is an established code of procedure having practically the effect of

law. Subsection 2 of the proposed new section merely enacts what has always been the fixed practice of the court in reducing the amount for which sureties are required, and its practice goes far beyond this in enabling the reduction of the amount of sureties' bond. It is inadvisable to give to the practice of the court the rigidity which would result from the enactment of this subsection. As a rule there is no great difficulty in an applicant having to satisfy the requirements of the court regarding sureties where the value of the estate does not exceed £1,000, and the application is put up in a proper manner. Generally there are ways available of having the bond of the sureties either reduced in amount or entirely dispensed with. For instance, as already indicated, the amount of the sureties is invariably allowed to be reduced by the amount of any fully secured debt of the deceased. Then the amount can be further reduced by the value of the applicant's interest in the estate.

If all parties interested in the estate are of full age and consent to the dispensation of sureties, as frequently happens, then sureties will be entirely dispensed with by the court. If the applicant is the only party entitled and the creditors, if any, consent, then of course no sureties are required. In isolated cases where there is real difficulty in furnishing sureties to the satisfaction of the court, the judges deal with the matter reasonably, and require sureties only to the extent they consider absolutely necessary. Every such case is dealt with on its merits. It might be added that the services of the Public Trustee can now be availed of at moderate cost in cases where there is difficulty in obtaining sureties to the bond. By authorising the Public Trustee to act the estate would be efficiently administered with a probable saving in legal expenses.

There is no necessity for the amendment contained in Clause 4, because of a provision already in the Act. The court gives the relief in question under Section 30 of the Act, which empowers the court in case a surety desires to be relieved from further liability to grant such relief as it may think fit. I hope that I have explained clearly the objections taken to this Bill by the department which deals with matters of this kind. While I feel that it would be extremely difficult to convince Mr. Piesse that any of his proposals were impracticable, I think that the information supplied to me, which I have given

to the House, indicates that his proposals must necessarily lead to increased expense, that they will not overcome the difficulties he enumerated, and that in regard to the present practice, every consideration is given as far as possible to those applicants in the country who are not in a position to make a personal application. I oppose the second reading of the Bill.

HON. E. H. H. HALL (Central) [3.40]: I desire to congratulate Mr. Piesse on having introduced the Bill, though I am sorry there was any occasion for him to do so. We have an Administration Act on the statute-book that provides for the appointment of district agents, and the fact that various Governments—not only this Government, but other Governments since the Act was passed—have persistently and consistently refused to appoint those district agents, is not to their credit. How we members representing people scattered through the length and breadth of this State have tolerated such a state of affairs for so long surprises me. Only two sessions ago I raised this matter during my speech on the Address-in-reply; and if I did not do so then I wish now to give credit to the gentleman who first drew my attention to the point. He was once the Solicitor General, and is now carrying out a fine work, though he is reaching a very advanced age. I refer to Mr. Sayer. I went to him for help on behalf of certain people in my province, and it was then that he told me of the Act which provides for the appointment of district agents, and indicated that various Governments had failed to give effect to the provision.

I listened attentively to the Chief Secretary, who made some good points. Parliament has to be very careful in attempting to do something to make conditions easier. The important point is to safeguard the interests of beneficiaries. The Chief Secretary dealt with matters of which I have had personal experience, and I wonder whether the difficulties referred to by him can be overcome as easily as I found they could be overcome in certain other instances, though he said he had not had much personal experience. I have had to do with several cases, both with and without wills. I have two such cases in hand at present. I have also had to deal with a case in which the beneficiaries are scattered throughout the various States. I have communicated with various people con-

cerned and obtained their consent for the appointment of an administrator. Perhaps I may be pardoned for giving the House particulars of the two cases I have recently dealt with, one of which I brought before the probate officer and one before the Curator of Intestate Estates.

One of the cases to which I refer had to do with a blind man in Geraldton who made a will. All he had was a home worth £400 which was left to his widow. Without the assistance of a lawyer or a clerk of courts, or a probate officer, I prepared the papers and lodged them yesterday with the probate officer, to whom I wish to pay a tribute. This officer is undoubtedly snowed under with work. There was nothing in the preparation of the papers requiring legal training. I do not know whether members have seen one of these printed circulars which can be obtained from the Probate Office. What is required to be done is contained therein. It is just the same as filling in an application for an old-age pension or for a man applying for relief work. The details are set out in the printed instructions for all who are interested to see. It is stated here—

Application may be made to a solicitor or any person by executors and parties entitled to grants of administration, but personal application will not be received by letter nor through the medium of any agent.

I do not know whether I am giving away anything I should not give away, but I have dealt with several cases and have two cases before officers at the present time.

Hon. H. V. Piesse: They should have made a trip to Perth.

Hon. E. H. H. HALL: The interjection is pertinent, but the papers have been lodged. It will be necessary for the widow of this blind man, and the other person whose case I shall give directly, to come to Perth.

Hon. A. Thomson: Which seems an unnecessary expense.

Hon. E. H. H. HALL: All the blind man had was a little home, and I am trying to save the widow expense. She is applying for an invalid pension. She is 57, and her sight is failing. I am assisting her to apply for the pension. These people have no fees to pay to lawyers, and should not be subject to the expense of coming to Perth. The other case is worse. This man was an old-age pensioner living in a very small house, much smaller than the one which had been occupied by the blind man. He was living there

with his son-in-law, who was a relief worker. Unfortunately, people will not make wills. This man had a heart attack, was taken to the Government hospital and died about a month ago without having made a will. There is only one undertaker in Geraldton, and his fees totalled £24. He has not been able to collect the money from the son-in-law. He tells me he has been to one of the local lawyers, whose charge was £15 15s. The sum of £30 has been offered for the whole of the property. However, before anybody can sell the property, there must be an expenditure of £24, plus £15 15s. It is time that people who live outside this charmed circle of the metropolitan area were granted some means of avoiding unnecessary expense.

I think Mr Piesse was unwise in providing in Clause 5 for the appointment of a magistrate to act as a district agent. He has not told me so, but he has probably had an advantage that I did not have inasmuch as he has a close personal friend who is a member of Parliament and a legal man and, if that friend has assisted him in the drafting of this measure, I would be hesitant about advancing what I am about to suggest. I do, however, think that he would have been well-advised not to ask for the appointment of a magistrate and thus allow the Chief Secretary to raise some very justifiable objections. Speaking from my knowledge of magistrates, I know they are frequently absent and travel long distances, and some of the older magistrates are not like the younger ones who are trained and duly qualified lawyers.

Most clerks of courts with whom I am acquainted are well versed in the preparation of all these documents, and they have regular office hours. I consider that if the Bill reaches Committee, the word "magistrate" should be deleted and the words "clerk of court" substituted. The Chief Secretary said that this would cause a good deal of extra work in the Probate Office. I should say that is quite a justifiable statement, but are we to consider the expense of the appointment of an extra clerk as against the saving to taxpayers who are living outside the metropolitan area? I think not. We must do something more for, and extend greater consideration to, the people who reside outside the metropolitan area. I do not wish to be considered parochial but I think that, bearing in mind the

many handicaps people outback have to accept, we as a Parliament should legislate to remove them wherever possible for the country people. We should remember that in Acts such as that which we are asked to amend now we should safeguard in every way the interests of the people we represent.

HON. G. B. WOOD (East) [4.2]: I do not wish to say much about the Bill because I do not desire to steal the thunder of the sponsor of the measure. The main feature about the Bill is the decentralisation of administration that it suggests, and I congratulate Mr. Piesse upon introducing the legislation.

Hon. A. Thomson: That is the view we all take about it.

Hon. G. B. WOOD: I am glad of that interjection. In the Bill, Mr. Piesse seeks to provide for estates up to the value of £1,000, but I think a much higher amount could have been mentioned. I have had a bitter experience of negotiations regarding estates and know what it means for lawyers to go backwards and forwards dealing with points that require attention in Perth, and so on—all adding to the expense. During the course of his remarks the Chief Secretary said that magistrates would know nothing about probate work. Perhaps that is so, but it is about time they learnt something about it.

In his references, the Minister obviously had in his mind estates valued at £10,000 or even more, but the estates contemplated by Mr. Piesse in his Bill would not be complicated and would be of comparatively little value. In connection with such estates it should not be necessary to refer everything to Perth. The Chief Secretary said he wondered what the magistrates would think about the Bill, but I am wondering what they will think about some of the remarks of the Chief Secretary. They were certainly not complimentary to magistrates or to country lawyers. Apparently the latter would not be capable of handling small matters, according to the Chief Secretary's remarks.

Hon. J. Cornell: But the lawyers would know how to charge.

Hon. G. B. WOOD: Mr. E. H. H. Hall suggested that the clerk of the local court could be substituted for the magistrate. I do not see why both magistrate and clerk of court could not work together. If the magistrate were away the clerk could accept the application, which could be dealt

with when the magistrate returned. As Mr. E. H. H. Hall said, why cannot we do something for the people outback in order to save them so much expense?

HON. E. M. HEENAN (North-East) [4.6]: I am sure Mr. Piesse in introducing the Bill was actuated by the best possible motives, and I can easily understand many country representatives sympathising with his objective and according him all the support in their power. With some humility and in all sincerity, I must say that the Bill appeals to me as an instance indicative of the fact that a little knowledge is a very dangerous thing. As a lawyer the Bill appeals to me as extremely unwise. I hope the time will come when it will be possible for work of the type referred to in the Bill to be dealt with in larger centres such as Kalgoorlie and Geraldton, but that time will come only when the Crown Law Department has given the subject due consideration and introduced legislation that in its wisdom will meet the case.

To those members who listened attentively to the remarks of the Chief Secretary, the answer must be, I think, when they consider the Bill, that it is unwise and should be defeated at the second reading stage. There is one provision, for instance, under which sureties will not be necessary for the administration of an estate of a value of under £1,000, where the husband or the wife has been granted the necessary certificate. This position may arise, and certainly would, if the Bill be agreed to: The husband dies. He has been living apart from his wife. There are probably four or five children, all of whom are possibly estranged from their mother. When the man dies his widow applies for a certificate of administration and she gets control of £999. The law provides that a certain proportion of that money must be distributed amongst the children. The widow may be an improvident person, perhaps dishonest. The Bill, if agreed to will mean that there would be no necessity for that woman to enter into a bond, and thus we shall remove the protection the children should enjoy. There might be a number of creditors who would have claims on the estate. There would sure to be a doctor's bill, an account from the hospital and also one from the undertakers.

Hon. G. B. Wood: Not much would be left in the estate!

Hon. E. M. HEENAN: If the Bill be agreed to that woman could go to the bank with her certificate of administration and draw out the full amount of £999.

Hon. H. V. Piesse: You do not suggest that a man in that position would not have made a will?

Hon. E. M. HEENAN: I am pointing out what could happen if the Bill be agreed to in its present form.

Hon. H. V. Piesse: That clause could be amended.

Hon. E. M. HEENAN: Then again we know that some people who do make out wills sometimes make them out when they are drunk and do not understand what they are doing. The documents are not properly witnessed. I emphasise that this is a complicated and serious business.

Hon. J. Cornell: Even judges cannot write out wills at times.

Hon. E. M. HEENAN: We know how long it takes to wind up an estate, and members may have had experience of the necessity to journey backwards and forwards between country centre and city. The reason for that is that the utmost care has to be taken respecting the involved and intricate problems to be dealt with. Frequently it becomes necessary to go before a judge in Chambers to secure instructions. If we are to transfer this work to the jurisdiction of magistrates in country centres, I am afraid the object of the Bill will be defeated. Instead of effecting a saving of expense and expediting the business, the reverse will result. I am sorry I must oppose the Bill, because I realise the disadvantages suffered by country people. I am afraid the measure will not assist them.

Hon. H. V. Piesse: Why do not you advise us how to overcome the difficulty?

Hon. E. M. HEENAN: This is a matter for the Crown Law Department to deal with and for the subsequent introduction of legislation.

Hon. G. B. Wood: We have been waiting for a long time for that to be done.

Hon. E. M. HEENAN: I say with all sincerity that the House would be ill-advised to pass the Bill.

HON. G. FRASER (West) [4.14]: The Chief Secretary said he found great difficulty in convincing Mr. Piesse, and I can

assure the Minister that Mr. Piesse is not the only member that he had difficulty in convincing. I am surprised that the Chief Secretary went to such great lengths in his desire to defeat the Bill. When we sum up the position, surely the Bill represents something to which the country people have been entitled for many years. I regret that long ago representatives of country provinces did not take action to secure this particular form of assistance for their constituents.

Hon. G. B. Wood: We have been waiting for the Crown Law Department to undertake that task.

Hon. G. FRASER: I support the second reading, but there are one or two points in the Bill about which I would like an explanation. I understand the reason for the measure is to permit people in the country to make personal application for probate. In many clauses it will be found that there is a reference to "solicitors." That word is brought in on numerous occasions.

Hon. H. V. Piesse: In the case of estates of over £500.

Hon. G. FRASER: I am referring to estates up to £1,000.

Hon. H. V. Piesse: Over £500!

Hon. G. FRASER: In all such instances the words "by his solicitor" are used. I understood the idea was to get away from the necessity for employing a solicitor. These people should be put on the same footing as are those in the metropolitan area.

Hon. J. Cornell: How can that be done?

Hon. G. FRASER: Quite easily. People in the metropolitan area can make personal application for probate, and we want to give country people the same right. According to the Bill certain things must be done by a solicitor, and certain information sent to the solicitor by the magistrate, and so on.

The PRESIDENT: The details of amendments to the Bill might be discussed in Committee.

Hon. G. FRASER: There are certain details which affect the principles underlying the measure. The main object of the Bill is to provide for personal application.

The PRESIDENT: Casual references may be all right, but it will be better to deal with details when the Bill is in Committee.

Hon. G. FRASER: I intend to do that. My desire is to draw attention to certain provisions concerning the employment of

solicitors, because of the number of references in the Bill to that point. Mr. Piesse does not say whether the Bill deals with the gross or the net estate.

Hon. H. V. Piesse: The gross!

Hon. G. FRASER: That is what I assumed, but I was rather surprised the hon. member did not provide for the net amount.

Hon. G. B. Wood: I agree with you.

Hon. G. FRASER: One of the big bugbears today is the question of whether the estate is net or gross. On numerous occasions we have heard of instances of an estate being worth £500 gross, but when boiled down it is no greater in value than £50. It makes a great difference whether the estate is gross or net. I assume the hon. member meant gross, but he does not provide for that in the Bill.

Hon. G. B. Wood: The Bill can be amended in Committee.

Hon. G. FRASER: I realise there is a certain danger in putting in the word "net." I was also surprised at Mr. Heenan's opposition to the measure—

Hon. G. B. Wood: So were we all.

Hon. G. FRASER: As well as to one or two of the points he made. He referred to a widow taking money out of the bank and not paying various creditors, such as the undertaker and the doctor. When I have had to do with probate cases I have always had to produce receipts.

Hon. H. S. W. Parker: You have to enter into a bond.

Hon. G. FRASER: The Chief Secretary made a big feature about the doing away with the surety under this Bill. It is uncommon that sureties should have to be provided in the case of small estates. Generally, in such instances, no sureties are required.

Hon. H. S. W. Parker: They are always required if there are liabilities.

Hon. G. FRASER: In the case of small estates, generally the only liabilities are those to which I have referred.

Hon. H. V. Piesse: There may be a mortgage on some property.

Hon. G. FRASER: In the large majority of cases sureties are not required. This provision is, therefore, not entirely new. The Chief Secretary also mentioned the forms which have to be filled in by the ap-

plicants, and referred to the difficulty of so doing. It may be difficult for a magistrate, perhaps, to prepare his forms for despatch to Perth, but there is nothing difficult about them for the applicant. I have one of the forms in my bag. This sets out the information required of an applicant when applying for probate. The questions required to be answered in the case of letters of administration or an estate are somewhat similar. The applicant has to state:—

The full name, address and occupation of the deceased; the full name, private address and occupation of executor; the full names, private addresses and occupations of the witnesses to the will; the full names and private addresses of the beneficiaries named in the will, stating the relationship to the deceased; an address for the service of notices to the executor within one mile of the Supreme Court; details of all assets and their value, supplying some proof; and, if there is any mortgage on any land owned by the deceased, a full description of the mortgage and financial position of the mortgage at the time of the deceased's death.

That is all the information required of a person making a personal application for probate. No difficulty is presented to the applicant. I support the second reading.

HON. SIR HAL COLEBATCH (Metropolitan) [4.23]: I support the second reading, not that I have any great hope that the Bill will be passed into law, but because it will be an intimation to the Government of the feeling of the House that in matters of this kind greater facilities should be afforded to people in the country.

HON. H. V. PIESSE (South-East—in reply) [4.24]: I do not intend to take up much of the time of the House, but desire to reply particularly to some of the remarks of the Chief Secretary. His criticism of the measure was no doubt based upon the advice of departmental officers, such as one would expect him to obtain. No doubt that advice was given with a view to blocking any further country work being carried out by clerks of courts and magistrates. We have just passed the Public Trustee Bill.

The Chief Secretary: That will prove a very valuable measure.

Hon. H. V. PIESSE: I agree, and supported it. The Public Trustee will appoint clerks of courts as his agents in every centre. When anyone wishes to apply for probate in

the metropolitan area he can do so without cost by going to an official in the Crown Law Department. When that person comes under the Public Trustee Act, he will have to pay approximately £12 10s. There will be no opportunity for a man to go to a clerk of courts in the country except under the Act, and this will put the person concerned to considerable out-of-pocket expense. Extra work will also be thrown upon the clerks of courts. If those officials are to be paid for that work, surely we can give people in the country the same rights as are afforded to those in the metropolitan area. In Committee I shall be able to reply to most of the points raised by the Leader of the House. I was surprised at what the Chief Secretary had to say about country solicitors. His remarks were supported by Mr. Heenan. It is peculiar that that hon. member should endorse such remarks, and indicate that country solicitors had not sufficient knowledge to be able to send documents on to a magistrate in perfect order.

Hon. E. M. Heenan: I did not say that.

Hon. H. V. PIESSE: The hon. member said it by suggestion. I am surprised to think it is necessary to have to bring in a town solicitor every time an attempt is made to bring probate to proper fruition. Mr. Fraser said that solicitors were mentioned several times in the Bill. The idea is that when a widow or widower wishes to apply for probate in the case of an estate worth under £500, she or he can do so by approaching first a clerk of courts, who will carry out the preparation of the work. The magistrate will then sign the documents and send them on to Perth. The magistrate acts purely as agent on behalf of the probate court and the documents go to that court for finalisation. No more mistakes are likely to be made under that system than would be made if the transaction occurred in the city, because the court itself finalises the business. I was surprised that the Chief Secretary drew so many red herrings across the track.

Hon. A. Thomson: His arguments were put up by the Crown Law Department.

Hon. H. V. PIESSE: Yes, because the officers did not wish to have to answer all the additional correspondence. With regard to the employment of a temporary officer, I consider that because of the disabilities we are passing through at present, and the number of war casualties that affect people in

the country, we should not ask those people to come to Perth in order to make application to the court.

Hon. A. Thomson: That would only put them to unnecessary expense.

Hon. H. V. PIESSE: Yes. I know of a widow in Albany who lost her husband, and I called upon her to express my sympathy. She said the probate duty would amount to about £50, and that she had had £90 left her by her husband. She was also informed that the total cost of getting probate and fixing everything up would absorb the best part of £90.

Hon. H. S. W. Parker: What is the value of the estate?

Hon. H. V. PIESSE: I valued the estate at £340 in ten minutes, because I sat upon the whole of the estate while I was in the house. The total value would be under £500. I feel I am doing a duty to the country people in this matter. Every member of Parliament should induce his constituents to make their wills. It is most important that members of Parliament should see to it that everyone in the State makes his will. If we did that people would be saved a tremendous amount of worry and trouble, particularly those who are widows and orphans. As agent for the A.M.P. I have travelled the length and breadth of the State, and have never hesitated to commend to people the idea of making a will. My reason for having introduced the Bill is to give country folk the same facilities in this respect as are enjoyed by people in the metropolitan area. I will answer any further inquiries if the Bill passes the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. H. Seddon in the Chair; Hon. H. V. Piesse in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 26:

The CHIEF SECRETARY: I would like Mr. Piesse to explain the effect of this amendment.

Hon. H. V. PIESSE: The Chief Secretary is putting me in the position of a lawyer, which I am not. I will do my best to explain what the clause means.

The Chief Secretary: I refer particularly to paragraph (b).

Hon. H. V. PIESSE: It should not be necessary to have more than one surety.

The CHIEF SECRETARY: The hon. member is anxious to make the position easier for country people, but this amendment will have the opposite effect. The Act provides that there may be more than one surety. That, at times, is a distinct advantage. In the case of an estate of the value of £500, it might not be possible to obtain a person who can enter into a bond for £500, but two persons may be found, one of whom could enter into a bond for £200 and the other into a bond for £300. The hon. member should consider that point.

Hon. H. V. PIESSE: The solicitor who drew the Bill for me pointed out that there was an anomaly in the Act. The Chief Secretary might refer the point to the Crown Law authorities to ascertain whether or not they agree with that advice.

Clause put and passed.

Clauses 3, 4—agreed to.

Clause 5—Amendment of Section 55.

The CHIEF SECRETARY: I again point out that the hon. member will be throwing upon estimable officers of the Government legal work for which they are not adequately trained. I have explained to members the nature of the duties that will be expected of them. Many country magistrates will find it impossible to do this work.

Hon. H. V. PIESSE: Clerks of courts would do the routine work and the magistrate would see that it was properly carried out. Members must bear in mind that magistrates, although not lawyers, are required to pass an examination set by the Crown Law Department.

The Chief Secretary: Not necessarily.

Hon. H. V. PIESSE: Except in very few instances, magistrates will have legal knowledge.

Hon. J. J. Holmes: Would they be required to trace beneficiaries and do work of that kind?

Hon. H. V. PIESSE: No. They would act as agents and send the papers on. The duties would not be onerous. How many people die in country districts leaving an estate under the value of £500? It is such estates that will benefit by this legislation.

The CHIEF SECRETARY: All magistrates have not had a legal training. The doctor at Wyndham acts as magistrate. Doctors in other parts of the North-West also act as magistrates. Yet, if the Bill be-

comes law, we shall ask them to carry out this intricate work. In the first place, would they have the time to do it? In the second place, would they have the inclination to do it?

Hon. E. H. H. HALL: The reasons stated by the Chief Secretary are reasonable. I move an amendment—

That in line 3 of Subclause 1 the word "magistrate" be struck out with a view to inserting the word "clerk."

Hon. E. M. HEENAN: The amendment will only make the matter worse. In a number of these centres the clerk of courts is the local policeman.

Hon. J. J. HOLMES: When a person deals with his own estate he can do practically what he likes, but when handling someone else's he has to be careful. Everything has to be done in the right way or complications may arise. It is pushing the matter too far to place this work in the hands of a policeman. Mr. Piesse should be satisfied with half a loaf; it is better than no bread.

Hon. H. V. PIESSE: I am looking for some responsible person to do this job. I do not say the local policeman is not a responsible person, but a magistrate certainly is. It is not too much to ask him to act in this capacity. I give notice of a further amendment, to insert the word "either" before the word "magistrate" in line 3 of Subclause 1, and after the word "magistrate" the words "or the clerk of court."

Hon. E. H. H. Hall: I will withdraw my amendment in favour of the one suggested by Mr. Piesse.

Hon. T. MOORE: At certain times people have to come to Perth from Kalgoorlie to see the Master of the Supreme Court. Rather than have that position, the clerks at the court in Kalgoorlie could do the work. I am satisfied that in the Geraldton district there is a clerk of courts who could carry out this work.

Hon. E. M. Heenan: I have not known of a case.

Hon. T. MOORE: It would be foolish to knock out the word "magistrate." All that is required is to leave the clause as it is.

The CHIEF SECRETARY: To appoint all magistrates in this way is a mistake. To appoint all clerks of courts would perhaps be a bigger mistake. If the clause could be qualified and provide for magistrates in certain districts, or magistrates with legal training, or magistrates who had passed the

magistrate's examination, or something of that sort, it would be much better. If this clause were agreed to as it stands at present, it simply would not work.

The CHAIRMAN: Has Mr. Hall permission to withdraw his amendment?

Amendment, by leave, withdrawn.

Hon. H. V. PIESSE: We are often told when legislation is introduced that after it has been in operation 12 months it can be amended. If we find the local magistrates cannot carry out this work, an amendment could be passed. It is too late now to set out the districts, though I could do that for my own province. The best thing I can do, instead of moving a further amendment, is to leave the matter to magistrates, as the Bill now provides.

The CHIEF SECRETARY: Instead of making it mandatory with the words "shall be," as it is at present in the clause, it would be better to substitute the words "may be."

Hon. E. H. H. Hall: Would that entitle a magistrate to refuse to act?

The CHIEF SECRETARY: No. It would mean that he may be appointed.

Hon. H. V. PIESSE: We have had a provision under which agents could have been appointed for 34 years, but one has never been appointed.

The Chief Secretary: Yes, one!

Hon. H. V. PIESSE: I want to make this more definite. If we say that a magistrate may do this, we are not making anything definite.

Hon. H. S. W. PARKER: At present, when a man makes a personal application for probate, he goes to the Supreme Court and the clerk of courts gives him a number of forms to fill in. Usually some law-clerk friend fills them in. What would happen in the country is that a person would go to the clerk of courts and make application for letters of administration or probate and ask what he should do. The clerk would then say, "Here are the forms, you can complete them." The forms cost 6d. each, I think. The clerk of courts would not fill them in. If the magistrate is the person to do this work, the object of the Bill will be defeated, because in many cases the magistrate only visits certain towns once in two months. The clerk of courts is always there. I would prefer to have the clerk of courts rather than the magistrate.

Hon. H. V. PIESSE: One ought to heed the advice of a lawyer, but I should like

to have the opinion of the Committee on the matter.

Clause put and passed.

Clauses 6 to 8, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Assembly

BILL—MEMBERS OF PARLIAMENT FUND.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [54] in moving the second reading said: Every member has a good knowledge of the principles of the Bill. Its main object is to provide some compensation for members when they lose their seats in Parliament for any reason whatsoever. The Bill really speaks for itself, but I think I shall be doing the right thing by giving a brief description of its proposals.

First of all, it provides for the establishment of a fund to which all the members of both Houses must contribute. The rate of contribution is to be £2 per month, and members will be entitled to benefits in accordance with the conditions laid down in the measure. If a member has been a contributor to the fund for seven years, and loses his seat or dies, he will be entitled to a sum of £600. In the event of his losing his seat before he has been a member of the fund for seven years, he will be entitled to a return of double the amount of his contributions to the fund.

The trustees of the fund will be the President of the Legislative Council, the Speaker of the Legislative Assembly and the Public Trustee, who will have the right to invest the funds in accordance with the powers usually granted in such cases. Any return from the investment of the moneys will be added to the funds. The fund is to be audited by the Auditor General and a copy of his report must be tabled in both Houses. Every five years

the state of the fund must be investigated by the Government Actuary without cost to the fund, and he is to report to the trustees the result of his investigation. If the trustees desire to take action on the report, it must be sanctioned by a meeting of members of both Houses. Regulations will have to be prescribed, and power is contained in the Bill for that purpose.

One provision of the Bill has been described as retrospective. It stipulates that a member may pay into the fund a contribution equivalent to what he would have paid had the fund been in existence for a given period. For one year he would pay £24, for two years £48, and so on. In such cases, when a member loses his seat or dies in a lesser period than seven years from the commencement of the fund, he shall be entitled to the full benefit of the fund. The fund has been subjected to close investigation by the Government Actuary who has given a certificate that the scheme is perfectly sound. From the information supplied to me, I should say it is probably as sound as any scheme of which we have knowledge.

There is nothing new in the establishment of a fund of this kind, although in other countries where funds have been established they have not taken the same form. It is not necessary for me to detail what has been done elsewhere because this particular scheme has received a good deal of consideration by a majority of members of both Houses. Meetings have been held and clear explanations have been given and, as a result, it was decided at a joint meeting of members that a Bill along these lines should be prepared. A point I wish to make quite clear is that this is a case of self-help on the part of members. In other words, we are not asking the Government or anyone else to provide any money.

Hon. A. Thomson: Some members of the public are already saying that we are doing well for ourselves. The point you have just mentioned should be made quite clear.

The CHIEF SECRETARY: Some people are always ready to criticise members of Parliament along those lines. They have an idea that members can do just as they like, and that when they come to the House anything they require is supplied free of charge. Some also seem to think there are many ways for a member to get what may be described as "pickings." Pickings, in my

experience, are few and far between, and any of us would have great difficulty in trying to locate them. The Bill provides that the funds to be raised will be contributed by members of Parliament only. The Government is not being called upon to subscribe one penny to the fund. The Auditor General will audit the accounts and will not be paid for that service. The Government Actuary will be called upon every five years to investigate the fund and make recommendations, and I assume that he will not be paid.

The fund will have the assistance of officers of Parliament, who will receive no extra remuneration, and there will not be any remuneration for anything done for the fund by a Government department. I am pleased that at long last a fund of this kind is being established. The fact that it will provide benefits for members of Parliament is something that ought to be welcomed by every member, even those who are perhaps not in any need of assistance of this kind, in the event of their losing their seats. In the majority of instances, when a member does lose his seat he is at a distinct disadvantage compared with persons outside Parliament, and more often than not he is in a worse position when he leaves Parliament than when he enters it. I move—

That the Bill be now read a second time.

HON. L. CRAIG (South-West) [5.16]: I do not intend to oppose the Bill, but I have had some figures prepared which may be of interest to the House, as they show who will pay these benefits. As the Chief Secretary pointed out, people who are not qualified—that is, people who have served less than seven years—will receive double the money they contribute. The sum has to be paid by somebody. People who have served for over a period of seven years receive £600, and in that seven years they pay about £168. The £600 has to be paid by somebody because money does not come from the air. I have had a few figures actuarially prepared showing who does pay, and I think it needs to be pointed out that the long-term members of Parliament will do most of the paying. I am not objecting to that. I have certain views which do not matter very much. For instance, I think that the seven-year term should be extended to nine or ten years; but that is a matter of opinion. The slope is a bit too steep. A member of Parliament who serves six years

and 11 months receives £300. If he serves for an extra month, bringing the period to seven years, he receives £600. That is too great an increase. The terms should be extended and the period made longer so that the jump could be, say, from £450 to £600. However, I do not propose to move an amendment to that effect. Here are my figures: If a member paid £2 per month into a savings bank or other investment and received 4 per cent. for his money, how long would it take him to accumulate £600?

Hon. A. Thomson: Would he receive 4 per cent.?

Hon. L. CRAIG: Two or three years ago 5 per cent. was the normal rate; today, while the war is being fought, money is worth about $2\frac{1}{2}$ per cent. or 3 per cent.

Hon. Sir Hal Colebatch: What is the present savings bank rate?

Hon. L. CRAIG: Two per cent.; but the Government borrowing rate is considerably more than that. I took what I think to be a normal rate, namely, 4 per cent. The present rate will be increased later on because people will not be satisfied to go on forever receiving $2\frac{1}{2}$ per cent. or 3 per cent. For my purposes I took 4 per cent. If a member paid in regularly £2 per month and received 4 per cent. for his money—

Hon. A. Thomson: Would he?

Hon. L. CRAIG: It would take him $17\frac{1}{2}$ years to accumulate £600. In ten years a member would accumulate £293, including interest, and in 20 years £727. It is the people who have been over 15 years in Parliament who will pay for all the benefits. The 30-year men—and there are a few of them—would pay £1,370 and would receive £600, so they will make a very big contribution. I hope that as the fund grows—as we think it will grow—special provision will be made for those people who are fortunate or unfortunate enough to remain in Parliament for over 15 years. I think they would be entitled to some benefit exceeding £600, especially when it is realised, as I have pointed out, that a member who has been in Parliament for 30 years, would pay the sum I have indicated.

The Chief Secretary: Members would be covered all the time. It is just like an insurance policy.

Hon. L. CRAIG: Yes, it is just the same; but the point I am making is that members who retire in a few years make a good investment, and someone has to pay. I wanted to find out who did the paying, and I dis-

covered that a man who paid in £168 would receive £600, whereas a man who remained in Parliament for 20 years would pay £727 and still be entitled to £600 only.

Hon. J. A. Dimmitt: How many members have been in this House for 20 years?

Hon. L. CRAIG: I have not the figures, but a great number of people must have been in Parliament for 20 years or more if the figures supplied to the committee are correct.

Hon. H. S. W. Parker: Continuously, too.

Hon. L. CRAIG: Yes, the people who are from 18 to 30 years in Parliament are the ones who will be paying the benefits of the scheme.

Hon. J. J. Holmes: People who have been here for 20 years will not pay much.

Hon. L. CRAIG: I am speaking about the future. The people who are elected now and remain in the House for 20 or 30 years are the ones who will pay for the benefits.

Hon. W. J. Mann: But they will be insured over that period.

Hon. L. CRAIG: I admit that. Having been in Parliament for seven years a member receives the same benefit as the man who has been in for 27 or 30 years.

Hon. W. J. Mann: Without figures showing the average life of members, your figures are not very satisfactory.

Hon. L. CRAIG: These figures are correct.

Hon. W. J. Mann: You cannot tell the average life of a member.

Hon. L. CRAIG: The figures have nothing to do with that. They merely point out how long it takes a member to pay a certain sum at the rate of £2 per month plus 4 per cent. interest. I do not oppose the Bill, but I have drawn attention to those facts.

HON. J. J. HOLMES (North) [5.24]: The one redeeming feature of the Bill is that to begin with members of Parliament create the fund from their own salaries. I have gone into the figures as Mr. Craig has done, though not as well perhaps as the Government Actuary might have done. I was long ago taught, however, that one cannot get more than a quart out of a quart pot, and an analysis of these figures convinces me that sooner or later someone will have to provide funds to meet the situation that will arise.

Hon. L. Craig: That is what I have been saying.

Hon. J. M. Macfarlane: Two great minds!

Hon. J. J. HOLMES: The Bill sets out that for the time being members shall provide their own fund, but the peculiarity of this measure is that it deals with members of Parliament and no one else. The public does not come into this. It deals with Parliament and members alone, and Parliament is a law unto itself. It can alter the conditions of this Bill at any time, the same as it can alter the conditions of any other Bill. Members of Parliament paying £24 per annum for seven years will contribute £168. If one adds to that interest at 4 per cent. it will be found that they contribute £200, and then collect £600 if they retire or are defeated.

Hon. H. Seddon: What is wrong with that?

Hon. J. J. HOLMES: To pay in £200 and to take out £600 is good for the member concerned, but where are the funds to come from? I am afraid that sooner or later they must come from the Treasury. If the Bill becomes law I can pay £168 one day, retire from Parliament the next day and then apply for £600. There is nothing in the Bill to prevent that. Now let us assume a man is in Parliament for 13 years. That period covers four terms for Assembly members and two for Council members. At the end of that period he will have paid in, plus interest, £400, and will be entitled to £600. That is a good investment. I do not know of anything better; but my concern is, where is the money to come from? At present the fund will provide it, but when there is a drain upon the funds, when the public rebels—as it may and as sometimes I think it ought to—and half the members of Parliament are defeated, from what source will the money come to pay them?

Hon. J. Cornell: We will call a meeting of creditors!

Hon. J. J. HOLMES: The Treasury will have to foot the bill. There has been talk about men being in Parliament for 20 or 30 years. Does anyone really suggest that this Parliament and the Parliaments of Australia as a whole, consisting of 800 members, will continue in existence, and that those Parliamentarians will continue to draw big salaries when things come to be squared up after the war? I do not think there are two people in the community who believe

for a moment that this condition of affairs will be allowed to continue. The situation will be such that it will not be possible. Apart from all that, I question whether the Bill is in order. The Bill is for "An Act relating to the creation of a fund to provide for the payment of compensation to and to the dependants of members of either House of Parliament upon loss of membership." The Bill really amends Parliamentary salaries and allowances and Standing Order 174 states—

The title of a Bill when presented shall coincide with the order of leave, and no clause shall appear in any such Bill foreign to its title.

If this Bill does not contain matter foreign to its Title, I do not know what is foreign to a Title! The question is whether the Bill is in order, seeing that the object is to create a fund for the payment of compensation to members and that it seeks to amend the Parliamentary Allowances Act which, I claim, is contrary to the Title of the Bill. I do not ask for your ruling just now, Mr. President, but may ask for it later on. We have had trouble in the past regarding Bills that have been out of order, and we should not continue that course.

The PRESIDENT: I may reply straight away to the hon. member. This is a Bill that has come to us from the Legislative Assembly, and we know nothing of what was in the order of leave in the Legislative Assembly. We simply know that the Bill has come to us from the Assembly and we have to assume that the Bill is in order in accordance with the standing orders of the Assembly.

Hon. J. J. HOLMES: Very well, Sir. I will assume that that is correct. But what if we receive a Bill here under a misapprehension? Surely it is within the province of this House to rectify the position!

The PRESIDENT: It is within the province of this House if it considers the Title does not cover the subject matter of the Bill, to amend the Title when the measure is considered in Committee.

Hon. J. J. HOLMES: Very well. Assuming there is an Irishman in Parliament and he says: "All right, I am not going to agree to this."

The Chief Secretary: I think we already have one!

Hon. J. J. HOLMES: That Irishman refuses to allow £24 a year to be deducted

from his salary. He takes action in the courts. Under what Act does he proceed? Under this legislation or under the Parliamentary Allowances Act? Members will realise that they cannot in a Bill seeking to amend the Licensing Act insert a provision that will amend the Dog Act. The contents of the Bill must be in accordance with the Title. I take it then that our Irishman would take proceedings under the Parliamentary Allowances Act, which distinctly says that members of Parliament will be paid a salary of £600 per annum. He would not make any reference to this legislation at all. I am satisfied that the Irishman would secure a judgment in his favour. In that event what would happen to the superannuation fund? There will be a drain imposed upon it that was never anticipated.

Hon. H. Seddon: That can be overcome.

Hon. J. J. HOLMES: Mr. Seddon can tell us about that later on. If that Irishman's £24 per annum is not going into the fund, it means that so much less is paid in; but the same amount will still have to go out. When the Bill was presented in another place it contained a red-hot clause.

The Chief Secretary: That was to cover the Irishman.

Hon. J. J. HOLMES: Fortunately that clause was deleted. If it had been agreed to it would have meant that if a member had refused to allow the £24 per annum to be deducted from his salary, he would not have received any salary at all.

Hon. J. Cornell: That was the nigger in the woodpile.

Hon. J. J. HOLMES: We know the difficulty that arose in connection with the Lotteries Commission. We there sought to amend another Act in a Bill dealing with another subject. I remember, in connection with the Fremantle harbour works, that about 30 years ago we appointed as chairman of the Harbour Trust one who was a member of Parliament and in the Bill dealing with the matter we set out that, notwithstanding anything to the contrary contained in the Constitution Act, the member of Parliament could hold that position. He did so for many years and fortunately no one discovered the illegality associated with the legislation. Then the Lotteries Commission was appointed and the position of Mr. Clydesdale came under review. In legis-

lation dealing with his position, we again provided that, notwithstanding anything to the contrary contained in the Constitution Act, the office of a member of the Lotteries Commission was not an office of profit under the Crown.

Hon. J. Cornell: I do not think we went quite so far as that.

The PRESIDENT: I hope the hon. member will connect his remarks with the Bill.

Hon. J. J. HOLMES: I am probing into the past for the purpose of impressing upon members the danger associated with including in a Bill references not in conformity with the Title. In that respect we got ourselves into terrible trouble in the past. If we agree to the Bill in its present form I am satisfied that history will repeat itself. When a dispute arises, as it certainly will, the Parliamentary Allowances Act will be recognised by the court and not the amendment contained in the measure now under discussion, the object of which is to provide compensation for members of Parliament. If the Title contained a reference to amending the Parliamentary Allowances Act, then possibly the measure would be in order. It is not right that a member when searching for certain Acts of Parliament and amendments thereto, should also have to look up other Acts because they may contain amendments affecting the measures in which he is particularly interested.

Then again the Bill provides that trustees shall be appointed to administer the compensation fund. The Public Trustee is to be chairman, and the other trustees who control the fund will be the President of the Legislative Council and the Speaker of the Legislative Assembly. While the Public Trustee will be a permanent officer and will be responsible for conducting the business associated with the funds, should he be absent from a meeting the President and the Speaker could do what they liked. They could take control because two constitute a quorum. I do not think that is quite a fair thing.

The Chief Secretary: That is a libel on the President and the Speaker!

Hon. J. J. HOLMES: The Bill provides that, notwithstanding the provisions of the Parliamentary Allowances Act, there shall be deducted fully £24 per annum from the salaries of members. Then it is provided that at the end of five years the Government Actuary is to investigate the position and

report. What will happen should there be insufficient money in the fund? Whatever the actuary reports, the trustees may arrive at a decision and report to a meeting of members of Parliament. We must bear in mind that while there are 80 members of Parliament, 28 will constitute a quorum at any meeting convened to deal with the report and recommendations to which I have referred. Thus 28 members could endorse what the trustees propose or take whatever action they may deem necessary. Subclause 3 of Clause 9 contains the following words:—

The meeting shall have power to adopt, alter, or amend any decision of the trustees made under this section and any resolution passed at any such meeting shall be given the force and effect of law by regulation made by the Governor on the recommendation of the trustees.

I think that is rather hot. Then again, Clause 10 contains the following:—

Any regulation made with the object of giving effect to any resolution hereinbefore referred to shall be of the same validity and effect as if prescribed by this Act.

That is where the Treasurer will come in if the funds are not there.

The Chief Secretary: What right have you to say that?

Hon. J. J. HOLMES: How else would the money be paid?

The Chief Secretary: Members will decide that.

Hon. J. J. HOLMES: This Bill deals with members of Parliament only, and certainly they will have the power to arrive at decisions. In view of some of the decisions reached in the last 48 hours I think some members are prepared to decide almost anything.

Hon. J. Cornell: Some should be shot at dawn!

Hon. J. J. HOLMES: The idea is a good one if it can be carried out, but in my opinion members are expecting too much. We cannot get more than a quart out of a quart pot. I am convinced we shall never get the payments that are provided for in this Bill on the basis of £24 a year from each member of Parliament. Mr. Craig spoke about the hereafter. I am certain I shall not participate in the payments to be made to us 20 or 30 years hence. When I disappear from this scene someone may then say, "Well done." I oppose the second reading of the Bill.

HON. SIR HAL COLEBATCH (Metropolitan) [5.47]: I am in sympathy with the motives underlying this Bill, but I am in a difficulty about voting for it. My difficulty is that the measure is far too good to myself. I feel if I support the Bill I shall be voting myself a considerable advantage.

Hon. J. J. Holmes: That is how I feel.

Hon. Sir HAL COLEBATCH: I am in good health, and do not look forward to any early loss of my seat, but I would have to remain a member of this House for 17½ years before I had contributed sufficient money, with interest added, to justify myself in receiving £600. It seems to me to be altogether too good a thing for myself, and on that account I do not like voting for the Bill. Several other points could be dealt with. Mr. Craig gave us calculations based on 4 per cent. interest. He suggested that after the war interest rates will rise, and that people will not be satisfied with the present rates. It would be a national calamity if interest rates rose after the war. I know that they dropped very considerably after the last war, and do not expect them to rise after the present war.

The Chief Secretary: They will not go up after the present war.

Hon. Sir HAL COLEBATCH: I hope that after this war there will be a further decrease in interest. In a matter of this kind I should be chary about estimating anything in excess of interest at three per cent. If the rate were three per cent. that would mean, in order to earn the £600 that would be made available to me, I should have to remain in the House till I was 100 years of age. The Chief Secretary has told us that the actuary has given his certificate. I should like this Bill to have been accompanied by the actuary's report. Has he written across the Bill, "This seems to be all right; it is a sound proposition"? In any event that is not the course one would expect from the actuary. One might expect from him an analysis of the scheme and his report, not merely that his certificate would be submitted.

Hon. J. J. Holmes: How does he know how many members will lose their seats?

Hon. Sir HAL COLEBATCH: If we had his report we would know how he looked at the matter and would then be able to form our own ideas concerning it. We would know whether we agreed with the report from the point of view of our own

knowledge of the vicissitudes associated with Parliament. Another point is: Are we to be permitted to deduct this £24 a year from our taxable income? It would be money paid in the course of earning our income, just as it is in the case of the S.P. bookmaker. If we are permitted to make that deduction there is a further considerable advantage conferred upon us. If we add that to the other advantages, some of us would have to live well on into the next century in order to get square. Members in another place will realise that if they take the very foolish course of abolishing this Chamber the fund will immediately collapse. The sudden wiping-out of this House and the payments that would have to be made to the members of this House would stagger the fund.

Hon. L. B. Bolton: That might be an inducement to them to banish the idea from their minds.

Hon. Sir HAL COLEBATCH: I hope we shall, before we commit ourselves to this proposal, have an opportunity to see the report of the Government Actuary. In the circumstances we cannot cast much responsibility upon him if he has merely certified that the scheme is sound. If I went to the actuary with a scheme of this kind he would go into details and would give me a report and upon that report I would frame my judgment.

Hon. J. Cornell: He might be like the physician and say, "The medicine will do you good."

Hon. Sir HAL COLEBATCH: Medicine is not an exact science, but I am sure that when an actuary reports upon a matter of this kind he would admit the features of which he would have no exact knowledge.

Hon. J. J. Holmes: He has no knowledge of it.

Hon. Sir HAL COLEBATCH: It is most difficult for an actuary to report upon a scheme which depends on how long members of Parliament are enabled to hold their seats. I hope the remark I now intend to make will not be regarded as casting a reflection upon an undertaking which I understand has been given. I am of course prepared to accept any such undertaking but I take the point that the Bill, if passed, should be passed in complete form, and should not in any way depend upon an undertaking. We do not doubt that the Government will observe the undertaking

in question, namely, that the Bill will not be proclaimed until after a general election.

Before the Bill is passed that undertaking should be expressed within it. The undertaking is an essential part of the scheme. Were the Act to be proclaimed before an election the whole scheme might be wrecked in the first year. The only chance the scheme has of surviving at all is that it should be given a clear run of three years, and thus enable a fund to be created that, with interest, would amount to approximately £6,000. The undertaking, therefore, is an essential part of the scheme, and for that reason I do think it should be expressed in the Bill. I will not commit myself at the moment to vote either for or against the measure, but I do ask that we be furnished with the report of the actuary before we endorse the measure.

HON. J. G. HISLOP (Metropolitan) [5.52]: All this sounds somewhat utopian to me. I trust that Utopia has come to us as members of Parliament, and will continue to remain with us. At a meeting held some time ago the full details of this Bill were made known to us. Being acquainted with the Government Actuary as I am, I am prepared to take his view that this scheme is workable. I have the feeling, however, that the proposal is only workable in the same way as a chain letter is workable. Whilst the chain letter continues someone receives a benefit from it, but the moment it ceases the benefit ceases with it. It appears that this scheme can function only so long as Parliament lives. In the event of the people of this State or of Australia in general deciding that State Parliaments should no longer function, the fund referred to in the measure would cease to exist.

Hon. J. A. Dimmitt: That is the utopian idea, is it not?

Hon. J. G. HISLOP: If that Utopia or non-Utopia did exist every member would receive the benefit of the money he paid into the fund, but on the other hand I would not like the position to arise where members would think they were entitled to £600 each if the State Parliament were abolished.

The Chief Secretary: How could that be?

Hon. J. G. HISLOP: It may be that that could be read into the Bill. Members will have to subscribe to a fund which will pay

them £600 after a certain time in the event of their losing their seats, or double the amount paid in after any length of time. If the State Parliament ceased to exist it might be argued that members of Parliament would have to receive that money out of the State Treasury. So long as Parliament lasts I feel that this fund will go on, but we have to be satisfied that when the chain letter ceases no further compensation will be paid to anyone. If it be possible under the Bill that members will be able to claim from the State £600, and should it be decided that Parliament shall no longer exist, some clause should be inserted to prevent such claims from being made.

HON. J. CORNELL (South) [5.58]: A superannuation scheme for members of Parliament is a matter that has often been discussed. The Bill provides that if I went up for election and had paid £168 into the fund I could, in the event of losing my seat, draw out £600. There are two reasons why I should make such a contribution. The first would be that I might think my end was near; but that would not worry me. Another reason would be that I might think of resigning my seat. If I came to that conclusion I should probably be fit only for a lunatic asylum because by contributing £168 I am in a position to draw out the sum of £600. In these matters we must to a certain extent be guided by actuarial examination. I happen to know the present Government Statistician, to whom many such schemes have been submitted. He is a hard-headed man.

The Returned Soldiers' League put before him some schemes to which it desired his assent, but he would have nothing to do with them. Mr. Bennett has said that this scheme is actuarially possible and I am prepared to accept his word. As to any contingencies that may arise, such as the abolition of State Parliaments, we can take those hurdles when we reach them. If the Japanese or the Germans win this war, I leave it to the imagination of members to decide what our position would be. We ought to give the scheme a trial; and, whatever our sins of commission, they will fall upon posterity and will be only a drop in the ocean compared with the other sins that will be passed on to them.

HON. G. B. WOOD (East) [6.2]: I support the second reading. Sir Hal Colebatch said that the Bill ought to be proclaimed after an election; but the danger will not be in the early stages of the fund. Suppose the scheme is proclaimed 12 months before an election and 25 members out of 50 are defeated, the fund will have to pay them £1,200 and there will be that amount in the pool.

Hon. L. B. Bolton: No, £12,000.

Hon. G. B. WOOD: Not £12,000 but £1,200. The danger will arise when the scheme has been in existence for seven years. If there should be a landslide then and 25 members were defeated, the fund would be called upon to pay £15,000, but there would be only £9,400 in the pool.

HON. H. S. W. PARKER (Metropolitan-Suburban) [6.3]: I shall vote for the second reading, although I do not like the Bill. I shall, however, vote against the retention of the retrospective clause, which is far too dangerous. It would eat up the fund very quickly. So far as members of this Chamber are concerned, once they are elected we can safely say they will remain in Parliament for 12 years; whereas in the other Chamber a member has three chances of being defeated in 12 years. The real risk is in the Legislative Assembly, not in this Chamber. A person fortunate enough to be elected to Parliament should make provision for himself. However, the majority of members favour the measure, so I shall not oppose it. But there is another aspect. Suppose the fund gets low, a selfish member—and I regret to say there are a great many of them—will go out to support the sitting member in order to save the fund.

Members: Oh no!

Hon. H. S. W. PARKER: The Police Benefit Fund at one time was an excellent fund. It was in existence for 50 years, but the Government had to come to its rescue, because there was not sufficient money to pay retiring allowances to those who had subscribed to the funds for years.

Hon. L. Craig: That was an unsound scheme.

Hon. H. S. W. PARKER: This scheme will also be unsound for many years. A period of 17½ years must elapse before a member will have paid in £600 to the fund. Members who have contributed to the fund for a period of six years would be extremely

foolish not to pay the £168, and thus have an insurance for £600.

Hon. L. B. Bolton: But they would still have to pay their contributions.

Hon. H. S. W. PARKER: Of course. It will be a great temptation to many members of Parliament to pay the £168 with a view to receiving £600 in the course of a year or two.

HON. E. H. H. HALL (Central) [6.8]: As a member of this Chamber, I was appointed to a committee to consider this scheme. You, Mr. President, were also a member of the committee. I claim no credit myself for the scheme, but I desire to pay tribute to the hard work done by two members of the committee, Mr. Tonkin, and Mr. Seddon. As Mr. Seddon is to speak to the second reading, my remarks will be brief. I listened with great interest to Mr. Holmes who with other speakers raised some interesting points. I quite understand the feeling of some members about this scheme: it seems to be too good, but with the limited time at their disposal they have not had the chance to give it close study. I desire to emphasise that the scheme has the endorsement of a gentleman whose standing in his profession is extremely high. I refer to the Government Actuary. The scheme has been based and framed on a conservative estimate which, as Mr. Seddon will tell the House, is not 4 per cent.

I do not want to mention, Mr. President, the hours that you and I put into a scheme which we submitted to the Government Actuary. He very soon proved to me, however, that it was unsound. I desire further to congratulate Mr. Rodoreda and other members of the committee who also did excellent work for the scheme. The pity is that it was not inaugurated long ago. It has been said this afternoon that members should make their own arrangements. Unfortunately, that is not always possible. Should the Bill pass, it will prove to be of great assistance to many members. If there are any hurdles in the way, it will be time enough to take them—as Mr. Cornell said—when we reach them. The fund will certainly inflict hardship on no one. I leave the matter to be fully explained by a member who enjoys the confidence of the House. We know Mr. Seddon is conservative. He will not mind my saying so, because conservatism has its time and place, and this is the time and place for it. I support the second reading.

HON. H. V. PIESSE (South-East) [6.12]: I had the pleasure of being present at the combined meeting of members when this scheme was fully explained by Mr. Tonkin. As one who has had much to do with insurance and the saving of money by paying premiums and contributions such as the Bill proposes, I think we must take notice of the advice tendered by the Government Actuary.

Hon. Sir Hal Colebatch: Have you seen his report?

Hon. H. V. PIESSE: No, but I have sufficient confidence in the statement made by Mr. Tonkin at the meeting to which I referred. Mr. Seddon will no doubt fully explain the scheme to the House. I congratulate the committee upon the splendid work it has done. Should the Bill pass, I feel confident it will prove profitable not only to members but also to their dependants.

Sitting suspended from 6.15 to 7.30 p.m.

HON. H. SEDDON (North-East) [7.30]: I can understand the opinions that have been expressed with regard to the soundness of this scheme because, on the face of it, the benefits proposed have been included after investigation. Careful investigations have been made by members; and after the Bill was drawn up it was submitted to the Government Actuary in order that he might test it. I will refer to that phase later. I point out, first of all, that the two safeguards provided are the interim period and the elimination of what I might call the transient member of Parliament.

Some members have taken the view that there is no need for the scheme. The answer is that the average member of Parliament, like the average man, very frequently does not make provision for his old age. Quite a lot of members, after a long time in Parliament and when they have finally ceased to be members, find themselves in very poor circumstances. It was to meet that position that the scheme was first considered. To those members who were not present at the preliminary meeting I might say that when the question of Treasury contributions towards the scheme was discussed, a very pronounced opinion was expressed against any such suggestion. It was felt that a scheme should be inaugurated which would be entirely co-operative and would not contemplate any contribution from the Treasury.

Dr. Hislop has pointed out a feature of the scheme, and that is that there are 80 members contributing all the time and that as one member drops out, another takes his place. When it is realised that that means a sum of £1,900 a year coming into the fund, it can be understood that there will be quite a considerable amount available to be drawn from even at the end of the first year.

The interim period has been laid down at seven years. The idea behind that was that a member, before he could claim the full £600 benefit, must have survived at least two elections as far as the Legislative Council is concerned, and three elections as far as the Legislative Assembly is concerned. The reason for doing that was that we thought the greatest mortality of members—that is, a man not retaining membership—came at the end of the first period. If a man was able to survive his second election, it was found, from an examination of the records of Parliament, that he had a good chance of continuing in Parliament for a considerable time. Because of that, we eliminated the transient members—or at least placed them on the basis that they would only receive twice the amount of contributions they had made.

Hon. J. J. Holmes: They receive only twice the amount they pay in?

Hon. H. SEDDON: Yes. The starting point was determined, and in the original Bill we fixed the 31st May. The idea was that that would be the date immediately after the Assembly and Council elections. We would then have started at the beginning of a full Parliamentary period in each case. In view of the legislation which has been introduced deferring the election, the starting point has been altered and has been fixed in the Bill to be determined by proclamation. The Government Actuary was asked to go into the calculations, and I have the figures upon which the scheme was drafted. Members can refer to them.

Hon. J. J. Holmes: Are they his figures or yours?

Hon. H. SEDDON: These are the figures submitted to him and he, in addition, obtained the records of Parliament in order that he might check the accuracy of this calculation. The figures start from the year 1924. The actuary went into the matter very carefully, and I hope the Chief Secretary will place before us the report he furnished on the soundness of this scheme. I

understand he expressed himself to the effect that it was worked out quite soundly and that, although it did not come under the head of an actuarial scheme, the basis upon which it was founded and the calculations were accepted by him after investigation.

I understand he referred to the question of a landslide. He considered that even if a landslide occurred the probationary period would be sufficient to meet its effect on the scheme. Criticism has been levelled at the clause providing for the old member seeking to qualify by paying in back subscriptions. When this scheme does come into operation, a member has one month in which to make up his mind whether he will pay up his full back subscriptions, or any portion of them. Consequently he must take into consideration this factor, that he has to make his decision immediately after an election—that is the date on which it is intended to bring the scheme into operation—and decide at once just how much he is going to pay in. It is for that reason we think the danger from the old Parliamentary will not be so great as many members fear. The old member has the option of paying for any period, such as one year, two years or three years, as the case may be.

For instance; After the next Council elections an old member might say, "I do not intend to stand again after the conclusion of my term; I will pay in for 12 months which, together with my six-year term, will qualify me for the seven-year period." He would be at liberty to do that, and at the end of the period, when he retired, he would receive his full £600. Mr. Holmes referred to the suggestion made, previous to deciding upon the report of the actuary, as to what would be done and pointed out, of course, that Parliament could alter the conditions. That is so. But I again remind him of the attitude of members of Parliament when this scheme was placed before them, and their determination that it was to be a mutual scheme rather than one financed by the Government. I am relying on that spirit to continue to exist in members who have to consider the Government Actuary's report. I think we can count upon members exhibiting the same concern for the good name of Parliament in connection with this scheme as they did the other day.

The hon. member referred to the question whether these deductions would be in order, because this Bill purports to set aside any

contrary conditions existing in the Parliamentary Allowances Act. I remind him that there is a good illustration in answer to his objection, and that is the Income Tax Assessment Act. Under that Act, a considerable amount of money is deducted from the salaries of members of Parliament every month. There is no question as to the right of that Act to interfere with the Parliamentary Allowances Act. If this deduction is a parallel case, it then stands on all fours with it. I regard it as such, and that is my answer to that criticism.

In conclusion, I may say that these calculations are available, and members can see the names of those members who, since 1924, have retired or died or been defeated, and they can see how the scheme would have operated had it been inaugurated in the year 1924. Had it done so, by the end of the year 1931 there would have been a balance, after all commitments had been met, of £9,000.

The Chief Secretary: What were the Parliamentary lives of members?

Hon. H. SEDDON: I could not give that information off-hand, but those figures were submitted to the actuary.

Hon. J. J. Holmes: The figures in the report are not the actuary's figures.

Hon. H. SEDDON: The scheme does not claim to be an actuarial one; but it does claim to be actuarially sound. We finally determined that the actuary's report should be obtained, and laid before Parliament in order that members could satisfy themselves that an investigation had been made. I support the second reading.

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

Ayes	23
Noes	2

Majority for 21

AYES.

Hon. L. B. Bolton
Hon. J. Cornell
Hon. J. A. Dimmitt
Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray
Hon. E. H. Hall
Hon. W. R. Hall
Hon. V. Hamersley
Hon. E. M. Heenan
Hon. J. G. Hislop
Hon. W. H. Kitson

Hon. J. M. Macfarlane
Hon. W. J. Mann
Hon. G. W. Miles
Hon. H. S. W. Parker
Hon. H. V. Plesse
Hon. H. Seddon
Hon. A. Thomson
Hon. H. Tuckey
Hon. F. R. Welsh
Hon. G. B. Wood
Hon. T. Moore

(Teller.)

NOES.

Hon. J. J. Holmes

Hon. Sir Hal Colebatch
(Teller.)

In Committee.

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

Clause 1—Short title:

Hon. J. J. HOLMES: Before we proceed with consideration of the Bill, it would be a fair thing to have the actuary's report for the information of members.

Hon. Sir HAL COLEBATCH: I voted against the second reading purely because I asked for the actuary's report and it was not furnished. I think it was an act of discourtesy on the part of the Chief Secretary not to furnish it.

Clause put and passed.

Clause 2—Commencement:

Hon. Sir HAL COLEBATCH: I suggest to the Chief Secretary that the measure should be made complete, and should state that it will not be proclaimed until after a general election.

The CHIEF SECRETARY: I do not propose to move an amendment as suggested by the hon. member. I am getting tired of giving assurances and having them doubted by one or two members. We have had the experience of two members questioning the veracity of a member of the committee appointed to deal with this scheme.

Hon. Sir Hal Colebatch: We have done nothing of the kind.

The CHIEF SECRETARY: That member assured us that the scheme embodied in the Bill had been presented to the Government Actuary and that he had given it his blessing. In addition, in moving the second reading, I said that the Government Actuary had given a certificate that the scheme was sound. Sir Hal Colebatch said he had voted against the Bill because I had not the courtesy to read the Government Actuary's certificate.

Hon. Sir Hal Colebatch: To furnish his report!

The CHIEF SECRETARY: It was not in my possession until after the vote had been taken.

Hon. Sir Hal Colebatch: You could have said so.

The CHIEF SECRETARY: I will read it. I do not like being accused of discourtesy to members. No one could charge me with that.

Hon. Sir Hal Colebatch: Why could not you have said that you had not got the report?

Question thus passed.

Bill read a second time.

The CHIEF SECRETARY: There was no necessity to do so. I gave members an assurance that the Government Actuary had issued a certificate regarding the scheme, and I was supported by Mr. Seddon, one of the representatives of this Chamber on the committee. Yet we have Sir Hal Colebatch and Mr. Holmes dissatisfied with the assurances given. If members cannot accept assurances given in these circumstances, we have reached a pretty pass.

Hon. J. A. Dimmitt: Some members.

The CHIEF SECRETARY: I am not alluding to all members. There was no intention to be discourteous, and I do not think any member could honestly say I had been discourteous to anyone, least of all to Sir Hal Colebatch or Mr. Holmes.

Hon. J. J. Holmes: What about the report you are going to read?

The CHIEF SECRETARY: It will be read at the right time.

Clause put and passed.

Clause 3—Interpretation:

Hon. H. S. W. PARKER: The definition of "loss of membership" is the loss by a member of his seat in Parliament for any reason whatsoever. That is not sufficient. Just before a general election Parliament is dissolved and there are no members of the Assembly during that period. I move an amendment—

That the following words be added to the definition of "Loss of membership":—"but a member shall not be deemed to have lost his seat merely by Parliament being dissolved."

The CHAIRMAN: I understand that Parliament means both Houses and the Council is never dissolved.

The CHIEF SECRETARY: I do not consider the amendment necessary but, if it is necessary, I have no objection to it.

The CHAIRMAN: Would not "Legislative Assembly" meet the case?

Hon. H. S. W. PARKER: This Bill has been introduced at the last minute and we are expected to frame amendments instantly. I accept the alteration.

The CHAIRMAN: The amendment will read—

That the following words be added to the definition of "Loss of membership":—"but a member shall not be deemed to have lost his seat merely by the Legislative Assembly being dissolved."

Hon. J. J. HOLMES: What we put in the Bill does not matter. This is a measure for members of Parliament and members

of Parliament only. They can alter it when and how they like. According to one provision 28 members can arrive at almost any decision with the object of giving effect to any resolution hereinbefore referred to, and it shall be of the same validity and effect as if prescribed by the measure. Having pointed that out, I leave members to do as they like. Eventually the public will have to pay.

Point of Order.

The Chief Secretary: On a point of order! I think the hon. member should be asked to withdraw that remark.

The Chairman: What remark?

The Chief Secretary: That "eventually the public will have to pay." I take particularly strong exception to that remark, which has been repeated three or four times by the hon. member during the discussion on the Bill. There are 80 members of Parliament and Mr. Holmes is the only one who has inferred that the public will be involved in any shape or form as a result of this measure. I ask the hon. member to withdraw unreservedly the remark that the public will be called upon to pay.

Hon. J. J. Holmes: I have nothing to withdraw and will not withdraw. I have a perfect right to say that in my opinion, after having analysed these figures, sooner or later the public will have to pay. The present members get home all right on the £600, or whatever is paid. That is my convinced opinion and I refuse to withdraw because there is nothing to withdraw.

The Chief Secretary: I strongly resent any suggestion that the public is going to be called upon to pay anything in connection with this scheme. What is more, I think the hon. member is making the position much worse by repeating the suggestion.

The Chairman: Standing Order No. 413 provides that—

If any member—

(c) Uses objectionable words and refuses to withdraw such words

the President—

In this case the Chairman of Committees—may report to the Council that such member has committed an offence.

The Chief Secretary has taken exception to words used by Mr. Holmes which he considers objectionable and he has asked for a withdrawal.

Hon. J. J. Holmes: I refuse to withdraw. You can take what action you like.

The Chairman: Standing Order 414 provides that if any of the offences mentioned in Standing Order 413 has been committed by a member in a Committee of the whole Council—

The Chairman may suspend the proceedings of the Committee and report to the President that an offence has been committed by such member.

Hon. J. J. Holmes: That will give me a chance to get to bed.

The Chairman: You and I, Mr. Holmes, are old friends.

Hon. J. J. Holmes: It is no use; I have said nothing offensive.

The Chairman: Then I can only report you to the House.

Hon. J. J. Holmes: Go ahead; do not waste time!

The Chairman: This is one of the most unpleasant duties I have had to perform.

The Honorary Minister: It has never been done since I have been here.

The Chairman: It would be no loss of dignity on the part of the hon. member to withdraw. An objection has been taken. I hope Mr. Holmes will do the right thing and, out of consideration for the Committee, withdraw the remark.

Hon. J. J. Holmes: I can only repeat that if I had said anything offensive it would be a different matter; but I have said what I conscientiously believe to be true. I might have said that in my opinion this was a ramp. I did not say that and I do not propose to do so. But my firm conviction is that sooner or later the public will pay. I have a perfect right to make that statement, and whether it is parliamentary or unparliamentary I refuse to withdraw.

The Chairman: The hon. member has made an assertion that sooner or later the public will be asked to pay. That is a definite reflection on the members of this Committee. The Bill specifically provides that only members of Parliament are implicated and asked to pay. By saying that the public will eventually be asked to pay, the hon. member is not only using words objectionable to the Chief Secretary, but is impugning every member of the Committee. He is stating, in effect, that if the members fall down on their job the public will have to pay. I do not think the hon. member intended that.

Hon. J. J. Holmes: I have analysed the figures and many members have not, and that is my firm conviction.

The Chairman: The hon. member still refuses to withdraw?

Hon. J. J. Holmes: I do.

The Chairman: Then, under Standing Order No. 414, I must suspend the Committee and report to the President.

[The President resumed the Chair.]

Hon. J. Cornell: As Chairman of Committees, I have to report that during the Committee stage of the Members of Parliament Fund Bill Mr. Holmes used words which, in the opinion of the Leader of the House, were objectionable and he refuses to withdraw them. It is now my duty to hand him over to you.

The President: I might explain to Mr. Holmes that the interpretation of a word a member uses in Parliament is not the interpretation that the member himself places on the remark, but it is the interpretation any member may place upon the remark. If any member of the House considers that any remark made by any other member is offensive he may ask that it be withdrawn. Before I was President I do not mind saying that I made remarks that were considered offensive by other members of the House, but I had no hesitancy whatsoever in withdrawing them even though I personally continued to hold the opinion I had expressed. On this occasion I appeal to the hon. member, for the sake of this House, and also because I know the esteem in which he is held in this Chamber, and the respect he has always shown for the standing orders, to reconsider his attitude. I do not think he will lose any dignity if he unreservedly withdraws a remark that another member considers offensive.

Hon. J. J. Holmes: I can only repeat what I have said before—I said nothing offensive. I have my own convictions after having studied the Bill and I am not going to withdraw what I said.

The President: I must read Standing Order No. 415 which applies to this case. It is as follows:—

When any member has been reported as having committed an offence, he should be called upon to stand up in his place and make any explanation or apology he may think fit, and afterwards a motion may be moved, "that such member be suspended from the sitting of

the Council." No amendment, adjournment or debate shall be allowed on such motion which shall be immediately put by the President.

Hon. Sir Hal Colebatch: Am I in order in making a suggestion?

The President: The hon. member may do so as a personal expression of opinion.

Hon. Sir Hal Colebatch: I think that there is a misunderstanding. Mr. Holmes might very well and properly say that he intended no reflection either upon the Chief Secretary or upon the members of the Committee or anyone else. What he said was that some future Parliament might do this. If Mr. Holmes made it clear that he meant no reflection, I think the Chief Secretary would not then regard the remark as offensive.

The President: I am quite sure the hon. member does not mean any reflection upon any member of the House. I know him well enough to be perfectly sure he does not intend any personal reflection on anyone.

Hon. H. Seddon: The hon. member did say that he meant no reflection on the House.

The President: I would like Mr. Holmes to make that clear.

Hon. J. J. Holmes: The Chief Secretary had no right to take exception to what I said. There was nothing offensive in it. The House can do what it likes. That is my conviction.

The President: I would like to have a statement from the hon. member that no reflection was intended on any member of the House. I am sure I will get that statement.

Hon. J. J. Holmes: If I am to amplify the position, what I did say during the debate was that so far as present members were concerned, they would get their full quota, but in course of time the fund would run out and that would be the stage at which the Treasury or the public would be called upon to pay.

Member Suspended.

The Chief Secretary: Nobody regrets more than I do the position in which we find ourselves, and I am sorry that the hon. member leaves me with no option but to move the motion in accordance with our Standing Order No. 415. The hon. member has had every opportunity to indicate clearly that no matter what he said he did not intend any reflection on the members of the House. So far as I know, he has not given that assurance. In accordance with the standing order I move—

That the hon. member be suspended from the sitting of the Council.

The President: I regret that this has occurred.

Question put and passed.

[Hon. J. J. Holmes left the Chamber.]

Committee Resumed.

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

Progress reported.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [8.19]: I move—

That the House at its rising adjourn till 8.35 p.m.

Question put and passed.

House adjourned at 8.20 p.m.

Legislative Council.

Friday, 12th December, 1941.

(Second Sitting of Date.)

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That the hon. member be suspended from the sitting of the Council.

The President: I regret that this has occurred.

Question put and passed.

[Hon. J. J. Holmes left the Chamber.]

Committee Resumed.

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

Progress reported.

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BILL—MEMBERS OF PARLIAMENT FUND.

In Committee.

Resumed from the previous sitting. Hon. J. Cornell in the Chair: the Chief Secretary in charge of the Bill.

Clause 4—The Members of Parliament Fund:

The CHAIRMAN: Progress was reported after Clause 3 had been agreed to as amended.

The CHIEF SECRETARY: I would like to read to the Committee the opinion of the Government Actuary on the fund that is referred to in this clause. At the time the document was asked for I was not in possession of it, but it has been supplied to me since. It is addressed to the Hon. A. R. G. Hawke, Minister for Labour, he being the Minister under whom the Government Actuary works, and it states—

Members of Parliament Fund Bill.

In accordance with your personal instructions, I have considered the terms of this Bill and the proposed benefits.

Mr. Tonkin, M.L.A., has supplied to me the names and duration of membership of all members of Parliament who have ceased membership since the 1st June, 1924. He also supplied a statement which shows, year by year, the operations of a fund on the lines of that indicated in the Bill.

Assuming that the fund commenced in 1925, this statement is based on the actual experience from 1925 to 1939, and shows that at the end of the period there would have been a balance of over £11,000. I have independently worked out the operations of such a hypothetical fund and have also checked Mr. Tonkin's more detailed figures, and am satisfied with their accuracy.

This cannot be considered as an actuarial valuation. Such a fund is not really at present susceptible of actuarial valuation, but the method of examination shows the proposed scheme to be sound if the experience of the last 15 years is a reliable guide to the future. In any case, Clause 4, Subclause 3, provides for the adoption of a pro rata basis, if necessary. I do not think, however, that Clause 4, Subclause 3 will have to be relied on unless several "landslides" occurred in the elections taking place in the early years after the formation of the fund.

No reference is made here to the degree of justice and equity which obtains between the contributions and the benefits. I understand that I am not required to refer to this matter.

Attention should be drawn to the question of dual benefits. Mr. Clydesdale and several other members who have served in both Houses would not have been debarred under the present terms of the Bill from receiving benefit on each separate cessation of membership. You may

consider that in this respect the terms of the Bill should be modified.

Members know the contents of Clause 4, and they have heard the Government Actuary's opinion. I think that is as definite an opinion as is possible for a Government Actuary to give. The joint committee of members of both Houses which recommended the scheme is also satisfied that the scheme is on the conservative side. Every precaution has been taken by the joint committee to ensure that the fund shall be satisfactory from the financial point of view.

Hon. H. Tuckey: Over the past 15 years the fund would have shown a profit of £19,000?

The CHIEF SECRETARY: The amount would have been larger still.

Clause, as amended, agreed to.

Clauses 5 to 8—agreed to.

Clause 9—Quinquennial investigation by actuary:

Hon. H. S. W. PARKER: I move an amendment—

That in lines 10 to 13 of Subclause 3 the following words be struck out:—"and any resolution passed at any such meeting shall be given the force and effect of law by regulation made by the Governor on the recommendation of the trustees."

The words proposed to be struck out are unnecessary, and may cause a lot of trouble. Let me assume that a meeting is called and that someone gets up and moves a resolution, harmless in itself perhaps, and members say, "Oh, let it go; he'll talk for hours if we don't." When the resolution is passed the Governor is then forced to bring in a regulation to give effect to the resolution, which is absolutely unnecessary and cumbersome, and may be dangerous.

The CHIEF SECRETARY: With all due deference to Mr. Parker, it appears to me that those words cannot do any harm. They simply provide that, when a decision is arrived at, effect shall be given to that decision in accordance with this Bill, which provides for regulations. Possibly it may be quite all right to delete the words in question; I have not had time or opportunity to submit Mr. Parker's amendment to any authority. In view of the fact that the Bill is intended to safeguard the interests of everyone concerned, I consider that we would be doing right in retaining the words.

Hon. H. S. W. PARKER: A meeting is called and such a decision as I have des-

cribed is arrived at; and then the trustees come along and put before us a report, and someone gets up and moves the adoption of the report. There seems to be some misunderstanding. Clause 10 says that the Governor may make regulations; but Clause 9 says the meeting shall have power to adopt. The meeting simply adopts the report. It can only do so by resolution. Any resolution passed at the meeting must be given the force and effect of law by regulation made by the Governor. Therefore the Governor has to make a regulation. I have discussed this point with members of another place, including one of the proposed trustees, who is a man with legal knowledge, and they agree the words are unnecessary.

The CHIEF SECRETARY: I think there is more in the matter than the hon. member suggests. The Government Actuary makes a recommendation. That is considered by the joint committee, which may adopt it or not. Arising out of the adoption of the report, a resolution will be moved. That resolution will have the force and effect of law.

Amendment put and negatived.

Clause put and passed.

Clause 10, Schedule, Title—agreed to.

Bill reported with an amendment, and the report adopted.

Third Reading.

Bill read a third time, and returned to the Assembly with an amendment.

BILL—FRUIT GROWING INDUSTRY (TRUST FUND).

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [8.49] in moving the second reading said: This Bill, as its Title implies, seeks to authorise the establishment of a trust fund in relation to the fruit growing industry, to provide for the administration of the fund and the application of moneys from time to time in such fund, and for other purposes incidental thereto. All moneys collected are to be expended in the interests of the fruit industry. For a number of years the Western Australian

Fruitgrowers' Association, which represents the majority of those engaged in the industry, has, by voluntary subscriptions and levies, assisted growers to combat such diseases as codlin moth and apple scab. In addition, the funds of the association have been used for the following purposes:—

(a) Promoting and encouraging the fruit growing industry by the dissemination amongst growers of up-to-date information and recommendations culled from the methods and practices in use in other countries.

(b) Promoting and encouraging scientific research for the improvement of fruit crops and the transport thereof.

(c) Securing mutual co-operation and effort among growers for the production of better crops, better packing and better methods in the growing and preparation of apples and pears for export.

(d) Defraying travelling expenses of such delegates as are appointed by the association to attend conferences either within or without the State.

(e) Providing financial help to assist the conduct of the affairs of the association and its branches.

The association has shown great readiness to assist those growers whose orchards have suffered as a result of pests and diseases, and a considerable sum has been paid out of the association's funds to recompense those growers who were unfortunate enough to be involved in outbreaks of codlin moth and apple scab. In recent years, owing to the cessation of normal trading due to the outbreak of war, the industry has faced a serious crisis. The delegates from the Western Australian association to the interstate conferences were mainly responsible for the Apple and Pear Acquisition Scheme, which has been operating during this and the previous year. If those delegates had not been able to attend these vital meetings, the interests of this State would have suffered to a considerable degree. The delegates, by the aid of funds from the association, were able to attend these meetings.

The income of the association was acquired in the pre-acquisition days by the collection of ¼d. per bushel on all apples and pears exported to the United Kingdom and to countries in Europe. This money was collected by the Fruit Shippers' Committee and was paid to the association's trust fund. Payments into the trust account for the export seasons 1937, 1938 and 1939 amounted to £560, £535, and £1,346 respectively, an average over the three

years of £814. This income has stopped owing to the cessation of exports, and the position now is that the association can no longer assist in the vital matters to which I have referred. A certain amount is still held in the fund, but this will be mostly utilised to defray the cost of delegates attending vital interstate conferences. The cessation of further assistance to recoup growers for losses sustained in the reduction of apple scab is of serious moment both to the growers concerned and to the Department of Agriculture.

The object of this Bill, therefore, is to provide an income for the association, the general value of which lies in the fact that no grower will be placed in the position, through lack of funds, of being unable to carry out eradication measures. The Bill provides that during the operations of the Apple and Pear Marketing Committee, which is controlled by the Commonwealth, a certain deduction will be made, such deduction not to exceed $\frac{1}{2}$ d. per bushel on the assessed crop, and that the liability of the grower to contribute to the fund may be suspended at any time or from time to time whenever the committee, which will be set up under this measure, and will be known as the Fruit Growing Industry Trust Fund Committee, is satisfied that the moneys in the fund for the time being are sufficient for the purposes of the Act.

The committee will consist of three members, who shall be appointed by the Governor. Two shall be nominated by the association and be approved by the Minister, while the remaining member shall be a representative of the Department of Agriculture who shall be nominated by the Minister. The members of the committee shall not hold office for a period longer than three years without re-appointment; and, subject to due nomination, shall be eligible for re-appointment.

It is provided in the Bill that a fund, to be called the Fruit Growing Industry Trust Fund, shall be established and administered by the committee. The Bill will be found to be more or less self-explanatory. I understand it has the approval of the Western Australian Fruitgrowers' Association, the growers and the Commonwealth authorities. Generally it makes provision for the objects and purposes of the association. It will be noted that the definition of "fruit" includes

the possibility of covering other fruits which may from time to time be declared.

I trust the Bill will have the approval of the House. Members will agree that the State is indeed fortunate in that many serious fruit diseases prevalent in other countries have not taken a hold here. Some have been introduced, but they have been eradicated; and a large part of the credit for that must indeed go to the association, which has provided compensation to the growers concerned. The object of the levy is, as I stated before, to provide funds for the assistance of an industry which has been of great benefit to the State. I move—

That the Bill be now read a second time.

HON. A. THOMSON (South-East) [8.59]: I have pleasure in supporting the second reading. The Bill is submitted at the request of the Western Australian Fruitgrowers' Association to enable the association—in view of the extraordinary circumstances we are facing today as far as fruit acquisition is concerned—to continue a levy which has been voluntarily made on its members for a number of years. The association is a live organisation and has worked consistently to protect the industry, and for that purpose its members have always been prepared to levy themselves. As the Minister has pointed out, the levy is to provide funds to allow the representatives of the fruitgrowers to go to the East on behalf of the fruitgrowers of Western Australia, and for other incidental purposes. More important still, as members will see from Clause 25, is the provision that if there is any surplus the money will be used for the eradication of diseases affecting fruit trees and fruit. The organisation has been very effective in combating the various diseases to which fruit is liable. When it is realised that the voluntary amount collected averaged £814 annually, members can understand that the committee is not out to extort large sums of money from the growers. As the growers have asked for this measure, I have pleasure in supporting it.

HON. H. TUCKEY (South-West) [9.3]: I support this measure. The fruitgrowers are strongly in favour of it and it is long overdue. If the proposal becomes law it will be of great benefit to the industry.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time, and *passed*.

**BILL—LEGISLATIVE ASSEMBLY
DURATION AND GENERAL
ELECTION POSTPONEMENT.**

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [9.9] in moving the second reading said: In the history of Western Australia there is no precedent for the introduction of a Bill to extend the life of Parliament or for the postponement of a general election. It can, therefore, be taken for granted that circumstances are such that the Government feels justified in presenting to Parliament this proposal for its concurrence or otherwise. For over two years we have been engaged in a war, the result of which will be vital to this country, the Empire, and the ideals for which we stand. Until recently the war activities have been so far removed from our shores that little interference has been experienced in our everyday life. The entry of Japan, however, has completely changed the situation overnight, and tragic events have brought a full realisation of the fact that this country is now within the sphere of the actualities of war and the danger that that implies. We must have no illusions on that score. The whole nation must be organised on a war footing, and nothing should be allowed to interfere with that object.

Under our constitution the present Parliament would end on the 31st January next, and an election for the Legislative Assembly would follow in the succeeding weeks. In the interim there would be no Parliament. No one can prophesy what the necessities of the situation may be from day to day, and it is unthinkable that we should be unable to have Parliamentary authority under those circumstances. The Government has no power to alter that, but Parliament has, and that is provided for in the Bill which was introduced in another place.

There is another amendment in this Bill which is of the utmost importance, and that is as to whether or not there should be an election held during this time of crisis. Quite apart from the interruption of the war effort and also the expenditure of considerable sums of money, which could be put to a better purpose than on a general election, it would be wrong for Parliament to insist upon a compulsory vote on the part of the people of this State whose minds are definitely occupied with more serious matters at the moment. They are thinking of their own safety, and the safety of the members of the various defence forces and fighting services who are occupied overseas. Whilst I say there is no precedent for this procedure so far as this State is concerned, there certainly are precedents elsewhere.

Hon. C. B. Williams: Why should we be worried about precedents? Have we not brains enough to create them if necessary?

THE CHIEF SECRETARY: Whether there be precedents or not I think the members of this Parliament, at any rate, will recognise that this is a time when there should be no departure from whatever course might be necessary to be adopted by everyone to consolidate our efforts in connection with winning the war. The Government has considered the position from all angles and believes it is essential to give a lead to Parliament and the people, and so it has decided to give both Houses an opportunity to express an opinion on this most important matter.

This Bill deals with the Legislative Assembly. As mentioned on a previous measure, the Assembly has to be dissolved and it is necessary to hold an election if we follow the provisions of the Constitution Act. Members of this House, however, are in an entirely different position. Only one-third of our members retire at any one time. Therefore, in the opinion of the Government, it is necessary to have two Bills, the one I am now introducing, and another which will deal with the Legislative Council and the biennial election that ordinarily would be held next year. The Bill relating to the Assembly has received the approval of that House, but I have been advised by the Premier that at the third reading stage, he agreed that two small amendments should be made and that I would introduce them in this House. One is to insert "shall" instead of "may" in Clause 5, and the other is to insert the words "carried by a constitutional majority" in the

proviso to Clause 5. I will explain the necessity in Committee.

One could talk at some length on the position in which we find ourselves at present and could refer to the great necessities of the situation, but as it is not possible for me to indicate many of the things already found to be necessary, the position can well be met by the remarks I have already made. Things never looked so black as they are now, but that is no reason why we should be down-hearted. What has happened during recent days, I believe, will be an incentive to every one of us to do more, if that is possible, in the interests of the co-operative war effort of the Commonwealth. The Government, in introducing this legislation, is simply actuated by a desire to give members of both Houses an opportunity to express their views and to indicate that they are prepared to do their utmost in the joint war effort, and refrain from doing anything that would tend to divide the people at the present juncture. After this Bill has been dealt with I shall ask you, Mr. President, to be good enough to bring the measure dealing with the Council before the Chamber. I move—

That the Bill be now read a second time.

HON. H. SEDDON (North-East) [9.21]: This is a Bill to extend the life of Parliament and, in view of existing circumstances and in spite of certain remarks made by the Chief Secretary, it really extends the life of the present Government.

Hon. C. B. Williams: If you are going to fight it in that way, it would be as well to turn the whole issue over to the electors.

The PRESIDENT: Order!

Hon. H. SEDDON: That is what the Bill means. The argument, with much of which I agree, is that the present times are very serious and nothing should be done to distract the attention of the people from the war effort. They do not want to be bothered with politics at this time. That is true. I believe that an election held now would meet with general disapproval, but I do not know that the Bill in its present scope will dispel that disapproval. There is a corollary to the Government's proposal. While the public may approve of the decision of the Government to defer the election, I think the people really look for unity and direction in the greatest danger we have ever faced. When one realises that the war has been rag-

ing for over two years, and when one recalls circumstances associated with the commencement of the war, one feels that there should have been greater unity in Parliament itself.

Hon. C. B. Williams: We feel that when you vote against some of our Bills.

Hon. H. SEDDON: For example, there should have been greater concentration on efforts to prepare this country for war, but Parliament has not been taken into the confidence of the Government regarding those matters. Therefore I say, speaking for Parliament as a whole, that the Government should have improved upon its attempt to consolidate the efforts of the community and given the people a lead to a greater extent than has been done. People are looking for a lead in the direction of unity. They say, "Give us a lead; tell us what we can do; show what organisation exists and tell us our part in it." They want to know what they would be required to do in the event of an attack. This country has never yet been invaded or raided. It has had no experience in that respect; neither have the military authorities, who have been regarded as responsible for meeting all phases of attack. They, however, would be absorbed in their work, and unless an organisation is created that will direct the people and tell them what is expected of them, they will obviously be thrown into great confusion.

There is another development. Wherever we go we find people asking, "What can we do? What work can we undertake to assist the country in this crisis?" There are many people who, if they had been organised, and if greater publicity had been given to what was required of them, would have understood the position instead of being kept more or less in the dark. I am not in any way reflecting upon the attitude of members of Parliament. Members, including Ministers, are co-operating in public efforts to interest the people in the way of subscribing money, and in other avenues of voluntary work. Members have joined the forces and thereby endeavoured to set an example to the general public. What I feel is that there should be wider publicity in connection with the organising and harnessing of the efforts of the whole of the people. Therefore I maintain that the Government should have taken the step of inviting the members of the Opposition in the Assembly to unite with it. The

Government could have invited the leaders of the other two parties to join it.

Hon. C. B. Williams: We would not have that.

Hon. H. SEDDON: Judging by the attitude of the hon. member's party—

Hon. C. B. Williams: You know it as well as I do.

Hon. H. SEDDON:—such a proposal is repugnant to them. It is claimed that on this occasion those feelings should be put aside and that the Government should set an example of unity. There is often too general an idea that the whole of the work connected with the war should be left to the Commonwealth authorities. But we have to remember that Canberra is 2,000 miles from Perth and that when an emergency arises—if it does arise—it will have to be faced and handled by the people who are here, because obviously they will have to bear the brunt of whatever occurs. This demands local leadership and close co-ordination between military and civil organisations. For this reason the Government should appreciate that there is room to accept the idea of unity, and tell the people that organisations do exist and direct them how they can best assist in the work of those organisations. That, in effect, is the comment I have to make on this Bill. Besides providing for deferring the election, the Government should have met a general need expressed again and again by the public for a united front both in Parliament and outside in the meeting of a national emergency. It should show a single-mindedness directed towards victory and the saving of this country by a united effort, by the efficient and effective use of all the people directed towards beating off any attempt to invade these shores, and indeed discouraging any such attempt by evidencing its preparedness and organisation. The opportunity still rests with the Government to make that gesture and give to people a lead for which they are looking.

HON. J. CORNELL (South) [9.31]: No one regrets more than do I the necessity for this measure. The view I take is that it entirely concerns another place in which are the members of the Cabinet of this State, with two exceptions. I understand that the Bill was agreed to on the voices in another place, and members of the Opposition have, in giving their support to the Bill, expressed their opinion as to what

they consider should be a corollary to the passing of the Bill. It is there that the determination should be made. All members who know me are aware that I have been a prophet of the progress of the war since its inception. Everything I forecast has happened even to the latest development. I may have been a "dismal Joe"—

Hon. C. B. Williams: You have not a winner for tomorrow, have you?

Hon. J. CORNELL:—but I foresaw the truth. The viewpoint I take is this: I have said repeatedly that whether it be in the Federal or the State arena the time would arise in this great conflict when it would not matter two hoots what party held the reins of Government. The voice of Australia would demand that the full effort of Australia should be thrown into the scale. In conversation with the Chief Secretary last night I said again that it matters not what brand of party controls the Ministerial benches, if the members of the Cabinet do not perform the job Australia demands there will be dissension in the ranks of Tuscany. Their own people will rise against them. Mr. Seddon has said that this should be done and that should be done. I agree, but there are a few members here who know what a defensive war can be like. While the bush generals have their ideas—

Hon. H. L. Roche: What about the prophets?

Hon. J. CORNELL: The prophecies of the prophets sometimes come true but those of the bush generals never do. Whatever may be their viewpoint we have to hand our destiny unconditionally over to the chaps who are running the show. Let us hope that when that factor is weighed in the balance it will not be found wanting. I do not know that there is very much more I can say except that I have very grave doubts—and others who have seen active service will also have grave doubts—whether even if war comes to our back door a lot of people will wake up and take the notice they should. That being so we must hope for the best.

HON. SIR HAL COLEBATCH (Metropolitan) [9.37]: I do not know why this bench has monopolised the debate but I have only a few words to say. I support the Bill unconditionally. I think it is well to remember that this State is in a different posi-

tion from any of the other States. We are very remote from the seat of national Government and I am quite sure a good purpose would be served—as I hope it will be as a result of the conference to which the Premier has been summoned—if something were done here similar to what has been done at the present time by the Federal Government. I do not suggest a national Government because I know that is repugnant to the State Government, but there should be some larger measure of co-operation between the representatives of the different sections of the community. I am in accord with what the Chief Secretary and Mr. Cornell have said as to the seriousness of the situation, and I believe there are many people who are inclined to make the fatal mistake of under-estimating the strength of the enemy.

Hon. T. Moore: Hear, hear!

Hon. A. Thomson: We are living in a fool's paradise.

Hon. Sir HAL COLEBATCH: It is well to remember that in Japan there are 100,000,000 people. The population is 25 per cent. greater than that of Germany. It has to be remembered also that Japan commenced preparations for this war four years before Hitler came into power, and probably a great deal earlier. Let it be remembered also that those same totalitarian methods that have been adopted in Germany have been followed in Japan, and though we may well denounce their brutality we have to admit their effectiveness from the point of view of war. It was indicated to me some time ago when I was in London and I have since seen it amply confirmed, that the lads of Japan start training at eight years of age. They learn to use machine-guns and half of their school time is devoted to military training. It is a brutal, horrible system, but it is a system that makes a very effective enemy. Military instruction is given by army officers.

It is a deplorable thing but in view of the strength of the enemy it is a pity that we ever abandoned our system of military training for our own boys. It was good for them whether we had peace or war, and it is a pity that even now it has not been re-established, because whatever may be the immediate result of this war I am not sanguine enough to think that when it is over we shall have peace indefinitely. I think that a country like Australia, so rich

in many resources, is likely to be coveted by many other countries and, being sparsely populated, should take permanent steps towards providing efficient defence. The most important of those steps is the training of our boys. Following the passing of this Bill and the conference of the Premiers with the Prime Minister, I should like to see established here a body which could act in co-operation with and under the authority of the Government and which would make representations resulting in the training of our youths and on many other matters. Our isolation carries with it the extreme danger of attack and a difficulty in meeting it. I support the second reading.

HON. A. THOMSON (South-East) [9.43]: I am sure we all regret the need for this measure. I think that few people in Western Australia had the slightest thought until just recently that we would be at war in the way in which we are today. It is the fact that we are at war which has led to the introduction of this measure. The people of Western Australia and of Australia generally have for a long time been looking for what I term leadership. While we admit that the Government has done all it could do during the past two years, the people as a whole feel that there should be more co-operative effort in taking steps against what is a national danger. Sir Hal Colebatch stated that the idea of a national Government was repugnant to the State Government. Why should it be repugnant? We do not ask men, to whom we appeal over the wireless and at public meetings to offer their services to the State in the defence of their country, what are their politics or their religion. All we ask is whether they are prepared to do their part in the defence of their country.

I think that the Government, in the face of the present crisis, should invite members to get together and see what we can do. However, the Government has its responsibilities and must accept them. It would have created a better feeling in the country generally if we could have demonstrated that we are prepared to stand shoulder to shoulder and accept what responsibilities there may be. For my own part I have often felt that surely there is something I can do, but so far I have not been able to find out what is my particular niche. I am afraid the time is not far distant when we may all have some-

thing to do, and I positively shudder at the thought of what will be the position of our people should we be invaded in this part of the Commonwealth. We are quite convinced that the military authorities are doing their part, or seem to be doing it, but we who are on the outskirts of what is going on think that we can note where there is waste of money and where better efficiency could be demonstrated. Nevertheless, we may not be in a position to judge even in that respect.

To my mind it would have been a magnificent gesture had the Government, irrespective of whether the thought is repugnant or not, invited co-operation by the other political parties. The Country Party is supposed to be equally as individualistic as is the Labour Party, but its members are prepared to sink their differences as far as is humanly possible in order to present a united front to the common foe. I support the second reading of the Bill and regret deeply that its introduction has been found necessary—not from the standpoint of prolonging the life of Parliament, but because of the circumstances that have caused its introduction.

I trust the Government, in shouldering its responsibilities, will as much as possible utilise the services of all sections of Parliament. I remember Mr. Moore on one occasion making an appeal, and asking why we could not get together and do something to aid the national effort. Here is an opportunity to do so! With God's help, we could all try to save what our forefathers fought so hard for, and, please God, our heritage will not be taken from us.

HON. T. MOORE (Central) [9.50]: The concluding words of Mr. Thomson are instrumental in bringing me to my feet. Like Mr. Cornell, I said, when the war commenced two years ago, that we were up against a different task from that confronting us in 1914-18. When I moved the adoption of the Address-in-reply a year or two ago, I pointed out that we were up against a stiffer proposition than many people seemed to think. I sounded that note of warning and said that, while many people were prepared to believe that because France capitulated and Belgium gave in, it must have been the fifth columnists that were responsible for the situation. As I pointed out then, those people were thinking along wrong lines. I appreciated then, and subsequent results have proved that

my contention was right, that it was the pace of the tanks that caused the downfall of France and Belgium. Now we know that Belgium never let us down but that the country was well and truly beaten. Members should appreciate that once enemy soldiers get back behind the lines and amongst the civilian population the invaded country is just about finished.

Hon. J. Cornell: Of course it is!

Hon. T. MOORE: Too many of our people have taken the position too cheaply. They seek comfort in the assertion that because Britain has always won the last battle she will always do so, but that idea is altogether wrong. Two members of this Chamber in particular who did not understand the position ridiculed the ideas to which I gave expression, and aired their views before the Address-in-reply debate was concluded two years ago. Unfortunately, my remarks proved to be only too true. I have always sensed the national difficulty, quite apart from latter-day developments. I always felt that we were up against a very strong power when the fight with Germany commenced. Now it is being driven right home to the people of Australia that the war is coming very close to our shores.

Hon. A. Thomson: There are many who do not appreciate the position even now.

Hon. T. MOORE: Frequently we get into a state of panic for a few days and then, when there is a lull, people think everything is all right. When Mr. Fadden was Prime Minister the suggestion put forward was that it was only necessary for people to put a few hundred pounds into the war loans and everything would be all right. The money started coming in but then the position improved, and so the driving force behind the effort ceased. It is quite wrong to do things in spasms. Our enemies do not adopt that attitude. They are on the job all the time, and their effort is continuous. On the other hand, we are short of money; we have not done the work that should have been carried out; there is not the co-operation that there should be—all because the people do not understand.

Even today a large section of the people does not understand. There is only one section of the community, however, that can really do something for us, and it is not the Government. In a situation such as that confronting Australia, we cannot have both the Government and the military authori-

ties in charge. Those that must be in command and must frame the programme for the future are those in control of the military forces at Francis-street. That is my present opinion, and it has always been my opinion. I have discussed the position with the military authorities and have pointed out that in our rural districts we have attempted to do something, so that we would be prepared to put up a scrap if the necessity arose.

We wished to train men but we had no rifles for that purpose. I was informed by the military authorities that unfortunately they did not have enough rifles with which to equip even the fighting forces. That is the position in which we find ourselves. We have not prepared sufficiently for eventualities. I do not want the people to be misled now. There are certain things that the Government and members of Parliament can do, such as work associated with air raid precautions. I have regarded my time this session as wasted in Parliament, because I have always felt that I would have been better employed in erecting strong-posts so as to enable us to repel the enemy at points of danger. Nothing has been done in that regard. A certain number of men, apart from the military authorities, have been looking into these things and now some notice is being taken of their efforts by the military authorities.

The only way by which any success can be achieved is to work to a set programme, which must be formulated by the military authorities. We must all range ourselves behind them. The Bill under discussion must be passed because no section of the community desires an election to take place at the present time. To embark upon one would be ridiculous and unthinkable. The suggestion has been made that there should be included in the Ministry another member of Parliament from outside the ranks of the Labour Party. I do not think a step in that direction would advance our war effort one iota.

Hon. G. B. Wood: What about four new Ministers?

Hon. C. B. Williams: Let them have the whole seven portfolios!

Hon. T. MOORE: I do not care how many new Ministers are admitted to Cabinet; that will not help us in the slightest degree. I know there is an impression abroad that many would like to see a national Government, but I fail to see how that would advan-

tage us in these days. Apart from that, there are many things we could do and I trust that the seriousness of the position will be brought home to the people. I hope they will quickly realise what we are up against. Too often we hear people say, when there is a lull in operations, "Everything is all right; we can go to that picture show or the races and everything is all right." We must disabuse the minds of such people.

Hon. A. Thomson: They will have a rude awakening.

Hon. T. MOORE: I feel we are up against a proposition that will demand our utmost efforts, and I shall be surprised if we do not have to face an invasion here.

Hon. J. Cornell: Hear, hear!

Hon. T. MOORE: Everyone must be prepared for what may happen and the only people who can set a programme for us to follow are the military authorities in Francis-street. I have every confidence that they will do what is necessary.

HON. E. H. H. HALL (Central) [9.58]: The great majority of the people will be glad to hear that the Government proposes to postpone the general elections and to extend the life of Parliament for 12 months. Most people agree that this is not the time to indulge in political warfare. During the tea suspension I spoke to two members of the Country Party and they told me that the member for West Perth (Mr. McDonald) had made a very fine speech on the Bill, and I certainly wish I could have heard it.

The PRESIDENT: Order! The hon. member must not refer to any speech made in another place during the current session.

Hon. E. H. H. HALL: No, but, as I was saying, I would like to have heard that speech.

The PRESIDENT: Order! I would prefer the hon. member not to proceed along those lines.

Hon. E. H. H. HALL: However it was not my privilege to hear it. As a majority of the people agrees with the Government in its postponement of the general elections, so I think the vast majority of the people would have been glad if the Government had invited the Leader of the Opposition, who is a returned soldier, and the Leader of the National Party, also a returned soldier, to associate themselves

with the Ministry in some way. We know there is a plank in the Labour Party's platform that is against a coalition Government, and therefore it can be understood why the Government has failed to form a national Administration. Be that as it may, at such a time as the present it would have been a fine gesture had the Government been able to adopt that course and enabled Parliament, through the Government, to present a strong front against the common foe. The inclusion of the two gentlemen I have referred to in the Government would have been a fine thing and, if they could not have been included in an official capacity, their services might have been availed of from an advisory standpoint. But that idea does not seem to have commended itself to the Government, and we have to accept the position as it is. The Government's action meets with my approval, but I regret that Ministers have not seen their way clear to obtain the assistance of the two gentlemen I mentioned.

HON. C. B. WILLIAMS (South) [10.1]: It goes much against my grain to support the Bill, but I realise the seriousness of the position and bow to the will of the majority. These people who are hungry for office—

Hon. H. Seddon: I consider that remark thoroughly uncalled-for.

The **PRESIDENT**: I am sure that the hon. member will withdraw the statement.

Hon. C. B. WILLIAMS: I withdraw it.

The **PRESIDENT**: The hon. member has withdrawn.

Hon. C. B. WILLIAMS: It behoves those people who favour a composite Government to remember that there never have been any negotiations for a composite Government in this State. In the Federal arena there was no composite Government, not because the Labour Party could have shoved out the previous Government, but because the members of the party in power could not agree among themselves. Members of a Federal party with an absolute majority in the Senate could not agree among themselves. Here we have people talking, with their tongues in their cheeks, about composite Ministries. Let me point out that the Labour Party in Victoria supports the Country Party in Victoria, and has kept that party in office for many years. We are in trouble, and yet many

people with their tongues in their cheeks say that but for paltry seeking of political advantages we might have had a composite Government. If we held a general election, we would find people saying, "Put Mr. Thomson in" and other people saying, "Put Mr. Gray in." Would that win the war?

Hon. A. Thomson: Did I ask for that?

Hon. C. B. WILLIAMS: I will say, instead, "Put Mr. Baxter in" if Mr. Thomson likes. My speech helps the war effort much more than do the speeches of some members here.

Hon. J. Cornell: I suggest the hon. member puts on a gas mask!

Hon. C. B. WILLIAMS: Let us vote the Bill out and go to an election if members like! I support the Bill.

HON. H. L. ROCHE (South-East, [10.4]: I had not intended to speak on this Bill, but in view of the previous speaker's remarks it is just as well that at least some of us should make our position clear. It must be perfectly obvious to every member that the people of this State, bearing in mind the present crisis, do not wish to see a general election. I think that the opinion honestly held by most members—certainly by myself, and certainly without my tongue being in my cheek—is that the majority of the Western Australian people would like to have a national Government. I realise quite well that there are obstacles in the way. The Labour Party does not believe in coalition Governments. I would like also to make it clear that the organisation to which I belong does not favour coalition Governments. In personally taking that view at the present time, I have regard to the crisis with which the country is faced. If there is any insuperable difficulty, we must assume it to be insuperable only until opinions change. I do think that the Government in introducing this proposal acted ill-advisedly in not making, if not by legislation then by personal contact, some arrangement which would assure to all parties in this Chamber representation on an advisory committee in touch with the Cabinet in charge of the affairs of this State.

Members are in the position that they cannot vote against the Bill. Not one of us can. It would not be right to do so. I do not suggest that in such circumstances a Government should take advantage of that

fact to place members in a position where they would willy-nilly have to accept something. I do not think it is too late, or I hope it is not too late, even if this legislation is passed, for the Government to give the whole subject reconsideration. If it is impossible for a national Government to be formed in this State, I do trust that the Government of the day will provide some machinery whereby all sections of the community represented in this legislature may at least have some close contact with the Cabinet in charge of Western Australia's affairs during this time of crisis.

The PRESIDENT: This Bill, being one to amend the Constitution Act, must be passed by an absolute majority at both the second and third-reading stages. I shall divide the House.

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

Ayes	28
Noes	0
Majority for	28

AYES.

Hon. L. B. Bolton	Hon. W. H. Kitson
Hon. Sir Hal Colebatch	Hon. J. M. Macfarlane
Hon. J. Cornell	Hon. W. J. Mann
Hon. L. Craig	Hon. G. W. Miles
Hon. J. A. Dimmitt	Hon. T. Moore
Hon. J. M. Drew	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. V. Plesse
Hon. E. H. Gray	Hon. H. L. Roche
Hon. E. H. H. Hall	Hon. H. Seddon
Hon. W. R. Hall	Hon. A. Thomson
Hon. V. Hamersley	Hon. H. Tuckey
Hon. E. M. Heenan	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. R. Wood
Hon. J. J. Holmes	Hon. C. B. Williams

(Teller.)

NOES.

Nil.

The PRESIDENT: There are no members on the left of the Chair. I declare the motion carried, and by considerably more than an absolute majority.

Question thus passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 4—agreed to.

Clause 5—Authority to postpone general election:

The CHIEF SECRETARY: Two amendments are necessary to this clause. The Premier gave another place an undertaking that

they would be submitted at this stage. I therefore move an amendment—

That in line 11 the word "may" be struck out and the word "shall" inserted in lieu.

Amendment put and passed.

The CHIEF SECRETARY: I wish to move an amendment in line 3 of the proviso to insert after the word "resolution" the words "carried by a constitutional majority." It is considered that these should be inserted, because it is necessary to have a constitutional majority to carry the Bill.

Hon. G. B. WOOD: I desire to move an amendment to the clause in line 9.

Hon. Sir Hal Colebatch: Is the Chief Secretary's amendment necessary?

The CHAIRMAN: I am not questioning the drafting of the measure, but I suggest the substitution of the word "absolute" for the word "constitutional."

The CHIEF SECRETARY: Section 73 of the Constitution Act contains the expression "absolute majority." I therefore move an amendment—

That in line 3 of the proviso after the word "resolution" the words "carried by an absolute majority" be inserted.

Hon. G. B. WOOD: I still wish to amend the clause in line 9. Both Houses must pass this Bill, yet tomorrow the Assembly could upset the whole arrangement and have an election next week.

The CHAIRMAN: Is not that the Assembly's business?

The CHIEF SECRETARY: For the benefit of the hon. member, I advise him that, after this Bill is passed, a similar Bill will be introduced dealing with the Legislative Council.

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

Preamble, Title—agreed to.

Bill reported with amendments, and the report adopted.

Third Reading.

The CHIEF SECRETARY: I move—

That the Bill be now read a third time.

The PRESIDENT: As an absolute majority is required to pass the third reading, I shall divide the House.

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

Ayes	28
Noes	0
Majority for	28

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

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

The PRESIDENT: I declare the third reading of the Bill carried by an absolute majority.

Question thus passed.

Bill read a third time, and returned to the Assembly with amendments.

Sitting suspended from 10.37 to 11 p.m.

BILL—LEGISLATIVE COUNCIL (POSTPONEMENT OF ELECTION).

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [11.3] in moving the second reading said: All that can be said to justify the introduction of this measure was said on the previous Bill and therefore I do not propose to speak at any length on this occasion. The Bill as drafted provides for the postponement of the election that would ordinarily take place next year so far as the 10 members who retire this year are concerned. The election is to be postponed for 12 months, or to a date to be fixed within that 12 months. I have been advised that certain amendments will be moved with a view to making the Bill apply to all members of the Legislative Council. I do not propose to say anything about those amendments at the moment because they can be dealt with in Committee. I move—

That the Bill be now read a second time.

The PRESIDENT: In the case of this Bill the procedure must be similar to that which was followed in connection with the last Bill. There must be a division.

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

Ayes	27
Noes	0
Majority for	27

The PRESIDENT: The question having been passed by an absolute majority, I declare the second reading carried.

Bill read a second time.

In Committee.

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

Clauses 1, 2—agreed to.

Clause 3—Authority to postpone general election:

The CHIEF SECRETARY: The clause speaks for itself. It does not require much explanation. Briefly, it provides that the election which should take place next year for 10 members of this House shall be postponed for a period not exceeding 12 months, but that at any time during that period writs may be issued by a resolution of this House.

Hon. W. J. MANN: I move an amendment—

That in lines 13 to 24 after the word “afore-said” the words “but the Governor may, subject as hereinafter provided, issue his said warrant to the Clerk of the Writs directing him to issue a writ for the said general election at any time within twelve months from the tenth day of April, one thousand nine hundred and forty-two: Provided that the said Legislative Council may at any time within the said period of twelve months by resolution recommend that the Governor issue his said warrant under Section sixty-three of the Electoral Act for the said general election for the Legislative Council, and the Governor shall give effect to such recommendation” be struck out, and the following words inserted in lieu:—“and the said general election shall be postponed until a date which shall be determined by fixing the ninth day of April, one thousand nine hundred and forty-three as the day on which the writ for such election shall be issued; and the Governor shall by his warrant direct the Clerk of the Writs to issue such writ on the said last-mentioned date.”

According to the Constitution the 10th April is the last date on which a writ can be issued and by selecting the 9th April the ef-

fect will be to postpone the election from April, 1942, to April, 1943.

The CHIEF SECRETARY: The idea of this amendment is very different from that in the Bill. The Bill provides that the election shall be postponed for a maximum period of 12 months if necessary, but that an election may take place at any time during that 12 months if the Legislative Council by resolution so decides. The proviso to Clause 4 is a clear indication that the Government desires to postpone the election for the vacancies resulting from the retirement of 10 members next year, and not to interfere in any shape or form with the other members of the Council who retire at a later date. The object of the amendment is to provide that there shall be a definite postponement of the election for 12 months and then a subsequent amendment will provide for a postponement for a similar period of 12 months in the case of the 10 members who will retire two years hence, and in the case of the 10 members who will retire four years hence. In framing the Bill the Government was of the opinion that there was no need to fix a definite date at present. It was considered that, when the time arrived for an election to be held, that would be the time to deal with the question now being raised by Mr. Mann. For instance, if an election took place in six months' time or in nine months' time, it would be necessary to determine the period for which those who were elected on that occasion would sit as members of this House. That may be for five and a half years or five years according to the length of time the elections are postponed. In that way we would not be interfering with the members who retire in 1944 or 1946. That is the best explanation I can give of the reason for the Bill being drafted in its present form. Mr. Mann's amendment, if agreed to, will have the effect of increasing the term of office of every member for a further 12 months. I have not had an opportunity to discuss the matter with the Government, but I think I can take the responsibility of intimating that it would prefer the Bill as introduced.

Hon. Sir HAL COLEBATCH: It will be agreed that the postponement of the election is not to be contemplated except in extreme circumstances that would amply justify such a course. We have shown by our agreement with the provisions of a Bill previously before us that the circumstances are so ex-

treme as to justify the postponement of the general election. In agreeing to such a matter I maintain we must do so with the least possible interference with the right of the people to elect their members at the specified times. Personally I am not prepared to make use of a war emergency to vote to myself an extra year of office in Parliament. My term expires in 1946 and I shall not vote to extend my period to 1947. I think that would be wrong, and I hope the Committee will not agree to such a proposal.

Hon. W. J. MANN: I do not hold the opinion expressed by Sir Hal Colebatch. We are entering upon a stage of our national existence never before visualised by any British community. Fragments of reports are beginning to seep through indicating the position in enemy-occupied countries. Only those countries that took the precaution of putting their house in order have been able to make any reasonable stand. The time has arrived when Parliament should say to the Government, "You are to devote only that portion of the time which is absolutely essential for carrying on the affairs of the country, and the remainder of your time shall be devoted to organising the State and giving a lead in our war effort." I shall not attempt to prophesy but I notice that yesterday someone in an enemy country mentioned something about a decade. I believe the war will be very long, and the man who made the statement to which I refer probably knows a good deal more about it than we do. The belief is held by some people that elections should be postponed for the duration of the war, but I do not agree with that. If sixty members of Parliament are to have their term extended for one year, I think the other 20 should have similar treatment meted out to them. Under those circumstances, all would be able to assist in the task confronting the State at present. I think the fairest way would be simply to say that we shall extend the life of this Parliament in respect of all members by a period of 12 months.

Hon. L. CRAIG: I am groping in the dark, and I want to know what effect the passing of this Bill will have on the section in the Constitution Act Amendment Act relating to the continuity of the term of office of members in this Chamber.

Hon. W. J. Mann: Look at Clause 3 of the Bill.

Hon. L. CRAIG: Will a further amending Bill be required later on?

The Chief Secretary: Yes.

Hon. L. CRAIG: When is it proposed to deal with that?

Hon. W. J. Mann: When the period is ripe, and that will be determined by time and circumstances.

Hon. L. CRAIG: If we are to extend the life of Parliament, we must do so in a manner that will preserve the continuity of membership of this Chamber.

The CHIEF SECRETARY: I have explained the position fully. It is quite possible that an election may take place within the period of 12 months contemplated in the legislation. It is considered that there is no necessity at present to determine what action will be taken with regard to the length of period for which the members, whose elections are postponed, will continue to hold their seats. It was considered that when it is decided to hold the election will be time to determine when a further amending Bill will be introduced to deal with the position of members so as to maintain the continuity to which Mr. Craig has referred.

Hon. G. B. WOOD: As one of the members directly concerned, I support the Bill as it stands. Its provisions are clear and it represents the simplest way of achieving what is desired. Later on a Bill can be introduced to deal with the question of continuity of membership. This measure is not intended to give all members an extra year; yet the amendment will have that effect and there will be trouble right up until 1946.

Hon. J. A. DIMMITT: Should the Assembly elections be postponed for one year, will the members be elected for two years only?

The Chief Secretary: No, three years!

Hon. W. J. MANN: It would be possible for the Act to be re-enacted for another year and we may find 20 members retiring instead of 10. Then it would be a question for the electors to say who should have six years and who should have four years. We should do the right thing by putting all the terms on for 12 months and, if it happens that we strike an odd number in the years, we can make any necessary adjustment.

Hon. G. W. MILES: I strongly oppose the amendment. The Chief Secretary has ex-

plained the position quite clearly. Owing to the crisis the Bill proposes a maximum extension of 12 months, and if the elections take place in six, nine or twelve months, another Bill will be introduced to provide that the members then standing for election will be returned for five or five and a half years, as the case may be. It would be a nice thing to put out to the public that the members of this Chamber are going to extend their terms for another year.

Hon. H. SEDDON: Mr. Miles does not appreciate the position in many of the provinces. Our elections are quite different from those of the Assembly. The idea of extending the period for a maximum of 12 months might be practicable for the Assembly, but is not fair to the retiring members of the Council. In justice to the retiring members it is desirable that they should have a fixed date and that should be the first week in May, as laid down in the Constitution. If we are going to postpone the elections for a year, let the next elections follow in two years.

Hon. G. W. MILES: Later legislation could provide that members retiring now should be elected for five years or that the 10 members due to retire next year should be elected for four years only. If members are going to use the crisis to save a paltry few pounds of election expenses—

Hon. W. J. Mann: I object to that statement. That is the last thing in my mind, and I ask for a withdrawal.

Hon. G. W. MILES: I withdraw in deference to the Committee; not to the hon. member.

Hon. W. J. Mann: I object to that.

The CHAIRMAN: Mr. Miles is quite within his rights. He has withdrawn in deference to the Committee.

Hon. W. J. Mann: He has no right to reflect on any member.

Hon. G. W. MILES: I am not reflecting on anyone.

Hon. W. J. Mann: Yes, you are, and you followed with another reflection.

The CHAIRMAN: Order! We have had two sittings in one day. We do not want a third.

Hon. G. W. MILES: You will not have another on my account. I still hope that the amendment will not be accepted.

Hon. Sir HAL COLEBATCH: Mr. Seddon's argument is inconsistent. He sug-

gested that it might not be possible to hold an election for two years and that confusion would result, but the Bill says the election must be held in one year. The election will be held when the Council considers it proper. That is a simple way of dealing with the matter. Instead of that, it is proposed that in order to avoid some amendment of the Constitution, the term of every member should be extended for 12 months. The public would resent such a proposal violently. What right have we, because there is a war on, to stick to our seats for another year? What answer could we give to an objection of that kind?

Hon. G. B. WOOD: I suggest as a way out of the difficulty that the Chief Secretary moves an amendment that the period for the ten members concerned will expire in 1948.

The CHIEF SECRETARY: I am afraid that cannot be done. The time to determine that will be when we decide to have an election, and then we shall have to determine the period for which those members will be elected. It may be four years and five months or something of that kind. Mr. Seddon seems to think that if we agree to the amendment, no fresh legislation will be required to deal with the Constitution. That is not correct. It will be necessary to have special legislation to bring the elections into line with the Constitution.

Hon. H. Seddon: Mr. Mann's amendment preserves the two-year period between elections.

The CHIEF SECRETARY: But that is not sufficient. At some stage amending legislation would be required in order to bring us into line with the Constitution as it now stands.

Hon. W. J. MANN: It would depend upon the re-enactment of this measure from year to year whether it would be necessary to determine the period for which members are elected. So long as we keep to even numbers, the two-year period will operate. Sir Hal Colebatch said that the public would resent Parliament doing anything except furthering the war effort, and that it would object to the expenditure of money on elections.

Hon. Sir Hal Colebatch: How would that apply to an election in 1946?

Hon. W. J. MANN: The hon. member who has interjected has, by inference, stated that this war is likely to be a long one. Am I right?

Hon. Sir Hal Colebatch: I made no reference to that at all. How would your argument apply to an election in 1946?

Hon. W. J. MANN: The hon. member made lengthy reference to the war and spoke about what would be likely to happen as the result of it. He implied that we are likely to have a long war. The adoption of my amendment would simplify the matter and there would certainly be no public outcry.

Hon. Sir HAL COLEBATCH: There is not the faintest justification at present for the Committee voting each of its members an additional year of office. What may be necessary in the future none of us knows. The Legislative Assembly is, to a very large extent, the guardian of the people's rights, and it would be competent for the Assembly in that capacity to say that, while the postponement of the elections is necessary in the circumstances, it should be done with the least possible interference with public rights. If the amendment is agreed to the Assembly would be perfectly justified in throwing out the Bill. We would then be forced into the proper position and our elections would be held next year.

Midnight.

The CHIEF SECRETARY: It was suggested that there might be a further postponement for 12 months. In that event, we would have two sets of members due for election at the same time and that might create some difficulty. The Bill provides that the election shall be postponed, but must be held in 12 months' time, unless the Council meets and decides upon a different course.

Hon. E. M. HEENAN: The Chief Secretary has just made quite plain a point which I think has been overlooked. The reason for this legislation is that there is a grave emergency, and we want to avoid the holding of elections in March and May, because the people would not desire that they should be held. The object is to postpone those elections, not to give any member an extended term. It so happens that ten members may get an extended term. That might or might not be an advantage, but we must not weigh the matter from the personal angle. The issue is to postpone the election. Events are going to move very rapidly during the course of the next few weeks or months; and, as the Chief Secretary has pointed out, further amendments will have

to be made in the light of what does happen. I think the Chief Secretary is right.

Hon. T. MOORE: I cannot follow the reasoning of those who say that an extra 20 men should be entitled to anything, at all events at this juncture. Members of this House are different from those in another place. Assembly members go before the electors every three years. We have a run of six years. The proposal is that we should keep away from those who elect us for seven years instead of six.

Hon. W. J. Mann: That is not the idea.

Hon. T. MOORE: That is how it will work out. Many of us have been returned unopposed in the past. A dozen years have elapsed before the electors have had a say. Perhaps they have not taken us seriously but they are entitled to do so. It is only right that if conditions are favourable those who are due to stand for re-election should face the electors. At this stage it would be wrong for us to say what shall happen to men who have not to stand for election for $2\frac{1}{2}$ years or $4\frac{1}{2}$ years. The public, if it had any commonsense, would resent such a proposal.

Amendment put and negatived.

The CHIEF SECRETARY: I move an amendment—

That in line 14 after the word "Governor" the word "may" be struck out and the word "shall" inserted in lieu.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That in line 3 of the proviso after the word "resolution" the words "carried by an absolute majority" be inserted.

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

Clause 4, Preamble, Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—CHILD WELFARE ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendment No. 3 made by the Council; had disagreed to amendments Nos. 1 and 2; and had agreed to No. 4, subject to a further amendment.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

No. 1. Clause 6—Delete paragraph (a).

The CHAIRMAN: The Assembly's reason for disagreeing to amendments Nos. 1 and 2 is—

This part of the Act is a dead letter. In any event its enforcement is impracticable. Even if it could be enforced, its enforcement would be psychologically dangerous to the child.

The HONORARY MINISTER: I move—

That the amendment be not insisted on.

The question of whipping was considered very fully last night in this Chamber, and from remarks made in the corridor after—

The CHAIRMAN: Order! The Honorary Minister must not speak of what took place in the corridor.

The HONORARY MINISTER: I appeal to the Committee not to insist on the amendment and I make that appeal in particular to Mr. Seddon, who was practically the leader in connection with this amendment.

Hon. H. SEDDON: As the Assembly regards this matter as so important, I am not going to press it.

Hon. Sir HAL COLEBATCH: I think this is a mistake, but I do not feel so strongly on the matter as to insist on the amendment.

Question put and passed; the Council's amendment not insisted on.

No. 2. Clause 18—Delete the words "and one hundred and forty-two" in line 20:

The CHAIRMAN: There is no need to consider No. 2 because No. 1 not being insisted upon brings about the position that No. 2 goes back into the Bill. Section 142 will have to be reinstated.

Hon. Sir Hal Colebatch: It is consequential.

The CHAIRMAN: Yes.

No. 4. New clause—Insert a new clause after Clause 13, to stand as Clause 14, as follows:—

14. Section one hundred and twenty-four of the principal Act is amended—

(a) by deleting the word "maliciously" in line five.

(b) by inserting the words "except with the consent of the Minister" after the word "person" in line five.

The CHAIRMAN: The Assembly's amendment to Council's amendment No. 4 is:—

Delete all the words in the amendment after the word "is" in line 5, and insert in lieu the

following words:—"hereby repealed and a new section substituted as follows:—

'Whenever any child has been committed to the care of the State or has been committed to an institution or has been convicted under this Act the fact of such committal or conviction shall not be disclosed to any person except with the consent of the Minister or be admitted as evidence in any court of law except a children's court.' "

The HONORARY MINISTER: I move:—

That the amendment, as amended, be agreed to.

The Assembly's amendment makes the matter clearer. In our amendment we cut out the word "malicious."

Hon. A. Thomson: Are there copies of the amendment?

The CHAIRMAN: We are at the end of the session and putting Bills through all stages. We get only the one copy from the Assembly. The Assembly wants to repeal the existing Section 124 and insert the new proposed section.

Hon. W. J. MANN: Do I understand that this applies to youths 18 years of age?

The Honorary Minister: The age has been cut out now.

Hon. W. J. MANN: If it does, there is a danger. I would like to be clear as to what the age is.

The HONORARY MINISTER: Under the present Section 124, the age mentioned is 18. The amendment proposes to delete those words.

The CHAIRMAN: This is how the section would read in conjunction with this amendment, "Whenever any child has been committed to the care of the State or an institution, or has been convicted under this Act, and attains the age of 18 years, the fact of such committal or conviction shall not be disclosed to any person, or admitted as evidence in a court of law except with the Minister's consent."

Hon. W. J. Mann: The reference to 18 years still stands.

The CHAIRMAN: Yes.

The HONORARY MINISTER: The real difference is that under the Act the information could not be admitted in any court of law, whereas under the Bill it could be admitted in the Children's Court—

Hon. A. Thomson: Subject to the Minister's consent.

The HONORARY MINISTER: Yes.

The CHAIRMAN: Even if the reference to 18 years of age is deleted, it will not affect the position because the section in the Interpretation Act will still apply.

Hon. A. THOMSON: Members are somewhat at a disadvantage in dealing with this matter. I understand the position we reach now is that no record of a misdemeanour respecting these children will be disclosed to the bench except by consent of the Minister. In effect, it means that we are placing in the hands of the Minister power the effect of which in one sense will override that of the court.

The CHAIRMAN: In a previous Committee an amendment was agreed to setting out that the record shall not be divulged without the consent of the Minister. Had the Assembly agreed to that amendment it would have obtained what is now requested.

Hon. A. Thomson: I do not think we inserted the words in this Chamber.

The CHAIRMAN: Yes, we did. I have already read them out to the hon. member.

Hon. A. Thomson: I am quite satisfied.

Question put and passed; the Assembly's amendment to the Council's amendment agreed to.

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

BILL—ADMINISTRATION ACT AMENDMENT (No. 2).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

BILL—DEATH DUTIES (TAXING) ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

BILL—APPROPRIATION.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [12.25] in moving the second reading said: This is the annual Bill introduced after the passing of the Estimates, and is required to appropriate the necessary moneys for the services of the year. Supply has been granted during this session up to a total of £3,050,000 from the Consolidated Revenue Fund, £350,000 from the General Loan Fund, and £300,000 from the Public Accounts for advance to the Treasurer. Clause 2 of the Bill grants further supply up to the total requiring appropriation.

The estimates of expenditure from the Consolidated Revenue Fund for the year 1941-42 amount to £11,725,435. Of this amount, £4,696,057 is permanently appropriated by Special Acts, leaving £7,119,378 still to be appropriated, and this is provided for in Clause 3, which likewise appropriates £1,560,928, from the General Loan Fund for expenditure in accordance with the estimates for the year, and £500,000 from the Public Accounts for advance to the Treasurer for the purposes set out in Schedule D. The clause further appropriates expenditure during the year 1940-41 in excess of the amounts voted, full details of which are set out in Schedules E and F, totalling respectively £194,730 18s. 1d. from the Consolidated Revenue Fund and £97,956 9s. 7d. from the General Loan Fund.

As a set off against the excesses on the various items enumerated in the schedules, there were unexpended balances on other items, so that the nett result was as follows:—

Consolidated Revenue Fund.

	£	
Appropriation	6,868,545	
Expenditure	6,909,415	
Nett Excess		£40,870

General Loan Fund.

Appropriation	2,080,958
Expenditure	1,760,366
Nett Underdraft	£320,592

The revenue collected last year was £11,432,068, being £214,916 greater than the estimate. The main factor contributing to the increase was taxation which returned £133,904 more than was anticipated, the principal items showing increases being: Income tax and financial emergency tax,

£99,688; probate duty, £15,006; entertainment tax, £11,602, and licenses, £10,585. Other forms of taxation showed smaller increases while the returns from stamp duty were down £14,933 and land tax down £2,937.

Territorial revenue also showed an increase, namely, £13,828 as a result of increased sales of timber, but mining revenue was less by about £3,000. Under Departmental, Treasury revenue was £65,391 less than the estimate. This was due to the fact that anticipated legislation providing for the transfer of £75,000 of motor license fees to revenue was not passed by Parliament. In addition, due to the bad season, which as hon. members are aware, was the worst we have had for very many years, interest collections by the Agricultural Bank were down to the extent of £9,000. This decrease, however was counteracted to the extent of £6,800 by increased revenue from the State Saw Mills, which concern, due to a good trading year, was able to repay more revenue capital. There was also an increase of £6,000 in our share of the profits of the Commonwealth Savings Bank.

As a result of a large amount of technical work having been performed by officers of the Public Works Department for the Commonwealth Government, which recoups the salaries of officers so engaged, collections by the Works Department increased by £12,000. A further increase is shown in connection with the Royal Mint. This was a result of the Mint having to undertake the coinage of a large amount of copper, revenue benefiting to the extent of £17,000 more than the estimate. A further contract for a still larger amount of copper coins has been secured this year.

Revenue from the State trading concerns failed to reach expectations by £19,500. This was to a certain extent the result of conditions arising out of the war. A decline in the building trade reduced the demand for bricks, and consequently the State Brickworks were unable to pay anything towards interest and sinking fund on their capital, although £2,690 was expected from this source. Receipts from the State hotels suffered to the extent of £5,000, which may also be ascribed to the war as the rise in excise duties was not fully covered by increased sale prices. A sum of £8,000 was expected from the State Implement Works on account of interest and sinking fund

charges, but the cash position only permitted a payment of £2,000. However, the works are very busy this year, and a much improved position is anticipated. It is pleasing to note that the Wyndham Meat Works for the year ended the 30th January, 1941, had a successful season.

With the exception of the Fremantle Harbour Trust and State Batteries, all the public utilities provided more revenue than was estimated, the nett result being an increase of £121,600. On account of fewer ships using the port, due to war restrictions, the Fremantle Harbour Trust collections were £28,000 less than estimated, while another result of the war in a different way affected the returns from the State Batteries. The position here is that many men who were prospecting on their own account have enlisted or have obtained regular employment in the mines, vacancies having been created by enlistments, with the result that there are fewer men engaged in prospecting. Naturally there is less ore coming into the State batteries for treatment, the reduced revenue on this account amounting to £11,000.

Chief among the Public Utilities, the receipts from which exceeded the estimates, is the Railways with an increase of £74,000. This figure, however, includes the sum of £28,700, proceeds of the sale of locomotives and other rolling stock to the Commonwealth Government for use at Darwin, and a corresponding amount is included in the expenditure, the money being set aside for the purchase of new rolling stock. Other increases were: Tramways, £22,500, which reflects the increased use of the trams owing to restrictions on private motoring caused by petrol rationing; Electricity Supply, £6,000; Goldfields Water Supply, £37,000; Metropolitan Water Supply, £7,000, and Abattoirs, £6,000.

Expenditure for 1940-41 was £11,420,957, being £37,108 in excess of the estimate. Under Special Acts there was a saving of £18,000 on the provision for interest on the public debt, but against this there was an increase of £11,000 in the amount transferred to the reforestation fund. This increase is consequent on the improvement in collections on account of timber royalties, etc., as the Forests Act provides that two-fifths of the collections go to the revenue fund, and three-fifths to the reforestation fund, so that a rise or fall in timber sales is reflected proportionately on both the revenue and ex-

penditure sides. Another item under Special Acts which showed an increase was pensions and retiring allowances under the Superannuation Act of 1871, the payments for the year being £4,000 in excess of the amount estimated. Expenditure under this head has now about reached its peak and it is hoped that in a year or so it will commence to decline.

Governmental expenditure as a whole increased by £48,000. Most of the departments varied only very slightly from the estimate but the Treasury Department exceeded its votes by £123,000. Included in this amount are the following items:—

(1) State Shipping Service, £45,000. This sum was transferred to the banking account of the shipping service to meet accumulated losses.

(2) Further provision of £30,000 towards redemption of agricultural land purchase debentures. These debentures were issued years ago for the re-purchase of estates for closer settlement, and the position now is that receipts from the sale of lots, rents, etc., is sufficient to meet the debentures as they fall due, and as we are faced within the next 12 months with the redemption of the Yandnooka Estate debentures amounting to £114,000, some extra provision is necessary.

(3) Grant to the hospital fund, £26,700. This payment was to enable the hospital fund to meet commitments under the Superannuation and Family Benefits Act which arose owing to employees of Government hospitals being admitted to the scheme some time after it was inaugurated.

(4) Increased expenditure amounting to £12,000 on matters caused by or arising out of the war. A large portion of this sum was on account of the concession rail fares to members of the forces.

(5) Exchange on overseas payments exceeded the estimate by £10,000. This figure varies according to the total of remittances during the year, and is also affected by fluctuations in the rate of exchange between London and New York.

As a set-off against the increased expenditure by the Treasury, there was a saving of £32,000 under the Public Works Department, due mostly to reduced payments for unemployment relief. There are now very few men on sustenance. Further savings were:—Agricultural Department £9,700; Child Welfare Department £11,000; Mines Department £9,700; and Public Utilities £7,400. I mentioned previously that a sum of £28,700 received from the sale of certain locomotives and other rolling stock had been shown on both the revenue and expenditure sides of the railways accounts. Had it not been for this transaction, the railways ex-

penditure would have been approximately £27,000 less than the estimate.

The accounts of the Electricity Supply undertaking showed a saving of £8,400 on the estimate, brought about by a reduced consumption of coal consequent on the installation of the new unit about two years ago. This is a pleasing feature, as we are now able to produce more current while using less coal. There was also a saving in the expenditure of the State Batteries which amounted to £5,600. This was due to less ore being received from prospectors for crushing, and is reflected in the lower amount of revenue, as I have already mentioned.

I will now deal with the estimate for the current year. We expect to receive in revenue £11,527,138, while the expenditure is set down at £11,725,435, showing an anticipated deficit of £198,297. The estimated revenue is £95,000 more than the collections last year, the principal differences being as follows:—

	Increase. £	Decrease. £
Taxation ....	.....	93,814
Territorial ....	.....	3,578
Law courts ....	.....	2,704
Departmental	163,424	.....
Royal Mint	2,982	.....
Commonwealth ..	.....	20,000
State trading concerns	37,403	.....
Public utilities ..	11,377	.....
	<u>215,166</u>	<u>120,096</u>

Net increase, £95,070.

Under taxation, the following decreases are expected:—land tax £7,000; financial emergency tax £230,000; gold mining profits tax £11,000; and stamp duty £10,000, with an increase of £166,000 in income tax. Last year, land tax collections included a fairly large amount on account of arrears, and although the outstandings still amount to a considerable sum, it will not be possible to achieve the same result this year. Income tax collections this year will be greater owing to increased employment and higher earnings, also to the fact that financial emergency tax paid in the previous year is not now an allowable deduction, which means that income tax is assessed on a higher net income.

Receipts from the financial emergency tax are set down at £65,000, being £230,000 less than the amount received last year. This item is a diminishing quantity, and will gradually disappear as outstanding assessments are collected. The reduction in the gold mining profits tax is due to the

inclusion in last year's figures of a large amount of arrears. The estimate for this year represents the normal amount from this source.

Under departmental revenue, the main item calling for comment is an increase of £168,000 in the receipts of the Treasury Department. The principal contributions to this increase are: Agricultural Bank interest £75,000; State insurance profits £60,000; and proportion of motor license fees £29,000. Interest collections by the Agricultural Bank this year will be greatly improved by the excellent season we are experiencing, an improvement which is the more noticeable following on last year's bad season. The increased profits of the State Government Insurance Office are the result of careful management and expansion of business. A further amount included in the receipts of the Treasury Department is £19,000, being repayment of revenue capital by the State Saw Mills, which, as I have mentioned, at present are in a flourishing condition.

There will be a decrease of about £10,000 in the revenue of the Public Works Department, due to the fact that last year a considerable amount of work was done for the Commonwealth Government, which was charged with a proportion of the cost of salaries and incidental expenses in relation to the work performed. There is not the same volume of work in hand this year, and consequently there will be less revenue. The decrease of £20,000 under Commonwealth is of course due to the reduced disabilities grant which we are receiving this year. The increase of £37,000 from the State trading concerns is almost wholly accounted for by the improved position of the State Saw Mills, the profits from which are expected to be £53,000 this year, as against £7,000 last year. Returns from the Wyndham Meat Works will be about £7,000 less than last year, as the season just closed has been a comparatively poor one.

The estimated expenditure for the year, namely, £11,725,435, is £304,478 greater than last year. This increase may be divided into three groups as follows:—

	£
Special Acts	94,515
Governmental	104,527
Public Utilities	105,436

Under Special Acts, increased public debt charges account for £67,000, of which £42,000 is for interest and £25,000 for

sinking fund, while commitments under the Superannuation and Family Benefits Act have grown from £48,000 last year to £82,000 this year. Of the increase under Governmental, £85,000 is required to provide for the recent increase in the reclassification of school teachers, and the balance is attributable to the payroll tax and increases in the basic wage. The last two factors are also responsible for the increased expenditure of the public utilities. Here the Railways Department is responsible for £66,000, of which the payroll tax alone accounts for £60,000.

There will be a decrease in the expenditure of the State batteries due, as I have said, to smaller quantities of ore coming into the batteries for treatment. Any further information desired by members in connection with the finances I shall be pleased to supply. The object of Clause 4 is to approve of the expenditure of £80,000 from the Forests Improvement and Reforestation Fund in accordance with the scheme of expenditure prepared under Section 41 of the Forests Act, which has been laid on the Table of the House, and which requires the approval of Parliament.

I have endeavoured, as briefly as possible, to give members as much detail as I think they may desire in connection with the Appropriation Bill. Usually I give a considerable volume of information, and also advise members that if they desire further particulars I shall be only too pleased to supply them. That course is not practicable in these, the closing hours of the session. However, if any member wishes for any further information I shall be glad to see that he is supplied with it. I move—

That the Bill be now read a second time.

HON. G. W. MILES (North) [12.48]: I take this opportunity of thanking the Government on behalf of the pastoralists of this State for the manner in which it has handled the drought relief situation. The Minister for Agriculture did splendid work in bringing creditors and debtors together, and is to be highly commended for his action. The hon. gentleman has given the pastoralists some slight hope of recovery. His scheme, I understand, is that the debtor puts his case up to the Surveyor General, the chairman of the Pastoralists' Association, and the creditors, and that they consider it. If his liabilities are, for example, £40,000,

they arrive at what the property would be worth when re-stocked, assuming that there had been several good seasons. If the £40,000 property is valued at only £30,000, the creditors agree to write off the £10,000 completely. They then estimate what the property would earn under existing conditions. Some properties have got down from 900-odd bales of wool to 60. Their hopeless position can be understood. The committee then arrives at what the property is worth at its present carrying capacity. If it will carry only, say, 5,000 sheep, the committee members value it at, say, £10,000. The £20,000 is then put into the cold-storage account, on which the Government pays 2½ per cent. to the creditors, no charge being made against the debtor. The position is reviewed after three years, and if good seasons have improved the property so that it will carry, say, 10,000 sheep and thus can earn interest on £20,000, the £10,000 is taken out of the account, and the debtor carries that liability.

Hon. G. B. Wood: There is hope in this House for our farmers yet.

Hon. G. W. MILES: Yes. If the farmers had gone about their business in the way the Minister for Lands handled that of the pastoralists, the farmers would have been in a much better position today and would not be trying to force through a measure of repudiation.

Hon. G. B. Wood: They have not received much help from you.

Hon. G. W. MILES: They are not likely to. As I say, if the farmers adopted the methods of the pastoralists, there would be some hope for them. After another three years, if the pastoralists' position improves and they have good seasons and get up to 25,000 sheep, they will be able to pay interest on the liability of £30,000.

Hon. C. B. Williams: In other words, the Government has done a wonderful job.

Hon. G. W. MILES: Yes, for the pastoralists. On their behalf I thank the Government. I congratulate the Government upon sending an engineer to survey the Ord River country. Some argument took place two years ago as to whether or not water was available in that district. I have always said that its possibilities were wonderful and that, with proper water conservation, we could have a large population there. Mr. Dumas examined the country and stated in his report that there was sufficient water running in the Ord River to fill Mundaring Weir five

times in a day. If this water is conserved, it can be used, first, for generating electricity for lighting the district and for supplying power to the Wyndham Meat Works. After that the water could be used for irrigation purposes.

For the past 20 years I have spoken of the possibility of peopling and developing that portion of the State. The Minister will no doubt recall my having asked him a question in reference to the electrical treatment of ore at Yampi Sound. The Minister said that that had been taken into consideration. I quoted some figures in the question that I asked. I said it had been estimated that the water running into Walcott Inlet was about 300,000,000,000 gallons per annum. That is a mistake, I should have said that it was 300,000,000,000 cubic feet per annum. I should like the Minister to have those figures checked; the expense would not be very great. If that vast quantity of water were harnessed, it could be used for generating electricity. The electricity could be used to provide cheap light and power. In addition, it could be used in the smelting of the iron ore in the North, instead of bringing the ore south to be treated with coke.

The latter method of treating the ore, I have said on previous occasions, was investigated 20 years ago, when it was found not to be an economic proposition. I do not know whether it would be an economic proposition to treat the ore in the North in the way I suggest, but the necessary investigations could be made. If that industry could be established there, it would help us to people and defend the north of Australia. Twenty years ago I forecast what would happen in the Pacific.

Hon. C. B. Williams: Give us a winner for tomorrow.

The PRESIDENT: Order!

Hon. G. W. MILES: In 1922 I told the Minister for War in England that the storm centre would prove to be the Pacific, and that North Australia was the Empire's vulnerable spot. I also said that unless that part of the continent were peopled and developed, we would be pushed out by the coloured races. The Japanese laundrymen in Australia know a great deal about our country. If the Japanese do effect a landing, they will know where to grow sufficient products in North Australia. We are just

beginning to investigate the possibilities of the North.

I have only one other matter to mention. I do not know whether it is too late for the Government to do it, but I note that we have not had a Bread Bill introduced this session. As a rule, such a Bill is introduced about 3 o'clock in the morning on the last day of the session. I do not know whether it is the intention of the Honorary Minister to give us our usual Christmas cheer by bringing in an amendment to the Bread Act before the session closes. As regards the war effort, the Government can rely on my whole-hearted support. I shall do anything I can to assist the Government to carry on the affairs of the country.

HON. G. B. WOOD (East) [12.57]: I do not pose as a prophet, but I am sorry to say that one of my prophecies has been fulfilled. I prophesied that fires would be spread by gas producers. The Government should exercise stricter control over gas producers in order to obviate the dropping of sparks along country roads. The fire at New Norcia that destroyed five acres of crops was definitely caused, I am assured, by a spark from a gas producer. I am aware that certain regulations have been made dealing with gas producers, but there is no effective supervision of them. When a person registers a car with a gas producer, I believe the secretary of the road board or a police officer has a look at it, but after that nobody seems to care a hang. I urge the Chief Secretary, as Minister for Police, to authorise policemen and traffic inspectors throughout country districts—during the ensuing three months, at all events—to exercise stricter supervision over the gas producers. Some drivers open the flue in order to get a greater flow of air and thus the sparks are released. I and other people have seen this happen.

Question put and passed.

Bill read a second time.

1 a.m.

In Committee, etc.

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

Bill read a third time and passed.

**BILL—LEGISLATIVE ASSEMBLY
DURATION AND GENERAL
ELECTION POSTPONEMENT.**

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

**BILL—MEMBERS OF PARLIAMENT
FUND.**

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council.

**BILL—ADMINISTRATION ACT
AMENDMENT (No. 1).**

Assembly's Amendment.

Returned from the Assembly with an amendment.

In Committee.

Hon. J. Cornell in the Chair; Hon. H. V. Piesse in charge of the Bill.

The CHAIRMAN: The Assembly's amendment is as follows:—

New clause:—Add the following new clause to stand as Clause 8:—This Act shall come into operation as from the first day of July, one thousand nine hundred and forty-two.

Hon. H. V. PIESSE: I understand that in another place it has been suggested that the operation of the measure should be postponed for 12 months in order that papers may be printed and instructions issued. I have no objection. I move—

That the amendment be agreed to.

Question put and passed; the Assembly's amendment agreed to.

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

**BILL—INDUSTRIAL ARBITRATION
ACT AMENDMENT.**

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 2, 5 and 6 made by the Council and had disagreed to Nos. 1, 3 and 4 now considered.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

No. 1. Clause 2—Delete:

The CHAIRMAN: The Assembly's reason for disagreeing is—

It is considered the time has arrived when domestic servants should be given the protection of the Industrial Arbitration Act.

The HONORARY MINISTER: The opponents of this amendment are doing a disservice to themselves. There is a shortage of domestic workers which will become more acute owing to increasing war work. It is not fair to stop domestic workers organising and raising their status. This amendment was defeated only by a very small majority. I move—

That the amendment be not insisted on.

Hon. L. B. BOLTON: This House has decided session after session that it is not prepared to include domestics as workers. Conditions today are even worse. A few nights ago a majority of three decided that it was not prepared to include domestic workers in this Act. Today, like all other workers, these people write their own ticket. I hope this House will insist on its amendment.

Hon. G. B. WOOD: I support the Minister. I have asked a few housewives how this would apply. They have told me it would be possible to work a girl eight or ten hours a day, and they would definitely welcome the proposal.

Hon. L. Craig: Do they employ domestic servants?

Hon. G. B. WOOD: Yes. I did not pick out special marks.

Hon. T. MOORE: I hope the Committee will give way on this. It is strange to me that this particular section of women should be picked out to be kept down, and not allowed the same privilege as other workers.

Hon. J. M. Macfarlane: What about farm workers?

Hon. T. MOORE: It is not to our credit that we work our farm workers as long as we do. The Arbitration Court should have the right to say whether or not these girls are getting a fair deal. Members should say why they do not want the Arbitration Court to deal with this class of worker. Some members assert they would not allow an organiser to go on their premises. The

idea in the Bill is to allow the organiser to call at lunch time.

Hon. V. Hamersley: No. He could come in at any hour of the day or night.

Hon. T. MOORE: No.

Hon. G. Fraser: He could not go into a private house in any case.

Hon. T. MOORE: Members consider the domestic servant is lower in status than any other worker.

Hon. H. S. W. Parker: No, she is in the same class as the £600 a year person.

Hon. T. MOORE: What I mean is that all the other sections have a right to go to the Arbitration Court.

Hon. L. CRAIG: Domestic servants are not engaged in an industry. Almost all workers in industry are governed by awards. The domestic worker is a little different. The richer people who can afford good wages are not affected. I do not know how the hours of a domestic could be regulated to cope with medium-income people who have fairly large families. Children require attention at all hours of the day and night. It would be most difficult for the court to regulate hours and certainly mothers of families are entitled to a break. The question of wages hardly enters into the problem because, under existing conditions, a girl probably commands higher wages than would be awarded by the Arbitration Court. If this matter is brought within the scope of the Arbitration Court, the friendly relations between employer and employee that are so essential in a home will be spoilt. We should insist on our amendment.

Hon. E. M. HEENAN: The pros and cons of this question have been debated fully and I am most surprised that certain members should maintain their opposition to the proposal. On logical grounds it is very difficult to see any virtue in their arguments. I would instance the views expressed by Mr. Craig. If domestic service does not constitute an industry, it is about time it was raised to that status.

Hon. L. Craig: How would you regulate the hours of employment?

Hon. G. B. Wood: Why not leave that to the court?

Hon. E. M. HEENAN: We have set up a special tribunal for the purpose of dealing with such matters. There would be various degrees of workers and the task of dealing with the intricate problem could be left to the Arbitration Court, which is the

competent authority. That problem will be solved largely if we permit domestics to organise and approach the court for an award. I admit that at present, owing to the scarcity of girls and because present-day employers are fairer than formerly, wages and conditions in many instances are quite good. But why should not such conditions be made uniform so that both employer and employee would know where they stood?

The HONORARY MINISTER: At the risk of incurring the displeasure of some members, and because I am sincere regarding this particular provision in the Act—

Hon. L. Craig: We hoped that you were.

The HONORARY MINISTER:—I point out that some of the views expressed are those that were general 50 years ago.

Hon. Sir Hal Colebatch: That does not say that the views are wrong.

Hon. H. S. W. Parker: Where did the request for this provision come from?

The HONORARY MINISTER: From the girls themselves, as well as from decent housewives.

The CHAIRMAN: Order! Will the Honorary Minister please address the Chair for a change.

The HONORARY MINISTER: I am convinced that the court could roster the hours, just as many mistresses do now. All that is desired to secure this measure of consideration to domestics is for two or three members to cross the floor in support of it.

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

Ayes	..	..	..	..	8
Noes	..	..	..	..	14

Majority against 6

AYES.

Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray
Hon. W. R. Hall

Hon. W. H. Kitson
Hon. T. Moore
Hon. C. B. Williams
Hon. E. M. Heenan
(Teller.)

NOES.

Hon. L. B. Bolton
Hon. Sir Hal Colebatch
Hon. L. Craig
Hon. V. Hamersley
Hon. J. G. Hislop
Hon. J. J. Holmes
Hon. J. M. Macfarlane

Hon. W. J. Mann
Hon. C. W. Miles
Hon. H. V. Plasse
Hon. H. L. Roche
Hon. H. Seddon
Hon. F. R. Welsh
Hon. H. S. W. Parker
(Teller.)

PAIRS.

AYES.
Hon. J. A. Dimmitt
Hon. A. Thomson
Hon. G. B. Wood

NOES.
Hon. H. Tuckey
Hon. E. H. H. Hall
Hon. C. P. Baxter

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

No. 3. Clause 8—Delete the words from and including the word “notwithstanding” in line 16 down to the end of the paragraph.

The CHAIRMAN: The Assembly’s reason for disagreeing is—

As any such agreement has to be sanctioned by the Court of Arbitration the parties should not be deprived of an opportunity of making agreements.

The HONORARY MINISTER: This amendment is needed to meet the requirements of modern industry, and I expect Mr. Bolton as a good employer to support it. If employers and men recognise that a mistake has been made, they should be able to save friction by agreeing to rectify the wrong subject to the sanction of the court. I move—

That the amendment be not insisted on.

Hon. L. B. BOLTON: This amendment would have the effect of destroying the common rule. An employer might be forced by militant unionists into the position of signing an agreement. Legislative warrant would be given to a dissatisfied party under an award to force its will on the other party. One of the safeguards of the arbitration system is that the parties know that once an award is made, they can expect a period of 12 months in which industrial conditions normally will not fluctuate. The present system has operated well and needs no alteration.

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

Ayes	8
Noes	17

Majority against	9
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AYES.

Hon. J. M. Drew	Hon. E. M. Heenan
Hon. G. Fraser	Hon. W. H. Kitson
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. R. Hall	Hon. T. Moore

(Teller.)

NOES.

Hon. L. B. Bolton	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. L. Craik	Hon. H. V. Piessé
Hon. J. A. Dimmitt	Hon. H. L. Roche
Hon. V. Hamersley	Hon. H. Seddon
Hon. J. G. Hislop	Hon. F. R. Welsh
Hon. J. J. Holmes	Hon. G. B. Wood
Hon. J. M. Macfarlane	Hon. A. Thomson
Hon. W. J. Mann	

(Teller.)

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

No. 4. Clause 13: Delete proposed new Section 174A.

The CHAIRMAN: The Assembly’s reason for disagreeing is:—

In view of Western Australia’s splendid record of industrial peace over a long period the right proposed should be granted to the official representatives of the workers in industry.

The HONORARY MINISTER: I move—
That the amendment be not insisted on.

The reason given for not accepting the amendment is excellent. One part of the section referred to gives the right of entry to premises to the president or secretary of the union. That is the usual thing, and I cannot see why Mr. Bolton and other employers should object.

Hon. L. B. BOLTON: I have no objection to the union secretary paying visits to our premises, but the point is, “any representative.”

The HONORARY MINISTER: The second part of the section deals with the right of the union officials to visit the premises at all reasonable hours by day and night. Such a provision is in the interests of good employment.

Hon. L. B. BOLTON: Any good employer would allow the union secretary to visit his premises, but he might object to the presence of “any officer.” I might dismiss a man today and tomorrow he might become an officer of his union. I hope the Committee will confirm its previous decision and insist upon the amendment.

Hon. T. MOORE: Mr. Bolton has no wish to prevent the union secretary from visiting the premises. I think that would suit the Government. There is no need to provide that an officer shall visit a factory.

Hon. L. B. BOLTON: The Act already provides for that.

Hon. T. MOORE: In ninety-nine cases out of a hundred the union secretary is the man, and I would be satisfied with such a provision.

Hon. A. Thomson: He is the man already.

Hon. H. V. PIESSE: A union secretary can walk into my factory whenever he likes, and is always welcomed. We look upon him as a good medium for settling small arguments.

Question put and negatived; the Council’s amendment insisted on.

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

BILL—LEGISLATIVE COUNCIL (POST-PONEMENT OF ELECTION).

As to Third Reading.

On motion by the Chief Secretary, ordered: That the third reading of the Bill be taken into consideration forthwith.

Third Reading.

The CHIEF SECRETARY: I move—
That the Bill be now read a third time.

The PRESIDENT: As the third reading of this Bill must be carried by an absolute majority it is essential, according to the standing orders, that a division be taken.

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

Ayes	26
Noes	0
Majority for	26

AYES.

Hon. L. B. Bolton
Hon. Sir Hal Colebatch
Hon. J. Cornell
Hon. L. Craig
Hon. J. A. Dimmitt
Hon. J. M. Drew
Hon. G. Fraser
Hon. E. H. Gray
Hon. W. R. Hall
Hon. V. Hamersley
Hon. E. M. Heenan
Hon. J. G. Hislop
Hon. J. J. Holmes

Hon. W. H. Kitson
Hon. J. M. Macfarlane
Hon. W. J. Mann
Hon. T. Moore
Hon. H. S. W. Parker
Hon. H. V. Plesse
Hon. H. L. Roche
Hon. H. Seddon
Hon. A. Thomson
Hon. F. R. Welsh
Hon. C. B. Williams
Hon. G. B. Wood
Hon. G. W. Miles

(Teller.)

NOES. Nil.

The PRESIDENT: I declare that the third reading of the Bill has been passed by an absolute majority of the members.

Question thus passed.

Bill read a third and transmitted to the Assembly.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

Assembly's Request for Conference.

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

The HONORARY MINISTER: I move—

That the Assembly's request for a conference be agreed to, and that the managers for the Council be Hon. J. Cornell, Hon. L. Craig and the mover, and that the conference be held in the President's room forthwith.

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

Sitting suspended from 1.56 to 2.45 a.m.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

Conference Managers' Report.

The HONORARY MINISTER: I have to report that the managers met and agreed that as the landlord and tenant regulations issued on the 28th November, 1941, and set out in Statutory Rule 275 under the Commonwealth National Security Act cover the point in disagreement, the Council's amendment be no longer insisted on. I may explain that the National Security regulations referred to completely supersede Section 12 of our Act.

Hon. Sir Hal Colebatch: What is the effect of the regulations?

The HONORARY MINISTER: They are practically the same as the original section without the amendment that was proposed. I move—

That the report be adopted.

Hon. L. CRAIG: I second the motion and may explain further that the National Security regulations which have been issued render the provision in the Act null and void and the managers had no other option than to agree not to insist upon the Council's amendment.

Hon. A. Thomson: Then it is a pity the conference had to be held.

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

BILL—LEGISLATIVE COUNCIL (POST-PONEMENT OF ELECTION).

Returned from the Assembly without amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Assembly's Request for Conference.

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

The HONORARY MINISTER: I move—

That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. L. B. Bolton, Hon. H. V. Plesse, and the mover, and that the conference be held in the President's room forthwith.

Hon. L. B. BOLTON: I object to the nominees and demand a ballot.

The PRESIDENT: Then the Honorary Minister will move the motion without reference to the managers.

Hon. A. THOMSON: In view of the overwhelming vote against the provisions in the Bill it seems hardly necessary to hold a conference, does it not?

Hon. Sir Hal Colebatch: But we must agree to it if the Assembly requests a conference.

Hon. A. THOMSON: I am merely asking a question. I hardly see the necessity for a conference in view of the overwhelming vote in support of the Council's attitude.

Hon. J. Cornell: We can refuse to grant the conference.

The PRESIDENT: It is quite competent for the House to refuse the Assembly's request for a conference. I shall put the question that the conference be granted and that it be held forthwith in the President's room.

Question put and passed.

Conference Managers Appointed.

Hon. H. V. PIESSE: I ask to be relieved of the appointment as manager.

Hon. J. Cornell: You have not been appointed yet.

The HONORARY MINISTER: As Mr. Piesse has requested to be relieved of the duty, I move that the managers for the Council be Hon. L. B. Bolton, Sir Hal Colebatch and the mover.

Hon. C. B. WILLIAMS: Not wishing to be here for some hours yet, I demand a ballot. If the House is genuine in its attitude, the ballot must be taken. I will move accordingly.

The PRESIDENT: Is there any seconder?

Hon. J. Cornell: There is no need for the motion or for a seconder. Under the standing orders if a member demands a ballot it must be taken.

The PRESIDENT: That is quite true. The ballot must be taken.

Ballot taken.

3 a.m.

The PRESIDENT: The report of the ballot shows that the managers appointed are the Honorary Minister, Hon. L. B. Bolton and Hon. Sir Hal Colebatch.

Message accordingly returned to the Assembly.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

Sitting suspended from 3.5 until 4 a.m.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Conference Managers' Report.

The HONORARY MINISTER: I have to report that the conference managers met in conference on the Bill and agreed to accept the Council's amendments. I move—

That the report be adopted.

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

COMPLIMENTARY REMARKS.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.5]: We close this session in very troubled times and the present trend of affairs brings us to a grim realisation of the danger that is confronting us, a danger which I think has never been as near as it is at the present time. Nevertheless, that does not prevent us from extending the usual courtesies at this time of the year. It is my duty and privilege to extend to you, Sir, on behalf of myself and members, the compliments of the season and all good wishes for the new year. The manner in which you have presided over our deliberations has again, as in previous years, contributed very largely to the maintenance of the good feeling which has prevailed throughout the session.

The Chairman of Committees, Mr. Cornell, and his deputies, Mr. Hamersley, Mr. Fraser and Mr. Seddon, have all carried out their work in a thorough and painstaking manner, and our best thanks are due to them. This is the first session during which Mr. Seddon has occupied the position of Deputy Chairman of Committees, and from our experience of him in that capacity I feel sure he will be a most efficient and satisfactory Deputy Chairman.

I also wish to thank the Clerk of the Council, Mr. Leake, and the Clerk Assistant,

Mr. Sparks, whose services have been very much appreciated and of course one must not forget the "Hansard" staff. I think we owe to them a debt of gratitude for their very characteristic efficiency. Again, the very cheerful manner in which all officers of the House have performed their duties deserves the commendation of every member. It is always very pleasing to be associated with the officers of this House, as they always appear to be most willing to assist members in every possible way, and I think that as the years go by we appreciate them all the more.

I would like to express my very best thanks to all members of the House for the pleasant way in which they have met me during the session. One and all they have extended to me many courtesies, and I appreciate that very much indeed. Before we meet again there may be drastic changes in the life of our people. No one can prophesy from one day to another what is going to happen. Nevertheless, although those thoughts are in our minds, I desire to express to you, Mr. President, the very best wishes for the coming festive season, and also the hope that when we meet again to deliberate in this Chamber the outlook will be much brighter than it is at the present time.

HON. V. HAMERSLEY (East) [4.10]: I desire to thank you, Mr. President, for your very zealous work in upholding the privileges of members of this House and in watching so carefully over the business. In you we have a friend, and you have been kindness itself to all members throughout the session. I wish to convey to the officers of the House my full appreciation of their services to all members and particularly for their assistance to me in carrying out the small duties I have had to discharge. I thank members for their help. I believe every member has been most earnest in supporting you, Mr. President, to maintain the dignity and position of this House. The work placed before us has been rather difficult at times, and there have been occasions when possibly nerves have become a little frayed, but everything seems to have been smoothed over by you, Mr. President, the Chief Secretary, the Honorary Minister, and the officers. I join with the Chief Secretary in hoping that you will enjoy a well-earned rest from your labours, and I echo the senti-

ments expressed by the Chief Secretary that when we do meet again, the skies will be a little brighter. When we started this session I do not suppose anyone dreamt that it would be closed under the shadows that oppress us today, and I hope that by the time we meet again things will have changed very much for the better.

HON. SIR HAL COLEBATCH (Metropolitan) [4.13]: I desire to associate myself with the remarks of the previous speakers, but my real purpose in rising is to give the Leader of the House an assurance that there is no member who appreciates more keenly than I do his willing and unfailing courtesy to all members. I suppose Mr. Drew and I are the only other members present who know from actual experience how arduous are the duties of the Leader of the House. He has to digest and master the Bills handled by half-a-dozen Ministers in another place, and I think members will agree that the knowledge the Leader of the House has displayed shows not only exceptional capacity but also a devotion to his work, which is not only creditable to himself but is of very great assistance to the House. I join in wishing you, Mr. President, all the goodwill possible. We do not wish each other a happy Christmas in these times, but we can wish all a better New Year.

HON. J. CORNELL (South) [4.15]: I also desire to associate myself with the remarks of the Chief Secretary. Allow me to thank you, Sir, for the courtesy you have extended to me, not only as a colleague, but as an officer of the House. I also thank the Chief Secretary for his courtesy. There is no need to compliment him; he has lived up to the excellent standard that has characterised his work ever since he has been Leader of the House. I also compliment the Honorary Minister, who has made such marked progress in this House. I extend my thanks to the clerks, "Hansard" staff, the Clerk of the Records and the officers generally, to whom we are indebted for many favours and to whom we are under many obligations. While we express eulogy of the staff here present, we must not be unmindful of one who is abroad on active service; I refer to Mr. Roberts, Clerk of the Records. He left this State as a sergeant in the Signalling

Corps and has been promoted in the field to the rank of captain. We all extend our congratulations to him. I thank my colleagues the Deputy Chairmen for the loyal service they have rendered me. Never in history has our great Empire been threatened with such dangers as those confronting us at the moment, but I am satisfied that, by the indomitable spirit of its people, it will emerge from the shadows as it has done before. Most of us here are of an age that precludes our serving in the field, but we can set an example, as it is our obvious duty to do, by inspiring confidence to continue to the end. I have pleasure in associating myself with the remarks that have been made.

THE PRESIDENT (Hon. Sir John Kirwan—South) [4-18]: I wish to express my thanks to the Chief Secretary and other speakers for their extremely kind words. It has ever been my endeavour to conduct the business of the House with efficiency, to avoid mistakes, to exercise discretion in the administration of the standing orders, to extend all reasonable consideration to members in the expression of their views, and particularly to ensure that the work is carried out in an orderly manner and with decorum worthy of the traditions of this Chamber. The Legislative Council is the oldest institution in Western Australia. It is more than 110 years since it was established "to make all necessary laws and to conduct all necessary courts for the best order and good government" of the then infant settlement. For 60 years this Council was solely responsible for the country's legislation and administration; and, since 1890, when the Legislative Assembly came into existence, it has been associated with that Chamber in all the reforms and the wonderful progress that has been effected to date. The priceless heritage that has been handed down by past members of the Council to their present-day successors should be prized and safeguarded.

In my endeavours to uphold the high trust that has been placed in my keeping, I am deeply grateful for the sympathy and support extended to me by members of this House. Furthermore, I must extend my thanks to the officers, to both the Clerks at the Table, for their loyalty and assistance. When the business of the House runs smoothly, when there are no hitches, my work and their's may seem simple and even

light, but the fact is that it is neither as simple nor as light as it appears. Mistakes and muddles can readily occur and can only be avoided by that constant vigilance that both they, and I, strive to exercise.

With reference to one of the officers to whom Mr. Cornell has referred, only yesterday I received a letter from him. Since he left us with the first contingent to serve abroad, he has been covering himself with honours. He secured rapid promotion and has been mentioned in despatches. I am certain the members of the Council will cordially agree with those congratulations to him which have been expressed by Mr. Cornell.

I would like also to say that from Mr. Cornell, as Deputy President and as Chairman of Committees, I have received the greatest possible assistance. I wish to thank him and also the Deputy Chairmen of Committees, Mr. Hamersley, Mr. Fraser and Mr. Seddon. Regarding the Chief Secretary, I wish to endorse every word that has been said of him by Sir Hal Colebatch. He has been courtesy itself to me and I believe to all members of the House; and by his industry and hard work he has shown an example that we might all strive to emulate. I would also like to express my thanks to and appreciation of the Honorary Minister, Mr. Gray, and to join with those expressions of thanks that have been uttered to all the officers of the House, to the members of the "Hansard" staff and to members of the Press. I reiterate what has been said with reference to the hope that hon. members will have as happy a Christmas as the troublesome times we are passing through will enable them to enjoy.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.24 a.m.]: I move—

That the House at its rising adjourn to a date to be fixed by the President.

Question put and passed.

House adjourned at 1.25 a.m. (Saturday).