

# Legislative Council.

Wednesday, 1st October, 1947.

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

## QUESTIONS.

### BANKING NATIONALISATION.

#### As to Taking Local Referendum.

Hon. C. G. LATHAM (on notice) asked the Minister for Mines:

Will the Government, at an early date, introduce legislation authorising a referendum to ascertain the wishes of the electors of Western Australia on the nationalisation of banking?

The MINISTER replied:

In order to hold a referendum legislation would be required and then arrangements would have to be made for the holding of same. Thus it would be a considerable time before a referendum could be held and there would be further delay in ascertaining the result, so that a referendum would serve no practical purpose.

### ECONOMIC STABILITY ACT.

#### As to Consultative Committee.

Hon. A. THOMSON (on notice) asked the Minister for Mines:

With reference to Section 10 of the Economic Stability Act:

(1) Who are the members constituting the consultative committee?

(2) How many meetings have been held by this committee?

(3) What regulations, if any, have been revised by this committee, in accordance with this section?

The MINISTER replied:

(1) The Premier, the Leader of the Opposition and two members of the State Parliament, one of whom shall be nominated by the Premier and the other by the Leader of the Opposition. The nominated members have not yet been designated.

(2) No meetings have yet been held. The Act provides that the powers conferred by Section 9 shall not be exercised until after the committee has met. No steps have yet been taken to exercise the powers conferred by Section 9 of the Act.

(3) Answered by No. (2).

## MOTION—ELECTRICITY ACT.

### To Disallow Radio Workers' Regulations.

Order of the Day read for the resumption from the previous day of the debate on the following motion by Hon. A. Thomson:—

That Regulations Nos. 113, 117, 118, 119, 123, 124, 129, 130, 131, 132, 138, 139 and 142 made under the Electricity Act, 1945, as published in the "Government Gazette" of the 27th June, 1947, and laid on the Table of the House on the 5th August, 1947, be and are hereby disallowed.

Hon. A. THOMSON (South-East): I move—

That the debate be adjourned.

Hon. C. B. Williams: On a point of order, Mr. President, I read in the paper that Mr. Thomson secured the adjournment of the debate on a previous occasion,

Hon. G. W. MILES: I move—

That the debate be adjourned.

Hon. C. B. Williams: Let us get rid of it! Why can we not dispose of some of these things?

Motion put and passed.

## MOTION—ELECTRICITY ACT.

### To Disallow Cinematograph Operators' Regulations.

Debate resumed from the 24th September on the following motion by Hon. A. L. Loton:—

That Regulations Nos. 71, 78, 80, 82, 86, 89, 103, 104 and 162, made under the Electricity Act, 1945, as published in the "Government

Gazette" of the 27th June, 1947, and laid on the Table of the House on the 5th August, 1947, be and are hereby disallowed.

**HON. G. FRASER** (West) [4.36]: I do not intend to take up the time of the House for long in discussing these regulations. I have examined them fairly thoroughly and there are none to which I have any objection. The regulations cover the appointment of a board, how it is to be constituted, its functions, the fees to be paid, and restrictions regarding licenses. That practically sums up the situation. I consider that the proposed set-up for the board is ideal. There will be a representative of the Commission as chairman and representatives of the employers and the employees. I am sorry there are not more boards functioning under a similar constitution, for things would be very much better if that were so. In stating his objections to the regulation dealing with the constitution of the board, Mr. Loton said that there should be a representative of the Perth Technical College.

**Hon. A. L. Loton**: I said one member—

**Hon. C. B. Williams**: Order! You will have the right to reply later. Sorry, Mr. President. I apologise.

**Hon. G. FRASER**: If the hon. member had made the suggestion later on regarding examinations, I would have been prepared to give that matter consideration; but I do not think that there should be a representative of the college on the board. I would much prefer it to be constituted as is provided, with representatives from the three different sections. I would be prepared to agree, and I think the board would also, that the examinations should be conducted by someone from the college, but it does not seem to me necessary for the regulations to be disallowed in order to achieve that end.

If those concerned in the matter approached the Commission and made a suggestion of that description, I am sure it would be welcomed and that serious consideration would be given to it. There would be a reasonable chance of the board agreeing to a teacher from the college either setting the examination or correcting the papers afterwards. The regulation in question, which the hon. member desires to have disallowed, does not propose that the board

must set the papers; it says that the board may set them, or arrange for them to be set, so there is already power for the board to arrange to get someone to do this work.

**Hon. A. L. Loton**: It says that the functions of the board shall include attending to the examinations.

**Hon. G. FRASER**: If the hon. member reads Regulation 78, he will see that what I am saying is quite correct.

**Hon. A. L. Loton**: So am I. It says that the functions of the board shall include these examinations.

**Hon. G. FRASER**: If the hon. member reads Regulation 78, he will see that what I am saying is correct, and that the functions of the board shall include the examinations or the arrangement of the examinations, which I say gives the board power to appoint the Perth Technical College to set and conduct the examinations. The board can either do it or hand the power over. If the suggestion were made to the board, I feel sure that serious consideration would be given to it as I do not think any member of the board is anxious to set the papers and later to mark them. Provision already exists for the board to arrange for the examinations to be conducted and the papers to be marked independently. That being so, there is no need to disallow that regulation.

**Hon. H. Tuckey**: What do you think of the papers laid on the Table of the House?

**Hon. G. FRASER**: As I said when speaking on another phase of the existing regulations, I am not concerned with the type of examination or the papers set for it, and it is not necessary to disallow either these or those regulations in order that simpler examinations may be held. A deputation to the board with complaints about the harshness of the examinations set could overcome the difficulty.

**Hon. A. Thomson**: That is so.

**Hon. G. FRASER**: If we disallow the regulations at present covering the examinations, we will have to substitute others. I do not think the hon. member would agree that the persons concerned should be given licenses without examination, and therefore it is necessary to have in the regulations some provision regarding examinations.

**Hon. A. Thomson**: A practical examination might be more suitable.

Hon. G. FRASER: There is already provision for both practical and oral examinations, but I would prefer to see the examination four-fifths practical and one-fifth oral, rather than the four-fifths oral and one-fifth practical as is the practice at present. However, I am not an expert on this industry and I assume that the people who drew up the regulations are, and that they understand the position better than I do.

Hon. A. Thomson: Yes, but we are expected to pass these regulations, and the responsibility is ours.

Hon. G. FRASER: That is so. I have no doubt that the Commission could justify its attitude in requiring the examination to be four-fifths oral, as against my preference for an examination of this sort to be four-fifths practical, but I would not on that account take the responsibility for disallowing the regulations that have been drawn up. Any harshness could be overcome by a proper approach to the Commission and by putting the case before it. I am sure that the Commission, with its good sense, would see that justice was done.

Hon. A. Thomson: In other words, government by Commission instead of by Parliament?

Hon. G. FRASER: The hon. member probably knows as much about electricity as do I or the average man, which is not a great deal; yet we are asked to criticise the rules laid down by the Commission to cover the granting of licenses. Objections have been taken to some people getting licenses with less than two years' continuous practical training, but I think two years' practical training in electricity is a reasonable requirement.

Hon. A. L. Loton: That only makes them eligible to sit for the examination.

Hon. G. FRASER: Yes. In most trades, two years' practical training is not 50 per cent. of the required time, and in this case I feel the board has been generous. In most trades it would be useless to give people an opportunity of sitting for examination inside two years. The average apprentice would not know much about his trade in that time.

Hon. C. B. Williams: Men can become doctors in five years.

Hon. G. FRASER: I would put this on the same footing as any other trade.

Hon. C. B. Williams: Make it easy! The time has gone for such methods. We must become Americanised. I will vote against your ideas.

Hon. G. FRASER: I am putting forward my ideas.

The PRESIDENT: Order!

Hon. G. FRASER: If we agree to a period of less than two years, we will only be wasting the time of the examiners, as a person who has not served two years' practical training would not have much chance of passing the examination.

Hon. R. M. Forrest: He would be thoroughly incompetent.

Hon. G. FRASER: That is so. I have already mentioned the regulation dealing with the way in which the examination is set out. Exception has been taken to the regulation which says that no person shall be licensed until he has attained the age of 21 years.

Hon. C. B. Williams: We make him a soldier at 18, and a tradesman at 21.

Hon. G. FRASER: We do not consider a person entitled to vote until he has reached 21 years of age.

Hon. C. B. Williams: But you do not believe in that!

The PRESIDENT: Will Mr. Fraser please resume his seat? I must ask Mr. Williams to refrain from interjecting.

Hon. C. B. Williams: I will go outside and read the paper.

Hon. G. FRASER: I think 21 is a reasonable age at which to issue licenses for cinematograph operators. It must be realised that most youths do not take life seriously until they reach 18 or 19 years of age, and we must bear in mind that a cinematograph operator has a job that is more than ordinarily dangerous. Notwithstanding the many arguments that have been raised—

Hon. A. L. Loton: He can drive a car at 18 years of age.

Hon. G. FRASER: Notwithstanding the many arguments used in this Chamber as to the methods adopted in the operator's box for the prevention of fire, we must realise that on one man probably depend the lives of hundreds of people as, if he is not competent and does not understand

his job thoroughly, when a fire breaks out it is only necessary for someone to raise the cry of "fire" to cause a rush and a stampede. What would happen if a fire really occurred?

I think it is altogether too dangerous to be lax in regard to the regulations dealing with cinematograph operators. Fortunately, we have not had a great number of theatre fires in this State, and at the moment I cannot recollect any. I believe there was one in Kalgoorlie some years ago, but no great damage was done. If members examine the exits in our theatres, they will be able to visualise what might happen if a fire occurred in the box with the result that some thousands of people rushed to get out at the one time.

Hon. A. Thomson: Are not the boxes fire-proof and absolutely isolated?

Hon. G. FRASER: We often hear of people being shot with guns that were not supposed to be loaded and I look on this matter in the same light. There are regulations governing this sort of thing but, until something on the lines I have suggested happens and the precautions are actually tested, I prefer to be on the safe side. I will do all I can to see that the man in the box is thoroughly competent. By passing these regulations we will ensure, as far as possible, that such persons will be competent not only just to operate the projectors but to understand something about the machines should anything untoward happen. The regulations appeal to me as being capable of achieving that.

Hon. J. A. Dimmitt: They will not alter that.

Hon. G. FRASER: What is the hon. member's authority for saying that? Does he mean to imply that a man who cannot pass an examination is going to be as safe in a cinema box as a man who can?

Hon. A. Thomson: If it were a practical examination, I would agree, but not otherwise.

Hon. G. FRASER: I think it would be a practical one. I have no record of any fires having occurred in theatres here except the one at Kalgoorlie, where, I understand, no injury occurred to life or limb. Fires have occurred in theatres in other parts of the world.

Hon. G. Bennetts: In Perth, too.

Hon. G. FRASER: I do not know of any. In "The West Australian" of 1931 and 1937, reports were published of fire having occurred in India and Ireland, resulting in a large number of deaths. I do not know whether the places of entertainment concerned were cinema or ordinary theatres. If a fire could occur in an ordinary theatre, I should imagine there would be a greater likelihood of one breaking out in a cinema. We ought not to take any chances. In England there is a monument that was erected to the memory of 189 children who were trapped and burnt in a theatre fire. I do not know whether that place was a cinema or an ordinary theatre.

Hon. J. A. Dimmitt: You would not know whether there are regulations in England or not.

Hon. G. FRASER: I imagine that England would be as up to date as Australia in these matters. I assume that there were regulations governing theatres at that time just as we have regulations here, though those in England were probably stricter.

Hon. J. A. Dimmitt: In spite of that, a fire did occur.

Hon. G. FRASER: Yes. I am trying to sound a note of warning. We cannot afford to take any risks. The only way to avoid taking risks, instead of trusting to Providence that nothing will happen, is by passing the regulations submitted to us by the experts who consider that they are necessary. I cannot prove that something less would suffice, and so I shall vote for the regulations. I suppose the cinemas have the largest number of patrons both in the metropolitan area and in the country districts, and where large numbers of people congregate in these places of public entertainment, I would not take the risk of allowing inefficient men to operate when there is a possibility of fires occurring and of deaths resulting. I always like to be on the safe side in everything, and I feel I shall be on the safe side by voting against the motion.

HON. J. G. HUSLOP (Metropolitan) [4.53]: I hope the House will not be too hasty in voting to disallow these regulations. We must realise that we have a duty to the public as well as to the employers in these occupations. At the same

time we should realise the duty we owe to the employees. Too long in Australia, I consider, have we been content to allow scientific and pseudo-scientific subjects to be acquired rather than learnt, and I think we must set standards. The standards in this country have in many respects been too low, and we would be wise to alter that.

I do not feel at all unhappy about these regulations, because I believe that, in the course of five or six years, they will be accepted as the standard and will not grieve anyone. The only point of interest to me is whether the men who have taken up this occupation in recent years have had an opportunity to acquire the theoretical knowledge that the examiners will require of them. If I were assured by the Minister that the Commission would view sympathetically the claims of those now working in the occupation and realise that we, by accepting these regulations, are simply setting a standard, I should worry no more. It is possible that these men have not had an opportunity to receive the technical education? If they have not, I am sure the Commission will not require that knowledge of them. I believe that the Commission will gradually tighten up the requirements for this service as the years go by and, in that way, raise the standard of the occupation.

I suggest that a practical examination is not all that is necessary. Electricity is an extensive subject requiring a considerable time to acquire knowledge of it and those associated with the use of it need theoretical training just as much as practical training. A man might be able to fit together the parts of some electrical apparatus, but he will do the job much better if he knows why it has to be done in that way. I consider the Commission is quite right in asking for theoretical as well as practical knowledge. I repeat that I hope the House will not be too hasty in disallowing these regulations, but will take the view that this is a step towards raising the standards necessary in our community life and that, in a few years, these standards will be accepted as normal. If we could receive an assurance from the Minister that the Commission intends to raise the standard slowly, I think the House would view the regulations much more sympathetically.

On motion by Hon. H. A. C. Daffen, debate adjourned.

#### **BILLS (4)—FIRST READING.**

- 1, Municipal Corporations Act Amendment.
- 2, Road Districts Act Amendment.
- 3, Stipendiary Magistrates Act Amendment.
- 4, Coal Mine Workers (Pensions) Act Amendment.

Received from the Assembly.

#### **BILLS (2)—THIRD READING.**

- 1, Western Australian Trotting Association Act Amendment.
- 2, Crown Suits.

*Passed.*

#### **BILL—TRAFFIC ACT AMENDMENT.**

##### *Second Reading.*

Debate resumed from the previous day.

**HON. E. M. DAVIES** (West) [5.2]: I do not intend to speak at length on this Bill. I have gone through the measure and find there are one or two clauses with which I am not in agreement. I refer to Clauses 6 and 7. Clause 6 states—

Section 30 of the principal Act is amended by adding thereto a subsection as follows:—

(3) For the purposes of this section the term "vehicle" includes a tram motor, tram car and trolley bus.

Clause 7 states—

Section 31 of the principal Act is amended by adding thereto a subsection as follows:—

(4) For the purposes of this section the words "motor vehicle and vehicle" include a tram motor, tram car and trolley bus.

To my mind this means, if we read this proposal into the Act, that there is a possibility of an offender being punished twice. The House should give serious consideration to that aspect before allowing the Bill to become law. I do not intend to indicate my attitude on these clauses at the moment. I prefer to wait and get some elucidation from the Minister in Committee, so I will reserve my right to adopt what attitude I think fit at that stage.

**HON. W. R. HALL** (North-East) [5.5]: I support the Bill but there are few points on which I should like clarification. Mr. Davies referred to the position of tram-drivers and trolley-bus drivers and was concerned whether they would be punished twice. That is really clarified in the relative section of the Act. I do not think any person who had already been dealt with by a tramway board or a company would be dealt with again by the police unless it was essential to do so. I take it that this form of control means the control of trolley-bus drivers and tramdrivers by the police. That is long overdue. There are some drivers—certainly there are very few of them—who are fairly negligent at different times. Having had sixteen years' experience in driving trams, I know what it means to be on a set of rails.

Hon. C. B. Williams: How many times did you get off the rails?

Hon. W. R. HALL: Only once! A great responsibility is shouldered by a man in charge of a tram. I was recently nearly involved in an accident at the corner of Hay and Barrack-streets. A tram was stationary on the east side and the pointsman gave the right of way to the traffic to go west. The tramdriver then pulled out of Hay-street round the corner into Barrack-street, but without giving any signal of his intention to do so. If the tram had gone a little further it would have jammed the vehicle in which I was and caused a collision. The police have had no jurisdiction all down the years over the drivers or the trams.

This amending Bill is long overdue. I have seen times on the Goldfields when in order to deal with heavy traffic, people have been instructed to take no notice of the traffic laws. It seems rather futile for a policeman to stand on the corner endeavouring to direct traffic but having no say whatsoever over heavy vehicles such as trolley-buses and trams. I am pleased that the Bill has been brought down. It will be a means of tightening up the traffic laws in this respect, and will place the drivers of these 30-ton trams and heavy trolley-buses in the same category as that of the drivers of trucks and other similar vehicles. It will therefore do some good.

I do not agree with the clause giving the Commissioner of Police the full right to refuse a license. I notice that there is an

amendment whereby the Commissioner may give notice in writing of the refusal of a license. That is little enough. He may do that after the license has been granted. The time that would elapse before an appeal against the refusal of a license could be dealt with might be considerable, and it would be very hard on the individual unless the Commissioner of Police had solid and reasonable grounds for his refusal. Perhaps some words could be added to the clause in Committee making the situation more reasonable for the applicant. In the case of passenger buses it is usual to grant a conductor's license to the driver. This particular clause should apply more to the conductor's license than to the driver's license. The Commissioner has the right, if a person is not of good character, to suspend the license or to decline to renew it. The driver of the bus is not always the person who comes in contact with the public. It is the conductor who does so and takes the fares. The provision in the Bill may fit in there.

Another clause deals with the staggering of licenses. I notice that the Commissioner may be required to license two or more vehicles belonging to the same person at the same time. That will save a lot of trouble and give the owner a chance to ensure that his licenses fall due on the same day. This would also save a lot of time on his part in going up to the Traffic Department or to some other licensing authority. It is a pity that it is not optional for road boards to stagger licenses should they desire to do so. Some local authorities are opposed to that for reasons of their own.

The local authority in which I am interested on the Goldfields does desire to stagger the licenses. We have had the same experience as the Traffic Department. The clerks have been trying to keep up with the old method established by the Public Works Department and have to write out in one book particulars of all the licenses. One can imagine the time it takes when the revenue amounts to £8,000. The licenses are due 15 days after the deadline date. Provision should be made in the Bill to permit local authorities who wish to stagger their licenses to do so. That would give local authorities which had large revenues the right to stagger licenses, apart from the three months period they already have. I recall the mix-up there was during the last licensing period when

some of the books sent out seemed to be, to say the least, not quite correct. It was necessary to go through two or three duplications in order to write out a license for a vehicle.

When there are hundreds of people queued up for their licenses members can imagine how long it takes to get them through. I do not see why a local authority should not be able to do exactly the same as is done by the Traffic Department in Perth. That department sends out notices to say that licenses are due on a certain date. Even before the staggering of licenses that was done. Although hundreds of thousands of licenses are dealt with here, the same thing occurs where there is only one book on the counter. I am not speaking for the local authorities who do not favour the staggering of licenses. There are 127 local authorities and I guarantee that 126 of them do not want it.

The Honorary Minister: But Kalgoorlie wants it.

Hon. W. R. HALL: Yes.

Hon. C. B. Williams: We lead the way.

Hon. W. R. HALL: I do not say that, but ours is the largest board outside the metropolitan area, and the staggering of licenses would suit us. I think the amendments are good. I hope consideration will be given to what I have said. I support the Bill.

**HON. A. THOMSON** (South-East) [5.17]: The Minister said that this was a rather difficult measure because there were so many complications. One finds it hard to trace the various amendments that are necessary. The first portion deals with the part of the Act which enables licenses to be staggered in the metropolitan area—that is, to be issued at any time during the year. We know that the country areas are averse to that, which is quite natural. It seems to me that a much simpler method could have been adopted in view of the fact that the Traffic Department is in control in the city. In order to avoid the congestion which apparently takes place at James-street, the various police stations in the metropolitan area could have been utilised. By doing that the necessity to issue licenses at different periods would have been materially avoided.

Hon. G. W. Miles: That is done now when you renew your license in the suburbs.

Hon. W. R. Hall: No, only the driver's license.

Hon. A. THOMSON: I am dealing with motor licenses. That would have been a much simpler method and would have avoided a considerable amount of unnecessary work by the police in checking-up to ascertain whether the license of a vehicle had expired. I know that penalties are provided, and that number plates have to be returned within a certain time. One clause deals with the issue of third party insurance. It seems to me that to issue third party insurance for three months will complicate matters. Of course, at the present time country road boards can issue licenses quarterly. I suppose the average issue of licenses by country road boards would not exceed 2,000 or 3,000, which makes the matter of issuing licenses much more simple for them than it is for the metropolitan authorities.

Staggering was introduced to avoid congestion. It would, however, have been simpler to have done as I have suggested in view of the fact that we have a number of police stations in the metropolitan area. Mr. Hall referred to the licensing of tram conductors and omnibus and trolley-bus drivers. Personally I am pleased to see that. I do not propose to labour the question now because, speaking as a practical man, he has dealt fully with it and justified its inclusion in the Bill. I do not propose to waste the time of the House in discussing it further. I hope, if it is possible, that the Government will consolidate the Traffic Act. I may have got hold of the wrong Act, but Clause 8 deals with Section 35 of the principal Act by deleting certain words, and it mentions paragraphs (a), (b) and (c). I have the original Act of 1919, but it contains no paragraphs (a), (b) and (c).

The Minister for Mines: I think you have misread the Bill which states, "By deleting the words 'motor car' where they appear in line 3 of Subsection (1)."

Hon. A. THOMSON: I have the Traffic Act of 1919.

The Minister for Mines: It has been reprinted.

Hon. A. THOMSON: The Bill deals with the principal Act which I am quoting. I am not complaining, because I am sure the point can be easily rectified.

The Minister for Mines: It was consolidated in 1935.

Hon. A. THOMSON: I am supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. A. Dimmitt in the Chair; the Minister for Mines in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Amendment of Section 30:

The MINISTER FOR MINES: I move an amendment—

That in line one of proposed new Sub-section (3) after the word "of" the words "Sub-section (1) of" be inserted.

The effect of this is to make the definition of "vehicle" apply to tramdrivers only in so far as they may be guilty of the offences mentioned in that subsection. It is to prevent the next subsection, which allows of arrest, from applying to them. As a result the police will not be able to arrest a person who is driving a tram.

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

Clauses 7 to 11, Title—agreed to.

Bill reported with an amendment.

**BILL—ECONOMIC STABILITY ACT  
AMENDMENT (CONTINUANCE).**

*Second Reading.*

Debate resumed from the previous day.

HON. E. H. GRAY (West) [5.30]: I support the second reading of the Bill. It must be obvious to every member, irrespective of to which political party he belongs, that the passing of the legislation is essential. This gives me an opportunity to say that, in my opinion, the world today is in a worse position than it was last year when the principal Act was placed on the statute-book. The Bill provides for the continuation of regulations and various other measures promulgated by the Commonwealth or State Governments, and the necessary legislative authority to continue any of the Federal regulations that may be shown to be ultra vires the Constitution. The object is to stabilise the position and

to maintain control over prices and rents, which is regarded in these days as necessary to stop the trend of inflation.

In Australia we shall have to re-examine our position. We find the world, particularly Europe and India, suffering from famine, and at the same time prominence has been given in the Press to the enormous waste of food that is apparent in the United States of America. I think paragraphs appeared in "The West Australian" last week dealing with that particular phase. To my mind we can come nearer home. Something should be done to arouse the people to a sense of duty in order to prevent food wastage that is apparent in Western Australia. The deterioration in the world situation, particularly on account of crop shortages and the famine conditions from which millions are suffering in India—to a lesser degree there is suffering also in Great Britain—should spur everyone on to examine the position with a view to effecting every possible saving of food.

For instance, the Agricultural Department and stock breeders, particularly those who have pigs, are paying some attention to the matter. Owing to the outbreak of swine fever some years ago, legislation was passed and regulations promulgated to prevent the use of waste food and swill, which was available at various institutions and business firms in the metropolitan area. Thereafter such food could not be fed to pigs.

Hon. A. Thomson: That food unfortunately is now going to waste.

Hon. E. H. GRAY: Yes. I noticed in the Press the other day a report showing that the Honorary Minister (Hon. G. B. Wood) had attended a demonstration of the working of a boiler used for the treatment of waste foods. Work in that connection should be speeded up and any necessary action taken by the State Government to provide people having herds of pigs in the districts contiguous to the metropolis, with the necessary sterilisers for dealing with waste food-products so as to avoid the loss that is going on from day to day. That position is involved in the application of the Bill because its object is to stop exploitation and inflation, and to assist in every way towards the economic stability of the community. Commonwealth and State regulations are necessary



in this time of emergency. I know the Bill will be agreed to without opposition because its passage is absolutely essential. I trust the Government, through the Agricultural Department, will publicise the absolute necessity of saving food wherever possible, particularly in view of the situation in other parts of the world. Naturally, I regret the necessity for such legislation, but it must be passed.

On motion by Hon. W. J. Mann, debate adjourned.

## **BILL—PUBLIC TRUSTEE ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the previous day.

**HON. L. CRAIG** (South-West) [5.36]: I shall not oppose the amendments embodied in the Bill because their adoption will facilitate the work of the Public Trustee. On the other hand, I would point out to members that the Trust Office was established to give authority, supposedly, for it to carry out its work for the sake of cheapness and as a public utility. Now the office finds itself costing more money than would be the case if private enterprise were to undertake its task, and inevitably we have the application for privileges and benefits, certainly not to the extent of a monopoly, which are not granted to others who work in the same avenue for their livelihood.

It is proposed to amend Section 12 which permits renouncement in favour of the Public Trustee. There are many instances of individuals being appointed as trustees of estates who do not wish to act. That applies particularly with regard to small estates. The executor or trustee may determine to renounce his duties in favour of the Public Trustee. In ordinary circumstances the trustee would apply for letters of administration. The Bill will enable the Public Trustee, instead of applying for letters of administration, which is somewhat costly and a slow process, to apply for an order to administer, which is much more simple and cheaper. I certainly agree with that proposal, but it is applicable only to the Public Trustee. If it is good for beneficiaries and a saving of expense, why should such a provision not apply to all trustees? Is that not desirable? That, however, is a minor matter.

**Hon. A. Thomson:** It would mean amending the private Acts of the trustee companies to bring them into line.

**Hon. L. CRAIG:** Yes, seeing that each trustee company has its own private Act. Then again, Section 38 is important and deals with the remuneration of the Public Trustee. We must not forget that that official was appointed in order to save money for small estates. Now we have the Public Trustee asking for more money. I admit the application is justified. No trustee could administer an estate for less than £5. But nevertheless members should not overlook the fact that the Trust Office was established for the purpose of assisting small estates. We were told when the legislation was originally proposed that there were people with small estates who could not afford to pay anything towards the cost of administration. Now the Public Trustee is applying for an increase. The present charge is  $2\frac{1}{2}$  per cent. on the capital, or corpus, of an estate, but it is now proposed that the charge shall be  $2\frac{1}{2}$  per cent. or £5 whichever is the greater. Like any other organisation, the Trust Office is endeavouring to make its business pay.

**Hon. C. B. Williams:** You surely do not disagree with that.

**Hon. L. CRAIG:** No. But at the same time we must remember that the office was set up as a public utility, the cost of which the general taxpayer was expected to pay. Now the Public Trustee is falling into line with ordinary trustees, and asking not for what those trustees receive but for more. Next there is a very desirable amendment. Section 40 deals with trust funds and if an ordinary trustee company has funds at its disposal, an endeavour is made to invest the money. Individually the sums involved may be small but in the aggregate they will represent a large sum. Trustees invest such money, particularly if it is not available for distribution for some time. Of course, the money is invested in trust funds and has to be kept separately.

Before an estate can be distributed probate has to be granted and that involves some little delay. It is impossible for trustees to invest much of the money because of the difficulty of finding temporary investments for small sums. The object of the amendment in the Bill dealing with this phase is that instead of requiring money

from each estate to be invested separately, a trustee will be permitted to pool such small amounts and invest the full sum. That means that the income earned by the pooled money must be allocated in proportion to the amounts included in the pool from the several estates. Estimating the total amount earned by the pool for distribution in due proportion to the estate is a very complicated business.

This amendment gives the Public Trustee himself the right to determine a rate of interest; that is, he may have £250,000 to invest and it may not be all earning the same rate of interest. Some portion might be invested at 3  $\frac{1}{8}$ th per cent., another at 3  $\frac{1}{4}$  per cent., and so on. He deducts from the interest his 5 per cent. commission, which is the rate allowed on income. He must then determine what, in his opinion, is the amount of income earned for each estate. It is very complicated, but members will understand what I mean. If there is £250,000 invested at various rates of interest, it cannot be exactly ascertained what rate refers to the money belonging to a particular estate.

Hon. A. Thomson: The Public Trustee collects 5 per cent. on the interest that is earned by that fund?

Hon. L. CRAIG: Yes. Trustees are allowed a commission of 5 per cent. on income. The income sometimes consists of interest, sometimes of rent. It will be difficult to ascertain what the earnings of the whole fund might be. The Public Trustee has to determine the amount from which he must deduct his 5 per cent. commission. Then he has to allot to the estate, which may be ready for distribution, its proportion of the sum invested, with interest for, say, 3  $\frac{1}{4}$  months. This Bill will give the Public Trustee the right to determine an average income earning, which shall be published in the "Government Gazette." That does not sound a difficult task, but it is.

The trustee companies have each large sums in hand, as a rule. They place it on fixed deposit, to keep the money of each estate separate from the other. That money earns 1 per cent. The interest is credited to the estate as it falls due. This amendment is no doubt a fine one, but it should be made to apply not only to the

Public Trustee but to all trustees, including trustee companies. They also should be allowed to determine the average rate of investment and to pool their funds, in the same way as the Public Trustee.

Hon. G. W. Miles: Why have not the private trustees put this proposition up?

Hon. L. CRAIG: It is not for private trustees to do so, but for members of Parliament or the Government.

Hon. E. H. Gray: That is reasonable.

Hon. L. CRAIG: Yes. The point I make is that any privileges given to the Public Trustee are not for his benefit; they make no difference to him. They are for the benefit of the beneficiaries of estates and will make a difference of many hundreds of pounds to their income. As I say, the amendment should apply to all trustees, who may be holding large sums of money in hand for some considerable time. I propose to give a brief history of the Public Trustee. I am not condemning him; he is doing good work, but he is not doing it at a cost less than that charged by other trustee—make no mistake on that score!

The Trust Office is no economy and it is taking business out of the hands of small solicitors who handle small estates, which represent bread and butter to them. Without knowing too much about it, I would say that they are just as efficient and just as economical as is the Trust Office. As members are aware, the Public Trustee was appointed in 1942 and he started with a staff of 11. During the first year his staff grew to 24. That is reasonable; as estates came in, so he had to build up his staff. The staff has now increased to 58.

Hon. A. Thomson: From 11 to 58?

Hon. W. J. Mann: In five years.

Hon. L. CRAIG: Yes. That is a big staff. The assets administered in 1942-43 amounted to £563,000, a little over half a million pounds. We will give the Public Trustee the benefit of saying that it took the staff of 24 to administer those assets of £563,000, although probably that was not so. The assets now controlled by the Public Trustee amount to £1,116,000, almost exactly double the amount of the assets in 1942-43. The staff, however, has nearly trebled.

Hon. G. Bennetts: But does not the Public Trustee do a lot of work free, such as compensation cases?

Hon. A. L. Loton: How much?

Hon. L. CRAIG: The Public Trustee is now applying for additional remuneration. I point out, however, that many of those small estates which he administers were formerly administered by the Curator of Intestate Estates. That work was done by the Government before. Some of those estates were formerly administered by solicitors at a very low charge.

Hon. G. Fraser: The Public Trustee administers without charge the estates of men who were on active service.

Hon. L. CRAIG: Private and public trustees also administer the estates of soldiers.

Hon. E. H. Gray: Free?

Hon. L. CRAIG: No. I do not think the Public Trustee administers those estates free, either.

Hon. G. Fraser: Yes.

Hon. F. E. Gibson: How many such estates has the Public Trustee administered?

Hon. L. CRAIG: Very few.

Hon. E. M. Davies: He administers certain estates for out-of-pocket expenses.

Hon. L. CRAIG: I am coming to the question of expenses. That is right up my alley.

Hon. E. M. Davies: I can tell you from practical experience.

Hon. L. CRAIG: The revenue of the Trust Office has grown from £3,000 to £14,000 per annum, which is not high. The office shows heavy losses. I have not particulars of them. Some member asked a question on the point and was informed that the losses amounted to £18,000.

Hon. G. Fraser: They amounted to £3,000 last year.

Hon. L. CRAIG: In spite of the Public Trustee having to pay no rent, no rates, no taxes, no dividends! Trustee companies are looked upon as big profit-making concerns. As one who knows, let me assure members that that is far from the truth. They have great difficulty in carrying on and must be administered with the greatest care and the utmost efficiency. They have to pay rent, rates and taxes, including the company tax

of 6s. in the pound, and they are expected to pay reasonable dividends. Members should not run away with the idea that the Public Trustee is a public benefit for which the people do not pay.

Hon. G. Fraser: What is the average rate of dividend of the trustee companies?

Hon. L. CRAIG: The average throughout Australia is about 4 per cent. Some of the older companies, such as Elder's in South Australia, which has been in business for 50 years or more, I think pay about 8 per cent. By and large, without lengthening my remarks, I would say that the story of the Public Trustee is a tribute to private enterprise. I favour the amendments, which I consider to be necessary; but I am of opinion that any facilities which are to be given to the Public Trustee should also be given to other people and companies who do similar work. I support the second reading.

**THE MINISTER FOR MINES** (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [5.55]: I desire to reply to a few of the questions that have been raised. The Public Trustee is asking for an increase in his revenue. The reason is that so many of the estates which he administers are under £100 in value and at present the fees the Public Trustee receives for administering them do not pay even for the stationery. In some estates it is very difficult to find the relatives of the deceased; sometimes they are distant relatives. It seemed to be indicated that the Public Trustee was asking for £5 to administer a small estate and by so doing was depriving some worthy person of something to which he was entitled. However, the general position is that, if the estate is small, the relative deals with it.

As Mr. Fraser said, he himself has put many probates through. The relative could also put the estate through, but if he wants the Public Trustee to administer it, then the Public Trustee must be paid. We cannot get anything in this world for nothing; we must be prepared to pay for what we get. Someone has to pay. We cannot expect the Public Trustee's officers to work for nothing. Why should people who are getting a benefit not pay? Very often they never expected to receive anything. These small estates of £30, £40 or £100 are in the nature of a windfall to the beneficiaries, who should

be prepared to pay for the work involved in administering the estates.

A suggestion was made that solicitors' costs are heavy. I do not know where Mr. Fraser obtained his figures, but they absolutely astound me. I wish to let the House know the position in regard to costs in an ordinary case. If a person goes to a solicitor and wishes to make a will leaving everything to his wife, he very often asks, "Whom shall I appoint as trustee, this person, that trustee company or the Public Trustee?" The advice which every honest solicitor would give would be that the person should appoint his wife, because she would be solely entitled and the payment of 2½ per cent. on the capital or corpus of the estate would be avoided. Whether or not the Public Trustee so advises people for whom he draws wills I do not know. Let me give the House this instance: Take an estate of £1,000, whether it be money or property. The Public Trustee would not charge for legal advice, but he would charge a commission of £5, or 2½ per cent. No solicitor would be entitled to charge more than £7 7s., or, at the outside, £10 10s., for doing that work.

Hon. G. Fraser: For an estate of the value of £1,000?

The MINISTER FOR MINES: I think the charge would be even less than £7 7s.; more likely it would be £5. The misconception arises because a solicitor, in rendering his bill of costs, includes the probate duty and fees, which, incidentally, he advances and in many instances does not get back. Sometimes an estate of under £1,000 is complicated; titles may have to be put in order and all sorts of difficulties may have to be overcome. That would, of course, increase the expense, and in such cases the Public Trustee, unless he is a charitable institution, would also have to charge more. The charges of the Public Trustee are by no means cheap. He has to employ competent officers, who have to be paid adequate salaries. It is essential that he should receive proper remuneration. Therefore, when the time comes, I shall have to oppose any suggestion that may be put forward to reduce his revenue. I commend the Bill to the House as it stands at present.

Question put and passed.

Bill read a second time.

### *In Committee.*

Hon. J. A. Dimmitt in the Chair; the Minister for Mines in charge of the Bill.

Clauses 1 to 8—agreed to.

Clause 9—Amendment of Section 38:

Hon. G. FRASER: I move an amendment—

That the following proviso be added to proposed new paragraph (a) of Subsection (2):—"Provided that the charge of five pounds shall only apply to estates in excess of fifty pounds."

Where the average charge permitted is 2½ per cent., if we allow a £5 charge on a £50 estate, we impose a charge of 10 per cent. on an estate that is least able to bear it. I realise that even in a small estate of under £50, there is as much work as, and probably more than, is involved in an estate of £500, or £1,000. I am not so concerned about the person with relatives who can make a personal application, but I am concerned about elderly people particularly, in respect of whose estates it is found that the value is only about £25 or £30.

The Minister for Mines: It will not affect them.

Hon. G. FRASER: It will affect them in this way: The one left has to foot the bill for funeral expenses and if there is £5 charge plus court fees, which would amount to a couple of pounds, the value of the estate would be brought below £25. I am an executor of an estate in which there is not enough to bury the person. There are quite a number of such cases. The difference between the 2½ per cent. and the £5 would not matter so much to the trustee, but it could easily matter a good deal to a person endeavouring to wind up an estate. There are a large number of cases in which a person through goodness of heart will attend to the winding up of an estate and will make up any deficit out of his own pocket.

Hon. L. Craig: This Bill is dealing with the Public Trustee, so there will be no individual administering an estate.

Hon. G. FRASER: That is so; but he has to pay for it.

Hon. L. Craig: Who?

Hon. G. FRASER: The person who gives the business to the trustee.

Hon. L. Craig: It comes out of estate funds.

Hon. G. FRASER: I am pointing out that when funeral expenses and other incidentals are met, there may not be sufficient to pay these costs and the person handling the business with the trustee will be expected to make up the difference. Take an elderly woman whose husband has died and she cannot attend to the business. She hands it to the Public Trustee and she would be called on to make up the debit.

Hon. L. Craig: If there were no funds to meet it, no.

Hon. G. FRASER: That is something new to me. I think the hon. member will find that a concern like the W.A. Trustee Company would look to the person handling the business to make up the deficit.

Hon. L. Craig: If she were a beneficiary, it would come out of the funds.

Hon. G. FRASER: She might be the beneficiary named in the will, but there might be insufficient money to meet all expenses.

Hon. L. Craig: I think you are taking an extreme and almost impossible case.

Hon. G. FRASER: No. Unfortunately the hon. member does not come into contact with the poorer classes as I do.

Hon. L. Craig: He is living with them always!

Hon. G. FRASER: Members of the farming community generally leave £10,000 or £15,000! The difference between  $2\frac{1}{2}$  per cent. and £5 will not matter to the trustee, but it might matter to individuals. I would like the Minister to tell us the number of cases in which the value of the estate was under £50. If we were able to obtain that figure we would know what we were giving away.

The MINISTER FOR MINES: I am sure there is a great number of cases; that is the reason there is a big loss. In the cases the hon. member referred to it could not be cash in hand at the death of the deceased because they would not want any letters of administration or anything else. It is just handed over, so it must be a matter of the balance of an estate—we will say a house with an equity in it of only £50—that causes no end of trouble. If the Public Trustee is required to handle such matters, the service should be paid for.

Hon. E. H. Gray: Suppose it was a widow?

The MINISTER FOR MINES: Surely she would have some friend who would do it for her. Mr. Fraser is doing it for a number of people.

Hon. E. H. Gray: Under this they would have to pay.

The MINISTER FOR MINES: Not to the Public Trustee. If the Public Trustee were asked to do this work, payment should be made. It is not compulsory to go to him. It is suggested that the undertaker should be paid before the State. I do not agree. If the estate has only sufficient to pay the £5 to the Public Trustee, I am afraid the mortician will have to whistle. I cannot agree to the amendment.

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

Ayes	..	..	..	6
Noes	..	..	..	14

Majority against .. 8

#### AYES.

Hon. G. Bennetts	Hon. G. Fraser
Hon. R. J. Boylen	Hon. C. B. Williams
Hon. E. M. Davies	Hon. E. H. Gray (Teller.)

#### NOES.

Hon. L. B. Bolton	Hon. W. J. Mann
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. L. Craig	Hon. C. H. Simpson
Hon. H. A. C. Daffen	Hon. A. Thomson
Hon. R. M. Forrest	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. A. L. Loton	Hon. G. W. Miles (Teller.)

#### PAIR.

AYE.	No.
Hon. W. R. Hall	Hon. H. Tuckey

Amendment thus negatived.

Clause put and passed.

Clause 10, Title—agreed to.

Bill reported without amendment and the report adopted.

### ADJOURNMENT—SPECIAL.

**THE MINISTER FOR MINES** (Hon. H. S. W. Parker—Metropolitan-Suburban): I move—

That the House at its rising adjourn till Tuesday, the 7th October.

Question put and passed.

*House adjourned at 6.17 p.m.*