Legislative Assembly.

Thursday, 18th September, 1947.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

ADDRESS-IN-REPLY.

Presentation.

Mr. SPEAKER: I desire to announce that, accompanied by the member for Sussex and the member for Wagin, I attended His Excellency the Lieut.-Governor and presented the Address-in-reply to His Excellency's opening Speech. His Excellency was pleased to reply in the following terms:—

Mr. Speaker and Members of the Legislative Assembly: I thank you for your expressions of loyalty to His Most Gracious Majesty the King and for your Address-in-reply to the Speech with which I opened Parliament.

QUESTIONS.

POTATOES.

(a) As to Local Shortage and Importations.

Hon. J. T. TONKIN (on notice) asked the Minister for Agriculture:

(1) Is he aware that the floods in the Albany and South-West districts in late April and early May this year so reduced this State's yield of potatoes as to require the importation of from three thousand to four thousand tons to keep the people of Western Australia supplied with their normal requirements of this important article of diet?

(2) Is he aware that despite the efforts of the Australian Potato Committee in endeavouring to have supplies brought from Victoria by rail and sea, a very serious shortage of potatoes is at present existing and will continue until the second week in October at least, when the first of this State's next crop of potatoes are expected?

(3) What action, if any, has he taken to facilitate the railing or shipping of potatoes to Western Australia to relieve the shortage?

The MINISTER replied:

(1) No. 2,000 tons would have satisfied requirements and efforts were made in July last to arrange shipping for this quantity from the Eastern States.

(2) In order to safeguard potato producers' interests in this State the Government has latterly sponsored only a limited supply of potatoes from the Eastern States.

The State has a good local crop which will be dug the first week in October.

(3) Thirty tons of potatoes per day were promised by rail from Victoria. This promise has been only partially fulfilled.

(b) As to Shipping Space and Priority.

Hon. J. B. SLEEMAN (without notice) asked the Minister for Agriculture: In view of the Minister's statement that ample supplies of potatoes would be available in October, does he agree with the Honorary Minister, who is in charge of shipping, that face creams and powders and toy buckets should be shipped to the State instead of potatoes?

The MINISTER replied: The Honorary Minister had nothing to do with the shipment of face powders, etc. Space was required for materials urgently needed to complete the building programme and there was no room for potatoes on the ship.

HOUSING.

As to Interest Rate on Purchase Homes.

Hon. F. J. S. WISE (on notice) asked the Premier:

(1) Does he recall his promise made eight months ago to the effect that home building for purchase would be resumed at the lowest rate of interest?

(2) Associated with his answer to the question of the hon. member for Perth last week wherein he stated that interest to be

charged was expected to be 4¼ per cent., is it not a fact that the new money will cost approximately 3¼ per cent.?

(3) If there is to be no subsidy by the Government to allow a lower rate of interest than the cost of money plus Housing Commission administrative costs of one per cent., will he admit that in spite of his promise there is no alteration in the principle formerly adopted, i.e., of the money costing the home builder approximately one per cent. more than the cost to the Government for fresh capital issued to the Housing Commission?

(4) Does he intend to reduce the rates of interest on homes constructed before 1942 for sale by the Workers' Homes Board?

The PREMIER replied:

(1) Yes.

(2) Yes.

(3) I do not admit it because there has been an alteration in the principle formerly adopted. The previous principle was that the Housing Commission (then the Workers' Homes Board) had to pay to the Treasury the average rate of interest on all borrowed money which has been about 4½ per cent. In order to cover its administration costs the Commission has to add 1 per cent. so that the cost to borrowers has been a net charge of 5½ per cent. It is now proposed to advance new capital to the Commission for the home purchase scheme at the actual cost of new borrowings—namely 3¼ per cent. The Commission will therefore be able to lend this money to borrowers at a net rate of 4¼ per cent. If the old principle were continued, no substantial reduction could be made in the rate of interest charged by the Commission to borrowers.

(4) As the average rate of interest on all borrowed money is still in the vicinity of 4¼ per cent., it is not proposed to reduce the rate of interest on homes constructed before 1942. Borrowers who were fortunate enough to secure loans prior to 1942 were able to purchase homes at the lower capital cost then prevailing. Since 1942 there has been a substantial rise in the basic wage but the instalments of principle and interest payable by borrowers has remained the same. Despite the alteration outlined in the answer to question No. 3, purchasers of homes who are building at present day costs will have to pay a much higher instalment than is paid by purchasers who secured their loans before 1942.

CO-OPERATIVE BULK HANDLING, LTD.

As to Terms for Taking Over Facilities.

Hon. F. J. S. WISE (on notice) asked the Minister for Agriculture:

(1) Have the terms and conditions for the taking over of the interests of the State Government in bulk handling assets at Fremantle, Bunbury and Geraldton been fixed?

(2) If so, what are the terms and conditions, including price, to be paid for the hire of any Government assets by Co-operative Bulk Handling, Limited?

(3) Was Mr. Braine, the new chairman of the Bulk Handling Advisory Committee, consulted in regard to the terms and conditions?

The MINISTER replied:

(1) No.

(2) Answered by (1).

(3) No.

DENTAL SERVICE.

As to Provision for North-West Residents.

Mr. HEGNEY (on notice) asked the Minister representing the Minister for Health:

(1) What action, if any, has been taken to arrange for the visit of Government dental officers to Northern and North-West districts for the purpose of attending to the dental needs of the children and adults resident therein, as was done in April-September, 1945?

(2) If no definite decision has yet been made, will he endeavour to make arrangements for such a visit and include Nullagine and Blue Spec Mine in the itinerary?

The HONORARY MINISTER replied:

(1) The Principal Medical Officer has visited the North and North-West, and is expected back tomorrow, when he will report on the best means to give effect to the Government's policy of having all dental needs of children in the North and North-West attended to.

(2) Answered by No. (1).

BILL—WAR RELIEF FUNDS ACT AMENDMENT.

Introduced by Hon. A. H. Panton and read a first time.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—TRAFFIC ACT AMENDMENT.

Third Reading.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington) [2.24]: I move—

That the Bill be now read a third time.

MR. MARSHALL (Murchison) [2.24]: Last evening, on another motion in regard to this Bill, I raised the point whether it was the Government's intention to submit Government employees in the transport sphere to two different laws. I need not repeat the gross violation of fair play and British justice that would result if that were done. The Minister in charge of the Bill gave the House an assurance that it would not occur. He said he would take the necessary steps to prevent those employees from being subject to the laws contained in regulations made by the Commissioner of Railways on the one hand and this Bill on the other. I accept that assurance, but I do not wish the Government to be under the impression that that assurance, in itself, is entirely satisfactory.

The Minister for Lands: The Minister will not break faith with you.

Mr. MARSHALL: There is no reason to doubt the assurance given by the Minister. I therefore rise to say that I accept it wholeheartedly and now await the amendments that will be required to other statutes relating to State transport employees.

Question put and passed.

Bill read a third time and transmitted to the Council.

BILL—ECONOMIC STABILITY ACT AMENDMENT (CONTINUANCE).

Second Reading.

Debate resumed from the previous day.

HON. F. J. S. WISE (Gascoyne) [2.27]: This Bill was introduced between 9 and 10 o'clock last night and I am wondering whether the Minister in charge of it, or the Premier, thinks that at this stage of the session, when we have a notice paper containing notice of so many motions for the second reading of Bills, that that is quite necessary.

The Attorney General: If you would like an extension of time I will grant it.

Hon. F. J. S. WISE: Since I have commenced to address myself to the Bill it is necessary that I should proceed; but I suggest to the Premier that, anxious as I am to co-operate in every possible way, a Bill with the implications of this one—although it is my responsibility to know something about it, since I introduced the parent Act last year—should be dealt with later in the session. I know something about it, as I said, but it is hardly fair to those who have not had the opportunity to study it.

The Premier: I would have put it further down the notice paper had you mentioned it to me last night when I gave you a copy of the notice paper.

Hon. F. J. S. WISE: When I received the copy of the notice paper last night I was engaged in the debate on another Bill. I am satisfied that it was an oversight on the Premier's part, but I draw attention to it, as I am extremely anxious to collaborate in every possible way, but such precipitate action would be more fitting at a later stage of the session. In my opinion, the Bill might have a different title; it might be called Bill No. 2 to debunk promises which have been made. We have had one such Bill already; it deals with the question of housing. This Bill deals with the subject of controls. If evidence were needed that the introduction of the measure by the Attorney General does debunk many promises that have been made, that evidence will be found by consulting "Hansard" of last year and referring to the speech of the hon. member in reply to the Bill which is now the law and which was introduced by me.

The Attorney General: I read that speech.

Hon. F. J. S. WISE: It is a very good speech when compared with the speech of last night.

The Attorney General: A very good speech.

Hon. F. J. S. WISE: Quite a good speech. I intend to quote from it, as I am certain it will entertain the Minister who introduced the present Bill last evening. This legislation was introduced last year to ensure that no harmful developments would occur in the economic and social position of Australia in the event of control under a number of regulations being too early relinquished, and also because of a doubt that existed at that time—and I stress the words "at that time"—concerning the validity of the provisions of the National Security Act and its regulations and the Defence (Transitional Provisions) Act of 1946 and the regulations made thereunder in the event of their being challenged. The Economic Stability measure of 1946 was introduced to enable the State to take for the Commonwealth the responsibilty of the regulations promulgated under the Commonwealth statutes I have mentioned in the event of those laws being challenged. All the States arrange to provide, if necessary, to take over control of this sort of legislafrom the Commonwealth. There is still a doubt whether the transitional provisions Act and its regulations can be continued constitutionally. Constitutional authorities of Australia say there is much doubt on that score and that there remains a very dubious power to the Commonwealth in that connection.

When speaking during the debate last year, the present Attorney General said that the Bill was a most unprepossessing offspring. He said it contained some of the worst features that any Bill could have. He acknowledged that the Government at that time had no option but to introduce a Bill of that kind, but he further said that controls brought about a serious deterioration of the ethical standards of the whole community and that there should be State control over domestic affairs. I know that the hon. gentleman has a firm belief in those statements. I know, too, that most members on this side of the House firmly believe that as quickly as possible controls should be relinquished to taper off the effect of controls which were necessary under the defence laws. It was pointed out last year by the member for Nedlands that the Commonwealth secures all its authority for this sort of legislation and for the regulations drawn under it from one section, and one only, of the Australian Constitution—Section 51—which gives to the Commonwealth, during wartime, almost unlimited authority.

It is very interesting at this stage, in view of the opinions of the Attorney General in regard to controls, to know that he has introduced a simple continuance measure. I think all of us agree with his contention of last year that as quickly as possible wartime controls affecting prices, landlord and tenant regulations and capital issues should be reviewed as early as possible with the object of tapering off their effects. No-one denies that. But it is interesting that, 2½ years after the cessation of hostilities, there is this desire of the Attorney General to perpetuate exactly the provisions that he so sharply criticised. I interjected last night that I thought it might be proper to exclude from this Bill the section dealing with landlord and tenant regulations. On the question of capital issues, it was the opinion of the Attorney General last year that they should be removed from the control of this legislation. His words on that point were—

> Capital issues have outlived their value and usefulness and are now a clog on industry and a vexation, and should be done away with.

He said that last year; but in this Bill he has introduced he proposes to continue control of capital issues. There is more reason, I submit, for the continuance at this stage under this law of the control of capital issues than was submitted by the Attorney General to exist last year. It may be that he now recognises there is need, even in the year 1947, to continue to control under wartime legislation the ability of private persons to invest their money in this way or that, if such investments are of considerable magnitude. This control gives to the Commonwealth the opportunity of affirming or rejecting applications for transactions in the money world that are of some magnitude.

I do not say that although the hon. gentleman gave this House very scant information last night on that or any other point, he could not have submitted a case for the continuation of the four sections of the regulations governed by this Bill, those sections being price regulation under the National Security Act, Landlord and Tenant Regula-

tions, Capital Issues and National Security Regulations other than those in the first Part; but I do submit to him, even at this late stage, that there was a very important responsibility on him—not to live up to his words of last year; not that at all, but to scrutinise the position very closely, before introducing a Bill of this kind this year and to consider the necessity for the continuance for a further 12 months, until December, 1948, of regulations drawn under wartime legislation. That was the obligation of the Attorney General and he has not faced up to it. It is interesting to note from the policy speech of the Premier his attitude in February last towards such matters as this; and the whole of the Cabinet is involved in this statement.

Mr. Marshall: Absolutely!

Hon. F. J. S. WISE: The Premier said in February—

> During the war and for justifiable reasons the Commonwealth Parliament and Government took over many of the most important powers of State Parliaments and Governments, on the understanding that, when the emergency of war was finished the people of the States should resume and enjoy the powers of self-government which have been expressly safeguarded to them under the Australian Constitution.

Everyone will agree with that. He went on to say—,

> Subject to the maintenance of all necessary powers to control prices and to prevent exploitation, we intend to see that the people of Western Australia receive back those essential powers to direct their own affairs which they previously possessed. This State will never get justice or make progress unless it has a Government which is something more than a puppet of the Commonwealth Government.

Those are the words of the Premier, quoted direct from a copy of his policy speech. It was his intention to remove controls from the Commonwealth sphere as soon as he had the authority so to do.

Hon. A. R. G. Hawke: The Premier has a very high colour this afternoon.

Hon. F. J. S. WISE: Yet, we have a Bill of this kind which is simply the re-enactment of one admitted, last year, by the present Government, to be the only course to take. But I submit that during the past 12 months there have been many more reasons than those advanced then against this Bill to continue to ratify the dubious powers of the Commonwealth. I have the policy speech delivered by the Minister for Education, but since midnight last night I have not had the opportunity to pick out the exact piece which has reference to this matter. But I knew of the reference of the Premier to his intention to do away entirely with everything that had been done which, in his view, tied the State to the Commonwealth. But here we have a piece of legislation, whatever its merits may be on any other score, which follows entirely and deliberately in the footsteps of that produced by his predecessors.

There is here a case for the Government to answer: to show why there has not been a return to State control of the things which last year were acknowledged to be doubtful of inclusion in these regulations, and which time has shown would be controlled better under State law. I refer particularly to the question of the Landlord and Tenant Regulations. It will be remembered that towards the end of last year there was in this Chamber much criticism, under this sort of legislation, of the intention by the Commonwealth law of regulations to govern landlords and tenants. I recall speeches made by the mem-for Nedlands—

Mr. Marshall: He is guilty.

Hon. F. J. S. WISE: —and the Minister for Education. I think the member for Nedlands had sound argument in some very difficult cases, and so had the Minister for Education. I think there continues to be, under the Landlord and Tenant Regulations, the possibility of much malpractice and imposition which landlords and some tenants at this stage should not be asked to favour by their continuance. I know of a case in a near suburb where a thrifty business man of high standing in the community invested all his savings in a block of small shops. He is now in advanced years, and as a landlord he has, under the Landlord and Tenant Regulations, the unpleasant prospect, when going to collect his rents, of finding, from week to week, different tenants. Some of them are most undesirable. They have purchased, at a high premium for goodwill, businesses which the landlord would wish to obtain for himself for use as an office, but which the law prevents him from doing. There are many instances throughout this city where, overnight, an advance in value of a business is represented to be some hundreds of pounds. Businesses change hands repeatedly. Returned men with money are anxious to invest, even at high premiums,

in businesses, which they frequently acquire to their great dissatisfaction and disappointment.

Mr. Leslie: We are trying to guard against that.

Hon. F. J. S. WISE: Under the Landlord and Tenant Regulations, that the Government of which the hon. member is a supporter seeks to perpetuate by this measure, we cannot guard against it. As I said last year, and by interjection last evening, it would be a good thing if this Bill, as presented, were reconsidered by the Attorney General with a view of introducing a measure to return to the State all the authorities that can now well be returned to it, rather than that we should, in the words of the member for Nedlands, "become a validating agency to endorse and prescribe rules developed by Commonwealth officers." It will be remembered that the hon. gentleman was extremely critical of the Bill last year.

Mr. Marshall: He looks extremely guilty now.

Hon. F. J. S. WISE: I think there was a lot in his complaint that before the presentation of the Bill this year—when the legislative programme of the Government was developed, as is always done by all Governments, between April and July —this matter should have been thoroughly scrutinised. I submit that certain parts of this measure should have been taken from it so that State control could have been returned now that we have the opportunity. That was the expressed wish of the present Government. There is no gainsaying that. It is in the policy speech of the Premier, a copy of which he very courteously sent me. I think that from day to day a great deal of its contents will become more and more interesting. In this Bill there is a very great responsibility on the Attorney General, and I hope he accepts it.

The Attorney General: Fully.

Hon. F. J. S. WISE: I am conscious that the Bill is intended to continue the parent Act as from the 30th October next. If the hon. gentleman wishes to take any notice of aspects that are vital to the community, under the Landlord and Tenant Regulations particularly, and have them returned wherever they can be returned to the State's province, I give this assurance, that there will be no difficulty from this side of the House in facilitating the passage of a new Bill to do all that is necessary to back up and validate Commonwealth action, if such Commonwealth action is challenged, and in the meantime to prepare legislation based on State law, which is in existence, to provide for more equitable attitudes and actions for people governed now by Commonwealth law. I presume the Attorney General will have no diffidence today in allowing the debate to be adjourned, in order that those who have not had opportunity of studying the subject may do so as to the Commonwealth-State angle, and also so that he himself may have opportunity of scrutinising closely the necessity for removing from Commonwealth control those matters that should be returned to the control of the State.

The Attorney General: You know that we cannot do it, and that the Commonwealth is still in charge.

Hon. F. J. S. WISE: Under the existing State law there is still opportunity of this position arising—suppose this measure were allowed to lapse and were not ratified by the 30th October—

The Attorney General: The Commonwealth regulations would still apply. They supersede the State law now, and the Commonwealth law is going to be continued until the end of 1948.

Hon. F. J. S. WISE: If the Attorney General will refresh his memory by reading the statute of last year, he will find that there is contained in that Act authority for direction to be given by the Commonwealth after consultation with State Premiers, and in fact there is a section dealing with the consultative committee, which has never met as there has been no reason for it to do so. That committee is given power to recommend to the Commonwealth and consider proposals which would mean the changing of regulations under this Act.

The Attorney General: We could no more take over these powers without Commonwealth consent than we could take over the Post Office.

Hon. F. J. S. WISE: Then why all the idle talk in the Premier's policy speech, and why all the talk about controls? I wonder whether the Attorney General recalls the questions I asked the Honorary Minister during the first week in August,

and the replies that she gave. In reply she said that it was Government policy to remove controls as and when they could be removed.

The Attorney General: And quite correct. These cannot be removed, as the Commonwealth says "No."

Hon. F. J. S. WISE: The Attorney General has it on his own head for not giving the House last evening the fullest information in that connection. I will admit that—for him—his speech was very short.

The Attorney General: It was of about the same length as yours. I thought I had made myself quite clear.

Hon. F. J. S. WISE: It was a very short speech, compared with other second reading speeches by the Attorney General.

The Attorney General: That would be all for the better.

Hon. F. J. S. WISE: The Attorney General may overstress things sometimes, but on this occasion, where the vital principle of Commonwealth and State powers was involved, the matter deserved much greater attention. It is my intention at this stage to support the second reading, but I hope the Bill goes to the bottom of the notice paper, where it should now be, in order to give the House an opportunity of scrutinising its real import.

The Attorney General: There is ample time.

On motion by Mr. Marshall, debate adjourned.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th September.

MR. NEEDHAM (Perth) [2.55]: In resuming the debate on this measure I have pleasure in supporting the second reading, but would at the same time mention some of the principles contained in the Bill. One of its first objectives is to increase the number of members on the Housing Commission, and it is suggested that one additional member should be a returned Serviceman and another a woman. I think it is only right that the returned soldiers should have a representative on this, one of the most important bodies that we have in operation in this State. I also welcome the suggestion of the Government to appoint a woman to the Commission, as her services would be of great value to other members of that body in helping them to reach conclusions in many matters. It has been suggested that there is no need for a woman on the Commission, as there is a lady architect in the Public Works Department. The lady architect would, like other professional people, be open to suggestions at times, but I know of no one more capable of making sound suggestions on home building than would be a woman.

Women spend most of their time in the home, and if having a woman on the Commission is the means of so constructing houses in the future as to save a considerable amount of household drudgery, the appointment will have been well worthwhile. We can no longer look upon our womenfolk as the fragile or weaker sex, when we remember what they did during the six years of war. In that time they proved their worth by helping the Empire in its darkest days. During that trying period they engaged in almost all of the positions hitherto considered to be exclusively the field of men. They entered into occupations ranging from poultry farming to the puddling of steel, the latter being one of the most laborious occupations of all. Women did all those jobs exceedingly well and therefore I do not hesitate in supporting the second reading of a measure which seeks to include a woman on the Commission.

Reference has also been made, during the debate, to the necessity of having a full-time chairman of the Housing Commission. Ever since I have been a member of this House I have been opposed to part-time chairmen of such bodies. I think it is imperative that the chairman of the Housing Commission should devote his full time to that work. I am not for one moment reflecting on the capabilities of the gentleman now occupying that position, as he is one of the most efficient officers in the State, but I venture to say that his position as Under-Treasurer will give him plenty to do, without spending time attending meetings of the Housing Commission. There can be no division of opinion on the necessity for the Housing Commission to work full time in every way, in order to meet the growing demand for houses. I would suggest—as

other members have suggested—that the Government should give that matter careful consideration, in an endeavour to arrange for a full-time chairman.

I also think that it should be the duty of the Government to accede to the request of the member for East Perth and appoint a Royal Commission to inquire into the charges he made against officers of the State Housing Commission. In order to protect the fair name of our Civil Service, I regard it as essential that such a Commission be appointed. With other members, I have had a lot to do with the Housing Commission and have met many of its officers. I have always found them to be efficient and courteous. As a result of the charges levelled against them in this House, those officials are under a cloud and the sooner it is dispelled the better. Furthermore, the sooner a Royal Commission is appointed to inquire into the charges, the more promptly will the member for East Perth have an opportunity to prove what he has said and, what is more, it will give the officers of the Commission a chance to defend their reputation and character.

We have every reason to be proud of our Civil Service. The officers associated with it are capable and efficient men and women who have served the State well, equally as well as have those associated with the Public Services of other States and of the Commonwealth. I trust no time will be lost in setting up the Commission in order to probe fully the charges that have been made. It might not be out of place also to suggest to the Government that if such a Commission of inquiry is appointed, those associated with it should be asked fully to investigate, after dealing with the charges made by the member for East Perth, the causes of the exhorbitant cost of houses today.

Mr. Reynolds: And that is a good point, too.

Mr. NEEDHAM: The time occupied with such an investigation would be well spent. I raised this particular question when the previous Government appointed Mr. Wallwork to inquire into the cost of housing. I have seen nothing definite up to the present to indicate what the results of his inquiry were. Those costs are still high. As the member for Kalgoorlie emphasised, the cost of housing today is prohibitive for people in receipt of the lower rates of income. The ambition of every citizen, it will be agreed, is to possess his or her home, some little portion of the earth that he or she can own. There is a spirit of independence abroad amongst the people that fosters such a desire; but unfortunately under present day conditions the realisation of that ambition is beyond the reach of those in the lower income groups.

Mr. Perkins: Mr. Dedman does not approve of people owning their homes.

Mr. NEEDHAM: Mr. Dedman is his own keeper, and I do not care what he thinks in that regard.

Mr. Perkins: But he is a member of your Party!

Mr. NEEDHAM: That does not make him sacrosanct in this respect. My opinion, I feel sure, is shared by all members, including the member for York, that it is the desire of every citizen to own his home. I repeat that with present costs it is practically impossible for a man in receipt of the lower income rates to do so. The man on the basic wage who attempts to secure a home for himself takes on a responsibility that will continue throughout his lifetime and a good portion of that of his son or daughter who may become possessed of the dwelling on his demise.

Many reasons have been advanced for the high cost of housing. Some people say it is because the artisans engaged in the building trade are not doing a fair day's work. I have yet to be confronted with proof of that statement. I do not believe it is a factor at all. Again, it has been stated that one reason is to be found in the fact that owing to the shortage of materials, builders are required to wait for considerable periods before they can obtain necessary supplies.

Realising the shortage of essential skilled labour, they have been compelled to retain the services of their artisans during those idle periods, because if the men were dismissed the builders would find when they were in a position to renew their operations, that they were without the necessary skilled artisans. I consider there is something in the contention. That cost inevitably is passed on to the purchasers of homes subsequently erected. For these reasons I believe it would be a wise step for the Government to authorise an inquiry into the reasons for

the present-day exorbitant building costs, in the hope that some way may be devised of reducing those charges, thereby providing an opportunity for men in receipt of the lower rates of income to become possessed of their own homes.

At this stage, I desire to refer to a series of questions I submitted to the Premier a few days ago with reference to the interest rates for money advanced for the erection of homes. I asked him if he was aware of the recent reduction of interest rates by the Commonwealth Bank to 3⅞ per cent. in respect of loans or mortgages. Furthermore I asked—

As a large proportion of the purchasers of workers' homes are in the lower income groups, will he take immediate steps to reduce the interest charges to bring them into line with the current Commonwealth Bank rates.

The replies furnished by the Premier were far from satisfactory. Particularly do I refer to that portion in which he said:

The present purchasers of workers' homes are enjoying the benefit of the lower capital costs of building which obtained prior to the outbreak of war. Since 1939 there has been a substantial increase in the basic wage but the instalments of interest and principal payable by purchasers of workers' homes remain the same as they were in 1939.

Hon. F. J. S. Wise: The Premier soon learned how to answer questions!

Mr. NEEDHAM: The Premier's reply continued:

Building of homes for sale by the Workers' Homes Board was discontinued early in the war. The Government proposes to recommence the scheme and the interest rate on new money loaned for the erection of homes for sale will be 4¼ per cent. net.

On today's notice paper, the Leader of the Opposition had a series of questions dealing with the same matter, and the replies given by the Premier were just as unsatisfactory and inconclusive as those given to the questions I asked. The reference to the increase in the basic wage was very far-fetched and not altogether relevant. One of the defects in the formula for the fixing of the basic wage is the fact that the actual rental position is not fully recognised. The amount of money allowed for rent is appreciated by all arbitration authorities to be entirely inadequate. I understand that an effort is being made to produce a new formula that will provide a more comprehensive basis and permit of the basic wage being founded upon a better recognition of the position necessary for the preservation of human life and health.

The Premier's answers to my question, postulated that the interest on advances for homes should be in accordance with the basic wage. That statement is foolish. If that were done, the interest rate on the mortgage must rise and fall with every movement of the basic wage. Members will recall what the basic wage was in the depression years compared with what it is today, and they can readily see what it would mean if the interest rate were fixed in accordance with the basic wage. I cannot see that the Premier gave any valid reason why the interest rate should not be reduced to the same level as that charged by the Commonwealth Bank. I trust that the suggestions I have made regarding the need for charging a lower interest rate and for investigation into the exorbitant costs of building will be favourably considered by the Government, and that a Royal Commission will be appointed to inquire into the charges made by the member for East Perth.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington—in reply) [3.13]: I am pleased that the amendments proposed in the Bill have been so well supported. Some of them have evoked mild criticism, but every member who has spoken on the Bill has offered his support. If there has been any criticism at all of the proposal to appoint a woman to the Commission, it has not been criticism that conveyed any impression of strong opposition. In fact, every member who has spoken has undertaken to support the proposal, though some speakers have expressed doubt as to the wisdom of this departure.

I cannot help thinking that the decision to place a woman on the Housing Commission will result in good. When moving the second reading, I explained that great interest was being taken by women in the housing position generally. In fact, a very practical interest is being shown by them. It is true, as the member for Perth pointed out, that housing is of vital concern to the womenfolk because they spend most of their lives in the home and, when they or their families are unable to get a home, they suffer greatly. I feel sure that we can ap-

point to the Commission a woman whose practical views will be of considerable help.

Mr. Styants: Will she be a spinster?

The PREMIER: Probably not. At this stage I can hardly be expected to give an indication as to who will be appointed, but I can give the House an assurance—

Hon. F. J. S. Wise: We can hazard a guess.

The PREMIER: I can assure the House that we shall place on the Commission a women possessed of practical views and one who has manifested considerable interest in the housing difficulty.

Mr. May: Is there likely to be any conflict between her and the woman architect attached to the Commission?

The PREMIER: I should not think there would be the slightest danger of conflict.

Hon. F. J. S. Wise: Would you like us to make a guess?

The PREMIER: I have no objection at all, but probably the hon. member would be wrong.

Hon. F. J. S. Wise: My guess would be right.

The PREMIER: It might be right. With regard to the appointment to the Commission of an ex-Serviceman, when I introduced the Bill I did not think there would be an all-round discussion on housing generally at this stage. I thought members would wait until the Estimates were being considered and that they would then have a general discussion and seek the information they desired.

Mr. Needham: We can do it again then.

The PREMIER: I am afraid some members will do so, though it should not be necessary.

Hon. F. J. S. Wise: There have not been many speakers on this Bill.

The PREMIER: Of those who addressed themselves to the measure, the one who dealt with the actual amendments and expressed his opinion on them seriatim was the Leader of the Opposition.

Hon. A. H. Panton: The member for Mt. Marshall did a good job, too.

The PREMIER: Other members expressed themselves in very wide terms. There has been some very severe criticism of the Housing Commission, and certain charges have been levelled against that body. Before I conclude my remarks, I shall deal with those criticisms and charges.

The Leader of the Opposition suggested that the proposal to appoint an ex-Serviceman to the Commission had been an afterthought on my part. On the other hand, members know that, for a considerable time, the ex-Servicemen's Association has been making efforts to get a representative on the Housing Commission. It is true that similar representations have been made by other bodies, and we do not want to overload the Commission, but I think members will agree with me when I say that the thousands of ex-Servicemen, who have returned to this State and who are greatly concerned about the shortage of houses, form a very substantial proportion of the population.

Mr. Fox: They are getting preferential treatment now.

The PREMIER: I shall come to that presently. Amongst those men, I suppose there would be a very large percentage of our marriageable population, and so it is not to be wondered at that they are keenly interested in the housing problem. Consequently, the Government gave consideration to their request. We weighed the pros and cons, and felt that it would be wise to give them representation on the Commission.

Hon. F. J. S. Wise: No-one is questioning that.

The PREMIER: I am aware of that.

Hon. F. J. S. Wise: The point is, why was it not included in the Bill?

The PREMIER: When the Bill was drafted, I was more concerned about giving representation to women but, when further representations were made to me to include an ex-Serviceman as well, I decided to accede to the request, and from the ranks of the ex-Servicemen I am quite sure we will again get practical advice.

Hon. A. H. Panton: I hope he will be one of the young brigade. They are the men looking for houses.

The PREMIER: At this stage I cannot say who will be appointed, but I assure the member for Leederville that we will secure the best man we can. The proposal with respect to roads has been accepted by all members, and I am having an amendment drawn to deal with that part of the Bill. Complaints were made about the amendment at present set out in the Bill.

Hon. F. J. S. Wise: You are not altering the principle?

The PREMIER: No, not at all, but clarifying the position. I shall put these amendments on the notice paper today and arrange for the Committee stage of the Bill to be taken at the next sitting of the House. The proposal that the cost of homes to be purchased in the future shall be raised from £1,250 to £1,500 has also been accepted. This unquestionably is necessary. The Leader of the Opposition did say something about rising costs. We all know that costs are rising, but that is no fault of the Government. There is a rise in the cost of materials, there is a rise in shipping freights and a rise in the price of other commodities affecting houses. To be candid, I cannot see any sign of an early fall in the cost of building. In order to meet the rising cost, this amendment has been considered necessary.

Hon. F. J. S. Wise: Can you give the House a comparison of the £1,500 cost with the pre-war value?

The PREMIER: I think I made that comparison when introducing the Bill. I have not the figures in front of me at present. Some members have stated that there is now no chance of a man owning his home under this scheme. I do not think that that statement is right. Although the cost of building is higher, the interest rate is lower; and, apart from that, there has been a rise in the basic wage. Not only those on the lower rates of pay apply for these houses. Men with incomes up to £500 per year apply for them, and I point out that there is an allowance for children as well. I feel that this proposal will be readily accepted by a considerable number of persons who are looking for homes. They will be very glad indeed to avail themselves of the opportunity to get a home under those conditions.

Mr. May: The man on the lower wage must be considered.

The PREMIER: I thoroughly agree, but they are being considered under the rental purchase scheme, the Commonwealth-State rental scheme; and, as the member for Collie knows, the rent is fixed according to the economic need.

Mr. May: That scheme at present does not affect the man on the lower wage; his rent is fixed.

The PREMIER: As I say, this applies to persons other than those on the basic wage. We have given much consideration to the proposal and I have no doubt, as I have just said, that there will be a demand for these houses.

Hon. F. J. S. Wise: The figures you quoted were £794 for 1939 and £1,493 for the same house today.

The PREMIER: That is so. I dealt with these amendments when introducing the Bill and, as I say, there is no opposition to them. I am pleased at the way in which the Bill has been received. I feel I must make some reply to the charges made by the member for East Perth, and I also intend to state the Government's attitude to them. I regard the housing question as being something well above the party political issue.

Members: Hear, hear!

The PREMIER: I have appealed for the co-operation of all sections of the community to get over this difficulty. There is only one solution that I know to the housing problem, and that is increased production.

Members: Hear, hear!

Mr. Graham: And fair allocations.

The PREMIER: And fair allocations—no bribery, no corruption. I feel I shall have the co-operation of members opposite in this difficult project; they, like myself, are more concerned with housing people than with making a political issue of the question.

Hon. A. R. G. Hawke: The member for Mt. Marshall is the only one so far who tried to bring party politics into it.

The PREMIER: The charges made by the member for East Perth were levelled against the Housing Commission, and here I want to say that I am not making party political capital out of the matter. The charges which the hon. member made and which could be traced were made before this Government assumed office. In fairness to the previous Government, I asked for a statement from the Housing Commission and I consider the best thing I can do is to read the statement to the House. It is right that the full facts should be known to members and consequently I shall not read merely extracts from the report,

which is addressed to me as Treasurer. It is as follows:—

The member for East Perth has made very serious charges against the State Housing Commission, imputing dishonesty and corruption on the part of the Commission's staff and lack of administrative control on the part of the Commission itself. Mr. Graham has not given sufficient information in regard to most of the cases he quotes to enable a reply to be made, but in connection with those cases which can be identified there is, I think, a reasonable explanation which I give later on. If the other cases referred to by Mr. Graham are of the same type as those to which we have been able to reply, then I suggest there is no ground for the accusations.

In any case, if Mr. Graham had been anxious to clear up what he thought were irregularities he could have obtained information either by application to yourself as Minister for Housing, or direct to the secretary of the Commission.

2. Towards the end of last month Mr. Graham made some statements regarding the operations of the Housing Commission as a result of which the Chief Secretary, as Acting Minister for Housing, wrote to him asking if he would submit information to enable inquiries to be made, but Mr. Graham in his reply on the 27th August stated that whilst he is in possession of certain knowledge, it was not his intention to assume the role of policeman.

3. Dealing with the composition of the Commission, Mr. Graham says he questions very much whether it is in the interests of the general programme of house building and the allocation of homes that the Commission should have as a member a representative of the building contractors. He thinks that as this particular member is tendering for or performing contracts for the Commission, a certain amount of suspicion is bound to be raised to say the least of it, and that such a person would have a definite advantage over others who might seek to contract for houses. Had Mr. Graham cared to make inquiries he would have found that his suspicions were without foundation. The Commission has made an arrangement with the Master Builders' Association and the Builders' Guild whereby a base price for the types of houses required by the Commission has been agreed upon between the Commission and these two bodies. Any registered builder is free to build houses for the Commission at the agreed upon price and the builders' representative on the Commission is in no better position to obtain this work than any other registered builder.

Mr. Graham: That will take a bit of believing, too.

The PREMIER: The statement continues —

4. The decision to include a builder and a person representing the Building Industries Union was made by the previous Government—

Hon. F. J. S. Wise: As was also the arrangement about the base price.

The PREMIER: To continue—

and no doubt Mr. Graham was aware of the Government's policy in this respect. Had he suspicions that the arrangement was unsound, the time for him to voice his objection was when the Act was amended to provide for this representation.

5. Mr. Graham cites two cases in which officers of the Housing Commission have been provided with rental homes. In regard to the first, he states that the application was made in respect of the officer, his wife, his mother and father and his sister-in-law and her husband. He says that the mother and father were living in and managing a hotel and could have continued living there. The sister-in-law was also living at the hotel yet in order to obtain the allocation of this house this story was placed before the Commission and the house was granted. Mr. Graham says there was no occasion for the Commission to take into account the requirements of the mother and father or anyone else as they were housed elsewhere and could have found accommodation in boarding houses or hotels..

Mr. Graham: I have learned since that the mother is non-existent.

The PREMIER: The statement goes on—

6. The facts are that this particular officer is an architect occupying a key position with the Commission. He is engaged in designing and supervising the erection of rental houses. He and his wife lived in a hotel leased by his father-in-law. The father-in-law sold the lease of the hotel and had to vacate. This involved himself, his son and daughter and the applicants. The disturbance due to endeavouring to find other accommodation was affecting the applicant's work and there was a risk that he might leave the Commission's service and go out of the State.

Mr. Triat: And there were no other architects in the State, of course.

Mr. Styants: I know a lot more urgent cases than that.

The PREMIER: The statement continues—

In order to retain his services which are vital to the work of the Commission he was given this rental house because the Commission considers his case to be one of extreme hardship, no other accommodation being available.

Mr. Graham: A very poor excuse.

The PREMIER: The statement says—

The house was granted because he required accommodation, not only for himself and his

wife but also for his father-in-law and his brother-in-law.

Mr. Triat: If that is the reply, investigations should be made into the activities of the Housing Commission.

The PREMIER: The statement continues—

7. The other case also relates to an architect employed by the Commission. This man was employed in Adelaide and was brought to this State to assist with the housing programme. The only condition on which he could accept the appointment offered to him was that he should be given a house. This was done and the Commission feels that it was quite justified in securing this much needed assistance to the building programme by granting a house.

Mr. Graham: I think you will agree that that is very weak too.

Mr. Mann: If he were a good unionist it would be all right.

Hon. F. J. S. Wise: Who woke you up? Go to sleep again!

Mr. SPEAKER: Order! The Premier will proceed.

The PREMIER: The statement goes on to say—

8. Another case quoted by Mr. Graham is that relating to a man named Bond who erected a house at Bayswater. Mr. Graham's statement is that this house cost very little short of £2,000, that it is a very ornate house with a brick garage and is occupied by Bond and his wife.

Mr. Triat: Two bathrooms and two lavatories. Have they got that in there, too?

The PREMIER: The statement says—

The facts in regard to this case are that the applicant was a railway officer who was being retired on account of ill-health. Medical certificates in support of his application were received not only on his own behalf but also on behalf of his wife who is an invalid. On account of the state of his wife's health, Bond said he had to employ a maid and it was proposed to accommodate his partially blind brother-in-law. The house has three bedrooms and the plan originally submitted did contemplate the erection of a garage. Bond was told that he could not obtain a permit to erect the garage, nor could he have two bathrooms. An inspection made after the construction of the house had started showed that work not approved by the Commission was being carried out. The matter was referred to the Crown Law Department but the legal opinion was that the success of any action taken against Bond would be extremely doubtful and action was not advised. Bond was written to and informed that the additional work must cease and that the release of material for this work, including the garage, would not be granted. In reply Bond stated that only part of the garage was being built and that it was proposed to use this as a store shed until such time as the garage could be completed.

Mr. May: Can you tell us why they took notice of the doctor's certificate in that case and do not do so in other cases?

The PREMIER: They do.

Mr. Styants: I am telling you they do not.

The PREMIER: The statement continues—

9. In regard to this particular case I may say that the Commission is under very strong pressure to grant a limited number of permits for two-unit cases, i.e., a man and wife, either an elderly couple or a young married couple. With the consent of the previous Government, the Commission decided to allot three houses each month to such cases and the Commission felt that the application should be granted because from the information given it appeared to be a deserving one.

10. Mr. Graham also cited the case of a farmer who he believes comes from the vicinity of Bruce Rock. The family consists of a father, mother and a grown-up daughter. According to Mr. Graham they secured a permit and have built a beautiful house with three bedrooms and garage and so on opposite the Old Men's Home. The Commission has no record of such a case but there is a record of the case of a farmer from Wongan Hills who came to Perth and was given a permit to build a house at Nedlands opposite the Old Men's Home. The facts are that this family has two invalid daughters both requiring attention fortnightly in Perth. Their application for a home in the metropolitan area was strongly sponsored by a Government doctor who was dealing with the case. The farm has been handed over to two ex-Service sons and the family is living in the house at Nedlands. No permit was given for the erection of the garage. In the opinion of the Commission this was a case of extreme hardship and a permit was warranted.

Mr. Graham: Why shouldn't they have remained on the farm in their house?

The PREMIER: The report goes on—

11. Mr. Graham says that he learns that permits have been granted for the erection of shops in certain areas and that he has been told that premises for a chemist's shop are being erected in Albany Road. Mr. Graham thinks that while shops may be perfectly valid in the ordinary course of events, they are in the nature of luxuries now and should not be permitted. The facts in this case are that a chemist shop was required in Victoria Park East. The need for a shop was strongly

sponsored by the Chief Inspector of Factories and the particular application was urged by the Commonwealth Rehabilitation authorities as the shop was required to rehabilitate an ex-soldier who had had long army service and had a wife and four children. While Mr. Graham may think that the whole of the resources of the building industry should be applied to the erection of homes, the general opinion of those competent to express it is that other types of buildings must be permitted even to a limited degree unless our economy is going to be entirely lop-sided.

Mr. Graham: Which I never disputed.

The PREMIER: The report continues:—

If permits for the erection of factories and shops were withheld it would not be possible—

(1) to rehabilitate ex-soldiers who are requiring employment; and

(2) to provide employment for our people.

In this particular case the Housing Commission has no hesitation in asserting that the granting of a permit was well justified.

12. Another case quoted by Mr. Graham relates to the Mayfair Theatre. In his speech he said that he was warned that, because of the information involved, it would be injudicious on his part to raise the question of this particular theatre. He says that in the first instance the Housing Commission rejected the application. Following this the principal of the company flew from the Eastern States and according to Mr. Graham this was a most unusual thing to do, to say the least of it. He waited on the Housing Commission on his arrival and in the afternoon, true to a bet he had made prior to going to the Commission, walked out with a permit in his possession. Mr. Graham understands that the permit was for work to the extent of about £2,000. Having got this permit the principal, according to information given to Mr. Graham by someone who had an opportunity of examining the work, carried out extensive wood panelling and used a terrific amount of cement. According to Mr. Graham's informant, the work could not have cost less than £7,000. The facts are that when the application was first submitted the officers of the Commission who are responsible for the issuing of permits deferred the application and referred it to the Commission. The sole reason for doing so was that the officers were doubtful as to whether a permit should be issued for the provision of a picture theatre. The promoters of the picture theatre had obtained a lease from Levinson's for the premises which previously had been occupied by the Carlton Tearooms. The Tearooms' proprietor was under notice to quit and even if the permit had not been issued, the premises would have remained empty or would have had to be altered to suit another client's purposes.

13. The Commission interviewed the promoter and his architect and it was clear that very little locally produced building material was required for the project. The promoters had arranged to acquire from the Eastern States practically the whole of the material required with the exception of about 9,000 bricks and five tons of cement. After a very full discussion with the applicant's architect it was agreed that the permit should be issued provided the architect used pressed bricks which at that time were in plentiful supply. The permit was issued for work to be done at an estimated cost of £7,000, not £2,000 as Mr. Graham suggested, and the bulk of the expenditure related to the equipment required for the theatre such as seats, sound appliances, air-conditioning plant—all of which came from the Eastern States.

Mr. Rodoreda: The bulk of £7,000 for a few seats in a picture theatre!

Mr. Triat: More inquries should be made.

The PREMIER: The report goes on:—

14. From the instances quoted it is quite clear that there has been no evil influence at work affecting the Commission's decisions nor is there any evidence of the corruption which Mr. Graham claims to be rampant. The members of the Commission may have committed errors of judgment but these are inescapable from human nature. Even if Mr. Graham's suggestion that two members of Parliament should be entitled to review all the files and examine the permits issued were agreed to, there is no guarantee that these two members would not also make decisions which would prove unacceptable to other interested bodies.

Mr. Triat: Let the C.I.B. have a look at the file, and make an investigation.

The PREMIER: Leave that until a little later, will you? The report continues:—

15. In view of the very definite statements made by Mr. Graham that bribery is resorted to to obtain permits and that all is not well with the administration of the Commission's affairs, the Commission urges the Government to appoint a Royal Commissioner to investigate these charges. Obviously no good purpose would be served by the appointment of such a Commissioner unless Mr. Graham is prepared to submit to him the information which he will not divulge to Parliament.

16. The Commission has a large staff of inspectors who examine the applications for permits and two inspectors whose duties are to look out for cases where work is done without permits. Unless the Commission were provided with a very large staff of inspectors it would be impossible to police adequately the whole of the building operations of Western Australia in order to see—

(1) that work done did not exceed the permit issued;

(2) that persons engaged in building operations were not receiving releases of materials for which no releases had been granted by the Commission;

(3) that work was not done without the issue of a permit.

17. Even if such a staff could be obtained, and it would be almost impossible at the present time to obtain it, the Commission has no facilities for housing such a staff. In the event, however, of a staff being available and the accommodation being provided it would be impossible to devise any scheme whereby the actions of the staff could be supervised to the point of satisfying everyone that they were carrying out their duties satisfactorily. Some of the difficulties encountered by the Commission in the control of building permits is accountable to the nature of the legislation which Parliament passed dealing with building permits. When a Bill for the continuance of this legislation is submitted it will be found that some of these difficulties will be removed if the Bill is adopted.

I said I would read that report because I felt I should do so in justice to the previous Government. The charges referred to—and I received the report from the Chairman of the Housing Commission—relate to permits issued, as I said, before this Government came into office. At a time like this, when housing is so acute, it is not to be wondered at that there is dissatisfaction. We can imagine the position when houses are ready for allotment and numerous applicants are waiting to know who gets them. Only a certain number can be given houses, and there must be keen disappointment and, indeed, I suppose a feeling of frustration among those who do not succeed.

Hon. J. T. Tonkin: You fully capitalised that at the election.

The PREMIER: Because of that feeling, there would not be any doubt that certain people would, through being suspicious or out of a feeling of bitterness, makes charges as to how these houses were allotted.

Hon. F. J. S. Wise: You do not object to three a month being allocated to hardship cases, do you?

The PREMIER: No. I wish the number were 53.

Hon. F. J. S. Wise: Have you improved on that number?

The PREMIER: I will deal with that later. We are, as the Leader of the Opposition must admit, making every possible effort to speed up housing.

Hon. F. J. S. Wise: As we did; you might concede that.

The PREMIER: When I have asked officers of the Housing Commission to put in some overtime to do something towards speeding it up, that time has been generously given.

Mr. Rodoreda: Are you getting any results from your speeding up?

The PREMIER: Yes, we are. I can say that without fear of contradiction, but we cannot make up in six months a lag of thousands of houses, no matter how good our intentions may be.

Hon. A. R. G. Hawke: You gave the people a different impression a few months ago.

The PREMIER: I hope we will give them a different impression as time goes on.

Hon. F. J. S. Wise: It will be necessary.

The PREMIER: In the Housing Commission there are 130 employees, and at present they are all under suspicion.

Mr. May: And some of them are underpaid.

The Minister for Lands: Whose fault is that?

Mr. Graham: It is their own fault.

The PREMIER: They are all under suspicion as the result of the charges made by the member for East Perth. For the innocent mind to be under suspicion must create a most uncomfortable feeling, and so, as Minister in charge of housing, I am anxious that this matter should be cleared up. We cannot get the best out of people who are feeling discontented——

Mr. Reynolds: That is quite true.

The PREMIER: —and are worrying as to what their future will be. From what I can gather there has been attempted bribery of officers of the Housing Commission, but the bribes have been refused and those who offered the bribes have not gained any benefit from their action.

Mr. Triat: Have they been prosecuted for it?

The PREMIER: They have been reported to the Housing Commission, which has taken suitable action regarding them.

Mr. Leslie: That will hurt them more than would prosecutions.

The PREMIER: It certainly will not enhance their prospects of getting houses or building material.

Mr. Fox: Would it be possible for us to get some of their names privately?

The Minister for Works: You are easily able to get the names from a member of your own Party.

The PREMIER: I do not think I need say much more. Matters in relation to the Housing Commission and its setup generally are receiving the urgent consideration of the Government. I shall inform the House at a later stage of what action, if any, has been taken. The member for East Perth has asked that an inquiry should be instituted and that request has been supported by other members. On behalf of the Government I will agree to that inquiry.

Mr. Graham: A Royal Commission?

The PREMIER: Yes. I think we should have, to make this inquiry, a person who has the full confidence of the public and who is capable of carrying out the inquiry. It is therefore my intention—again as the result of Government decision—to approach His Honour, the Chief Justice, and request that the Royal Commissioner be a judge of the Supreme Court. The member for East Perth has stated that he is receiving large batches of letters, and I do not doubt that that is so. That will not prejudice the writers of the letters with the Commission regarding any applications they may have lodged, but I issue this warning also; though many of them might think that by writing to the member for East Perth their prospects of obtaining earlier priority will be greatly enhanced, that this will not be the case. They will be treated by the Commission according to their needs.

Mr. Graham: That will be something new.

The PREMIER: That is all I can tell the hon. member—that they will be treated according to their needs.

Mr. Graham: That is all I want.

The PREMIER: So if there are any members of the community who have charges to make against the Housing Commission or its employees, and who are willing to substantiate those charges, they will be given opportunity of doing so.

Question put and passed.

Bill read a second time.

BILL—CROWN SUITS.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clause 1—agreed to.

Clause 2—Repeal of Act of 1898:

The ATTORNEY GENERAL: I said I would be happy to explain the individual clauses of the Bill. Under this clause the Crown Suits Act of 1898 is to be repealed.

Mr. Rodoreda: Will you speak up? Members cannot hear you.

The ATTORNEY GENERAL: The Crown Suits Act of 1898 is to be repealed and reenacted by means of this Bill in shorter and simpler form. The clauses will be found to be brief and lucid. The old Act, which contained a good deal of unnecessary verbiage, is to be brought into shorter and clearer form.

Clause put and passed.

Clause 3—Interpretation of "Crown:"

The ATTORNEY GENERAL: This clause is explained by the fact that in 1898, when the parent Act was passed, Western Australia was a completely sovereign State, and there was no Commonwealth. The Crown was a term applicable in Western Australia entirely to the Colony and Government of Western Australia. Since 1900 the position has been different and in Western Australia there have been two Crowns, one in right of the State and one in right of the Commonwealth. It has been thought desirable under existing conditions that the meaning of the term "Crown" should be clearly stated as referring to the Government of Western Australia.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Crown to sue and be sued as subject; proceedings to be under title "The State of Western Australia:"

Hon. J. B. SLEEMAN: The Attorney General is here departing from the principle he enunciated that the Crown should have no greater rights than the subject. In view of the Crown being more vulnerable, as he claimed, he proposes to allow a period of 12 months as against six months, with reference to the time limit for taking action.

Hon. N. Keenan: But that is dealt with in Clause 6!

Hon. J. B. SLEEMAN: The clause will provide for the Crown receiving different treatment from that accorded the subject.

The ATTORNEY GENERAL: Clause 5 has been altered for the reason I explained previously. Cases by or against the Crown since the inauguration of Federation, can have two meanings, and the Bill sets out that the actions covered shall be in respect of the Government of Western Australia, which is in conformity with the Commonwealth Judiciary Act in respect of actions by or against the Commonwealth. In the United States of America, which has a federal system very similar to our own, proceedings in the States are taken in the name of those States. The clause in the Bill, being in conformity with the Commonwealth provisions, recognises the constitutional alterations that have taken place since Federation was inaugurated in Australia.

Clause put and passed.

Clause 6—Limitation of time for giving notice; limitation of time for taking action:

Hon. N. KEENAN: I regret I was not in attendance in the House——

Hon. J. B. Sleeman: So do we.

Hon. N. KEENAN: —when the second reading of the Bill was debated, because I desired to make some references of a general character in connection with the legislation. Now I am restricted to matters dealt with in the various clauses. The one under discussion is a departure from the main object of the Bill, as indicated by the Attorney General. The object is to put the subject in the same position as the Crown in matters of controversy between subject and Crown. Until legislation of this character is adopted, the only rights a subject has are those that are ensured to him under the Crown Suits Act of 1898, which rights are extremely limited. For instance, he can only bring an action in respect of matters arising out of a contract or out of a tort which has arisen in connection with public works. So the rights of the subject in that respect cannot be compared with the rights allowed to the subject under the Commonwealth legislation or that of other States. Therefore the Bill is a very desirable measure; but the particular clause under discussion will take away a considerable portion of the protection, because it places on the subject conditions that are not applicable to matters in dispute between one subject and another subject.

We have laws respecting the limitation of action on our statute book, particularly one that the member for Kanowna piloted through the House and which codified all laws on the limitation of action. That afforded quite sufficient protection between one subject and another in the matter of the abuse of actions. It should be quite sufficient to protect the Crown or the subject against any such abuses. The Attorney General said that the Crown desired special protection because of its special vulnerability, which was liable to be abused. I hold an opposite view. The Crown has enormous resources, although I do not say they are unduly great. If any action is brought against the Crown, can we imagine its being less able to investigate the reason for, and the grounds underlying, any claims brought against it than would be a subject? The resources of the subject are limited by what his resources may be.

Mr. Smith: Dalgety's and the Broken Hill Pty. Ltd. are limited by their own resources.

Hon. N. KEENAN: That is so, but those two firms do not constitute the whole community. The great mass of litigants are people of moderate means, and those people would have available resources such as would be possessed by persons of moderate means. On the other hand, the Crown has very much greater resources and is capable of investigating any claim brought against it in a much deeper sense than would be possessed by any private subject. In the circumstances, I propose to ask the Attorney General to consent to the deletion of the clause, which is a repetition, perhaps not exactly in the same words but certainly in spirit, of the appropriate provisions in the Crown Suits Act of 1898. I need not refer to those provisions in detail, but apparently they had the same object in view.

We know that in the past Parliament has given protection to certain bodies because it was considered wise to do so. That protection has been provided for courts of summary jurisdiction and various other bodies, as well as for police officers and some other officials of the Crown. That was justified only by the fact that the individuals or bodies that might be subject to litigation would be dependent upon their own resources and, in the circumstances, it was not the Crown but servants of the Crown to whom that protection was afforded. In view of my challenging his statement as to the greater vulnerability of the Crown, I ask the Attorney General to consider the elimination

of the clause, and so place the Crown in the position of having the same rights and duties as a private subject has. When an action is brought against the Crown, it will then have no advantage over the rights of the ordinary subject. That is the position in the Commonwealth and, I believe, in New South Wales, and it is the correct position.

We say for the first time that we are placing the Crown in the same position as the subject and we are doing so for certain definite reasons. Those reasons are that nowadays the Crown is engaged in a larger number of business activities, and therefore claims are bound to arise from some members of the public having business with those activities. Consequently, a poor member of the public should be given the same opportunity of vindicating his rights as the Crown has of vindicating its rights. That view should receive the enthusiastic support of every member.

Hon. J. B. Sleeman drew attention to the state of the Committee.

Bells rung and a quorum formed.

The ATTORNEY GENERAL: I thank the member for Nedlands for his observations. I fully appreciate his view that, if we are to align the rights and liabilities of the Government with those of the ordinary man and woman, it is not quite logical that we should retain a special provision in the way of limitation of time for action against the Crown. The reason for retaining the clause was that I was introducing new legislation, and I thought that if any member had misgivings, he might be reassured by our retention of some degree of limitation more stringent than that applying to the subject. Consequently, I retained the 12 months' limitation, but provided that it might be extended where the aggrieved party might reasonably have not known of his claim within the 12 months. I am quite willing to allow the clause to go and have the ordinary limitation to apply as introduced in 1934, if the Committee prefers it.

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

Ayes	28
Noes	8
Majority for	20

AYES.

Mr. Ackland	Mr. Murray
Mr. Bovell	Mr. Nalder
Mrs. Cardell-Oliver	Mr. Needham
Mr. Doney	Mr. Nimmo
Mr. Grayden	Mr. Rodoreda
Mr. Hawke	Mr. Seward
Mr. Hegney	Mr. Styants
Mr. Hill	Mr. Thorn
Mr. Hoar	Mr. Tonkin
Mr. Leslie	Mr. Triat
Mr. Mann	Mr. Wild
Mr. May	Mr. Wise
Mr. McDonald	Mr. Yates
Mr. McLarty	Mr. Brand
	(Teller.)

NOES.

Mr. Fox	Mr. Nulsen
Mr. Keenan	Mr. Shearn
Mr. Kelly	Mr. Sleeman
Mr. Marshall	Mr. Graham
	(Teller.)

Clause thus passed.

Clause 7—Statutory rights preserved where already given:

The ATTORNEY GENERAL: This is another clause which is regarded as necessary and reasonable, so that there shall not be interference with Acts of Parliament which already are on the statute book and deal with the rights or liabilities of the Crown. There are such Acts as the State Trading Concerns Act and special Acts which deal with a number of Government activities, such as the Lake Chandler alunite deposits, and those Acts remain in force and will not be superseded by this Bill. Again, there are certain forms of proceedings in which the Crown, or in particular the Attorney General or the Minister for Justice, may be a party. To cite one example: The Attorney General in some cases is a party in proceedings to determine whether or not a local authority, or a corporate body, is or is not exceeding its constitutional powers. It is not desired that this measure should interfere with those long-established and useful forms of proceedings, in which the Crown may be a party, of the nature specified in this clause, as, in the case of special Acts dealing with the rights and liabilities of the Crown, the Crown will not be adversely affected by the passage of this legislation.

Clause put and passed.

Clause 8—Joinder of the Crown in proceedings between subject and subject:

The ATTORNEY GENERAL: This is a new clause, which is regarded as a useful one. It provides that if in any court in Western Australia in a suit between private parties, the Crown not being a party, the question arises as to the constitutional

powers of the State, or as to the constitutional validity of any Act of this Parliament, then the Crown, or the Government of the State, may apply to be heard in the action or to be joined as a party to it. Further, if the matter raised is of importance, the Crown may apply—if the proceedings are in a lower court—to have the proceedings transferred into the Supreme Court, where they may be heard by a judge. The provision corresponds to some extent with the provision in the Commonwealth legislation. It gives the Crown an opportunity to intervene and be heard in matters which affect all the people. In particular, it may be useful where proceedings may be heard and an important issue raised in one of the lower courts of the State.

Hon. J. B. SLEEMAN: I would like the Attorney General to explain Subclause (2). Is it likely, in the event of the clause being passed, that a poor man could be forced into the Supreme Court and thus have his costs increased?

The ATTORNEY GENERAL: The idea would be not to act adversely to any litigant. The proceedings would only be removed into the Supreme Court where the public interest was concerned, and costs are in the discretion of a judge of the Supreme Court. I feel sure that if the cause or proceedings were removed at the instance of the Crown into the Supreme Court, it would not be allowed to be any financial prejudice to the parties concerned.

Clause put and passed.

Clause 9—Same process available to Crown and subject:

The ATTORNEY GENERAL: Very briefly, the Crown Suits Act preserved certain old forms. A person had to start his proceedings by way of petition. This clause simplifies the procedure. It provides that in any proceeding to which the Crown is a party under this measure, the same forms will be used as are used between subject and subject.

Clause put and passed.

Clause 10—Method of recovering judgment against the Crown:

The ATTORNEY GENERAL: This clause has, in substance, been carried forward from the 1898 Act. It means that if a subject obtained a judgment for, say, £1,000 against the Crown, it is to be assumed that the Crown will pay the amount of the judgment. If by any chance there should be a delay of a day or two owing to the matter having to go through the Executive Council, then the judgment creditor cannot issue execution and seize the Crown's goods, or put a bailiff into the Treasury building. It is the generally accepted view that if judgment is obtained against the Crown it is unnecessary to put the bailiff in, as the Crown can be relied upon to pay the debt which it had incurred and which had been certified by the court. If the Crown did not pay, of course it would be well on its last legs.

Clause put and passed.

Clause 11—Writs of Extent and Ca. Sa. abolished:

The ATTORNEY GENERAL: This clause is to abolish two ancient forms of procedure which I think are still available to the Crown, although they have not been exercised for many years. They might just as well be abolished, just as the British Bill, to which I referred last night, is abolishing ancient, archaic forms of procedure. The writ of extent is a writ to recover certain classes of debts due to the Crown. It is directed to the sheriff, who proceeds to make a valuation of the debtor's property by calling together a jury of men, who examine the debtor's property and arrive at a determination as to what it is worth. It is a relic of old times and no longer has any place in modern practice. Nor is there any need for it. The writ of capias, also referred to, is one of the writs which the Crown has been able to use in the past. It is a writ for the arrest of the defendant in a civil action when judgment has been recovered against him for a sum of money which has not been paid. If the Crown recovers judgment against a man or a woman, then there are remedies suitable to recover that money in the same way as the ordinary man or woman can recover money for a debt owing to him or to her. I think the Crown can be left, as indeed in actual practice it is left, to the usual remedies.

Hon. J. B. SLEEMAN: I do not know much about it but it looks a dangerous thing with all these Latin words. This "capias ad satisfaciendum"—does it mean that the Crown will not be able to get satisfaction, for instance, if our friend Dalgety's commit an offence against the Crown while Dalgety's will be able to get every satisfaction from the Crown?

The ATTORNEY GENERAL: No, I am afraid it is the other way round. The Latin term referred to comprises the first words of the direction given to the sheriff and it means that he may take for the purposes of satisfaction the body of, say, John Brown, debtor, and put him in gaol.

Hon. J. B. Sleeman: He died years ago!

The ATTORNEY GENERAL: He is as dead as the Wilkinson the hon. member mentioned last night. While the Crown under the writ of capias can or could in the old days seize a man or put him in prison for not paying his debt, I am not aware at present that the boot is on the other foot. I do not think there is any power under which Dalgety's or the Broken Hill Coy, if the Crown owes either of them money, can seize either the Treasurer or the Attorney General or any other relevant person and put them in gaol.

Clause put and passed.

Clause 12—Rules of Court:

The ATTORNEY GENERAL: This is a usual clause providing for the necessary rules of procedure to be made. There are rules made under the Crown Suits Act which prescribe forms and procedure, and similar rules will be necessary under this Act. In dealing with the procedure which can be prescribed by these rules, a number of provisions of the old Crown Suits Act have not been repeated in this measure. For example, where penalties were owing to the Crown under the Crown Suits Act, there were certain special forms of remedy given that are not repeated in this Bill because the Crown has quite sufficient remedy under the Justices Act by the same procedure that applies to ordinary people. Then again there was provision in the old Act for security for costs in certain cases where a subject was about to sue the Crown.

As between subject and subject, there are provisions under which in certain cases a defendant can apply to the judge that the plaintiff shall give security for costs where he does not appear to have the likelihood of a good action and he is a person without means to pay costs if he loses. I consider the Crown can be left to the same protection in that respect as the subject has, and I do not want to see retained in this Bill any measure which would make it more difficult for the poor man to sue the Crown than it would be for him to sue another man. Therefore that particular clause protecting the Crown regarding security for costs no longer applies.

There was a provision in the old Act by which the Crown, as soon as it issued a writ against a man, could register a lien on his land at the Titles Office and hold him up from dealing with that property, sometimes for months until the action was heard. A subject has no such right and I feel that there is no need to give that special right to the Crown which could be used—I do not say it would be—oppressively if a Crown Law officer so wished. Other procedural details in the old Act of a character no longer necessary in practice have not been included in this Bill which has been made short and, I think, as clear as it could be made.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—WESTERN AUSTRALIAN TROTTING ASSOCIATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. A. V. R, Abbott—North Perth) [4.38] in moving the second reading said: This small Bill is required to remedy a mistake in drafting that was made in connection with the Western Australian Trotting Association measure which was passed last year.

Hon. F. J. S. Wise: It is an easy one as a pipe opener.

The CHIEF SECRETARY: Yes, and I am very pleased about that, too! Section 15 of the Act provides that the Minister may establish a country clubs' benefit fund and Section 16 provides that the amounts paid into the fund be distributed amongst district councils or country clubs. Section 16 (1) provides that there shall be a committee to be known as "The Country Clubs' Benefit Fund Committee" consisting of the President of the Association and one representative of each of the district councils mentioned in the schedule to the Act. The schedule sets out the names of the district councils concerned as follows:—

Great Southern District Council.
Eastern Goldfields District Council.
South-West District Council.

The correct designation of these bodies is as follows:—

Great Southern District Trotting Council.
North-Eastern District Trotting Council.
South-West District Trotting Council.

And it is for the purpose of describing the bodies concerned by their proper names that the Bill has been introduced. I move—

That the Bill be now read a second time.

HON. F. J. S. WISE (Gascoyne) [4.41]: For my part, if the Chief Secretary wishes, he can proceed with the Bill and put it through the Committee stage.

MR. CORNELL (Avon) [4.42]: I do not propose to say much on this Bill. I was responsible for drawing the Minister's attention to the mis-description in the schedule so far as the North-Eastern Districts Trotting Council is concerned. As I am secretary of that body I pointed out that the word district appearing in the Bill should be in the plural.

Hon. F. J. S. Wise: Bad drafting again.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Hill in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of second Schedule:

Hon. F. J. S. WISE: According to the information supplied by the member for Avon, it will be necessary to delete the word "district" appearing in the last line, and to insert in lieu the word "districts."

The CHIEF SECRETARY: The information as to the correct name was obtained from the Western Australian Trotting Association. As far as I could ascertain, there are no rules registered anywhere. If the member for Avon can confirm what he says—

Mr. Leslie: He is the council; the king pin!

The CHIEF SECRETARY: Sometimes the king pins do not know everything. None of the other district councils is in the plural. As far as I know the correct name is as it appears in the Bill.

Mr. CORNELL: I would make an observation at this stage, that the West Australian Trotting Association is by no means well informed.

Mr. Marshall: Neither is the Chief Secretary!

Mr. CORNELL: It is one of the most chaotic concerns I have ever had anything to do with. I 'phoned the Association the other day to learn when the Harvey Trotting Club would be racing. I was told, "You will have to ring again in a fortnight because Mr. Creagh is in Kalgoorlie, and until he returns we cannot tell you anything." As secretary of the North-Eastern Districts Trotting Council I should have some slight knowledge of the position. I give my assurance that the correct designation is North-Eastern Districts Trotting Council. I move an amendment—

That in line 3 of paragraph (b) the word "district" be struck out and the word "districts" inserted in lieu.

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

Title—agreed to.

Bill reported with an amendment.

BILL—COAL MINE WORKERS (PENSIONS) ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [4.48] in moving the second reading said: This Bill has been made necessary through certain circumstances which have arisen since the Coal Mine Workers (Pensions) Act, 1943, was passed. That Act provides for a contributory pensions system for the miners on the Collie field, the amount being found for the fund partly by contributions from the Collie miners, partly by contributions from the coalowners and partly by a contribution from the Government. The Act made provision for a commencing pension of £2 per week for the miner and £1 5s. per week for his wife, and there were pensions for children in certain cases. The operation of the Act commenced in 1944 and it was based on this scheme; it was desired, and properly so, that it be complementary to the Invalid and Old-age Pensions Act and the Commonwealth child endowment legislation and certain other Acts by which the Commonwealth

bestowed pensions in specific cases. That was the desire, as it would not have been prudent to have called on the Collie miners, the mineowners and the Government to relieve the Commonwealth Treasury of the payment of certain moneys that would otherwise have been payable to retired Collie miners through Commonwealth social service legislation.

In 1940, by an Act of the Commonwealth Parliament, being an Act to amend the Invalid and Old-age Pensions Act, No. 37 of 1940, a new system was introduced for invalid and old-age pensions, under which they would rise or fall according to the increase or decrease in the cost of living in Australia as ascertained by a formula set out in the amending Act. That provision for an adjustable increase or decrease in old-age and invalid pensions, as brought about by the 1940 amendment to the Commonwealth Act, was included in a new section in the parent legislation dealing with invalid and old-age pensions, which was known as Section 24 (1A). I mention those provisions of the Commonwealth Invalid and Old-age Pensions Act because they had an important bearing on the way in which the Coal Mine Workers (Pensions) Act was drawn, as by Section 15 of that Act—the parent Act—it is provided that in the case of any miner who is not in receipt of or entitled to a pension under the Commonwealth Invalid and Old-age Pensions Act, his pension is subject to the same increase or decrease as would have been a pension payable under that Act.

In other words, if the old age pension under the provision that I have just mentioned were, by reason of the cost of living, to rise by 1s. per fortnight, that rise would be reflected in the pension payable under the Coal Mine Workers (Pensions) Act to a man not in receipt of the old-age pension. That was a means by which the miner's pension payable under the Act would, like the basic wage, move upwards or downwards in accordance with a formula associated with the cost of living. The Act commenced its operation in 1944 and shortly after that Section (421A) of the Commonwealth Invalid and Old-age Pensions Act was repealed, so that the whole basis of Section 15 of the Coal Mine Workers (Pensions) Act fell to the ground and the machinery, which was intended by Section 15 of that Act to provide for an increase in coalminers' pensions, bearing some relation to the increase in the cost of living, no longer existed and the measuring tape was no longer to be found. That section of the Act under which, if it had operated, miners drawing pensions under the Coal Mine Workers (Pensions) Act on the Collie field would have received an additional sum from time to time as the cost of living rose, has not been implemented, because the basis upon which it was to have been implemented no longer exists.

Although any miner who had retired and who was in receipt of the invalid or old-age pension and was not affected by Section 15 of the Act received an increase in his old-age pension related to the increase in the cost of living, the position was otherwise in the case of those miners who were entitled to benefit by the Coal Mine Workers (Pensions) Act, but were not also in receipt of an invalid or old-age pension. Section 13 of the Coal Mine Workers Act provides, briefly, that any amount which a mineworker or his dependants is or are entitled to receive from any invalid or old-age pension shall be deducted from the amount payable to him or them as a pension under this Act. So when the Act commenced the position was this: The retired miner entitled to a pension under the Coal Mine Workers (Pensions) Act, who was not drawing the invalid or old-age pension—neither he nor his wife—drew, with his wife, £3 5s. per week from the Collie Miners' Pension Fund.

Hon. A. H. Panton: Three pounds five shillings between them?

The ATTORNEY GENERAL: Yes. In the case of a Collie miner who was in receipt of the old-age pension and whose wife also received a pension, they drew £2 14s. per week between them from the old-age pension and 11s. per week from the Collie Miners' Pension Fund, making up £3 5s. in all, which put them on the same basis as the full pension under the Act. For the sake of simplicity I will not go into details regarding children or child endowment or various other factors mentioned in the Act, but will endeavour to deal with the factors under the Act, which illustrate the position that arose and that obtains today. By reason of the repeal of Section 24 (1A) of the Commonwealth Invalid and Old-age

Pensions Act, Section 15 of the Coal Mine Workers (Pensions) Act of this State ceased to operate and coalminers therefore could not get any increase in the pension payable from the Collie Miners' Fund. Miners and their wives receiving benefits under the Invalid and Old-age Pensions Act came, in July, 1945, to this position; the invalid and old-age pensions were raised from 27s. 6d. per week to 32s. 6d. per week, with the result that from the 1st July, 1945, a retired miner and his wife, both receiving the old-age pension, instead of receiving £2 14s. per week as was the case in 1944, received £3 5s. per week, in which case they would have received nothing at all from the Collie Miners' Fund.

When that situation arose, those Collie miners who had previously been receiving 11s. a week from the fund protested that it was very unfair to them because the old-age pension had been increased by the Commonwealth Government under new legislation really to the amount of the increase in the cost of living, and they would be no better off than before. Representations were made to the Government of the day that the extra 11s. a week should not be debited against those miners and their wives, but that they should be allowed to retain it. The result was that they retained their £3 5s.—the increased amount of the pension—and continued to draw their 11s. a week from the Collie Miners' Pension Fund. It was not unnatural that they should put forward that view, because if that Act could have been administered in the way intended, the miners' pension itself would have advanced to some extent in view of the increased cost of living. If that had been done, then they would still have been able to receive the same amount from the pension fund if it had continued to advance to the same extent. The Government of the day decided not to enforce the strict terms of the Act in the circumstances, and allowed the Collie miners to draw the increased amount of pension which, in 1945, at the latter part of the year, was £3 5s. a week, and to continue receiving the 11s. a week from the pension fund.

As at the 1st July of this year, a similar position again arose and the old-age and invalid pension, or the social service pension, was increased by 5s. a week, which meant that the payment to the miner and his wife was increased from £3 5s. to £3 15s. The Collie miner and his wife who were in receipt of a pension then became entitled to £3 15s. a week. However, as again the rise in the pension authorised by the Commonwealth was really in line with the increased cost of living, the miners objected, not unnaturally, that they should not be deprived of the payment of 11s. a week which they had been permitted previously to draw from the pension fund. On the precedent of 1945, they claimed to be allowed to enjoy the increase in the old-age pension and also to be allowed to continue in receipt of 11s. a week from the Collie Miners' Pension Fund. The present Government followed the precedent set by their predecessors in office and, having in mind all the circumstances, decided to allow the miners to continue drawing the 11s. a week until such time as the matter could be brought before Parliament.

I would pause at this moment to say that the position has been complicated all along by the factors I have mentioned, namely, that the pension payable from the Collie Miners' Pension Fund should have kept on going up under Section 15 of the Act, with some correspondence to the increase in the cost of living, in which case the position of the Collie miner and his wife who were in receipt of the old-age pension would have been much more favourable. But, for the reason I have mentioned—the repeal of the section in the Commonwealth legislation on which our Act depended—it was no longer possible to raise the rate of the miner's pension comparable with the increase in the cost of living. A further complication has arisen, and it is that in 1945, a preliminary actuarial examination was made of the Collie Miners' Pension Fund, and that investigation disclosed a capital deficiency in excess of £340,000. That means, as I understand it, that, when the fund was looked at actuarially in 1945, if the fund met in course of time all the obligations it had then assumed to those who were drawing pensions and to those who were contributing, in the end there would be a deficit of £340,000. Of course, if new men came into the pension scheme after 1945, then it might mean that the deficit ultimately would be still larger.

The Bill now before the House seeks to repeal Section 15 of the principal Act. That section, for the reasons I have men-

tioned, was never able to operate on account of the repeal of the section in the Commonwealth legislation upon which our Section 15 depended. In fact, our section has not and, as it turns out, never could have any operation or use at all. When this legislation is redrafted under some new scheme, we will need to have some provision in order to carry out the intention of Section 15 on a basis upon which it could really work. The next provision in the Bill is to validate the action of the Government in 1945 in allowing certain classes of Collie miners to continue drawing from the pension fund the same amount they were receiving prior to the increase in the old-age and invalid pension which was paid in 1945.

Further, it seeks to validate the action of the present Government in allowing that same class of Collie miners since the 1st July of this year to continue drawing from the pension fund the same amount that they had been receiving in previous years. In addition to that, the object is to apply the same principle in case there should be any additional increase in the social services pension between the present and the time when this legislation is remodelled. So we propose firstly, to take out the inoperative Section 15 from the Act and, secondly, to validate the actions of the Governments of 1945 and 1947 in relation to continuing certain benefits from the Collie Miners' Pensions Fund, notwithstanding the increase in old-age pensions, and we declare that until Parliament has an opportunity to determine upon a new Act and a new basis for the scheme, the same principle shall continue to apply to the section that depends on social services pensions.

The measure will also validate the actions of the Collie Miners' Pensions Board in dealing with matters in the way I have explained. The Bill then declares that the provision for validating the arrangements I have mentioned shall continue in operation until the 31st December, 1948. Any departure from the strict determination of the Act in relation to the Collie miners, who are entitled to social services pensions or apart from those pensions, would be entitled to Collie miners' pensions, will not be permitted under this measure after the end of next year.

The reason why this limitation has been made is that there must be a re-examination of the basis of the Collie Miners' Pensions Act and the Collie Miners' Pensions Fund. Under the Act, a statutory examination has to be made this year. Such examination is now in hand, and it has been arranged by the Government that, in addition to determining the financial position of the fund, the report shall include recommendations with a view to formulating a scheme for Collie coalmine workers that will be actuarially found.

When the actuarial examination of the fund now in progress has been made and a new scheme has been formulated, the Government desires that the mineworkers and mineowners shall be afforded an opportunity of stating whether it is acceptable and whether they desire it to be implemented. If they desire it to be implemented in that form or with any variations they may suggest, the matter will be submitted to Parliament and Parliament will determine whether the fund shall receive legislative sanction. When Parliament, at the earliest possible moment, considers the matter, it will need to examine also the extent to which the ordinary revenues of the Crown will be required to be called upon if the scheme is to be maintained on an actuarially sound basis.

Meanwhile, as from the 1st July of this year, the Government has undertaken to advance from its general funds to the Collie Miners' Pensions Board an amount equal to the sums paid out without having had the strict authority of the Act under which it is working. Consequently, as far as the increases are concerned from the 1st July of this year the financial position of the board will not be affected by any amount that is paid out under the arrangement I have outlined.

That, shortly is the position. For reasons outside our control, reasons I have given, the Act has never worked in the way intended. Further, it has been found—and I think this will be confirmed by the actuarial examination now proceeding—that the financial basis of the fund has not been satisfactory and that, if it is to be satisfactory, some rearrangement will be necessary as to the contribution to be made by the various parties concerned.

Hon. A. H. Panton: The actuary considered it was bankrupt from his point of view three years ago.

The ATTORNEY GENERAL: That position is not peculiar to Western Australia.

Hon. A. H. Panton: That is so.

The ATTORNEY GENERAL: The New South Wales Coalminers' Pensions Fund has a deficiency, I believe, that runs into a very large sum indeed, and other States have found that a similar position has arisen there. We in Western Australia were, I believe, the last of the States to adopt a miners' pensions fund system. We based our legislation upon the parent Act of New South Wales, which was the first to start and whose Act was produced as the result of a Royal Commission that inquired into the coal industry in that State. The New South Wales Act was copied by Queensland and Victoria and then by us. The experience of those other States that have adopted this class of legislation is the same as ours: that is to say, from the financial point of view, it has not been found to work, and all those States of Australia, I understand, are now facing the same problem of getting on to a basis that will be satisfactory to all concerned.

In the circumstances that have arisen, the Government has felt it right to bring this Bill to Parliament and explain to members at the earliest opportunity the exact position. This has now been done. Until we receive the actuarial valuation that is now proceeding and get concrete proposals for a new scheme now being drawn up, we shall not be in a position to submit to Parliament anything in the way of amendment. If we were able to do so, a new scheme would be brought in straightaway. If a new scheme comes forward before the end of the session, consideration will be given to the question of laying it before Parliament, but we consider that, in view of the magnitude of the task and the desirability and necessity for consulting the coalminers, who are most affected, and the mineowners and having an examination made by the Treasury, it will not be possible to have a new scheme formulated before the House rises at the end of the year. Therefore, this Bill seeks to validate what has taken place, so that the present situation may continue until such time as a new scheme can be formulated, considered by the parties and submitted to the House for its consideration.

Hon. A. H. Panton: I presume it will not affect the contributions by either party.

The ATTORNEY GENERAL: Meanwhile the contributions by the Collie miners and by the owners and the Government will not be affected. I understand that the fund has in hand at present sufficient money to keep it going for a considerable time—at any rate the time we shall need to give consideration to the matter. There are some tens of thousands of pounds in hand, and the fund will be able to meet all liabilities for a considerable time to come, whatever may be the ultimate position at which it may arrive. So I present the measure for the consideration of the House.

The Leader of the Opposition said I had been somewhat perfunctory in moving the second reading of a Bill last night. I hope I have not gone to the other extreme on this occasion. The measure is a little technical, and I have endeavoured to make clear the fact that it is designed to meet the position that has arisen, and to keep the scheme going until such time as the actuarial examination can be completed and a new scheme formulated and submitted to Parliament in consultation with the coalminers and the coalowners. I would like to acknowledge the assistance which the Government has received from the member for Collie. He, of course, has a most extensive knowledge of the operations of the Act and we have been indebted to him for opportunities of consulting him on the position. I move—

That the Bill be now read a second time.

On motion by Mr. May, debate adjourned

BILL—LOTTERIES (CONTROL) ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE CHIEF SECRETARY (Hon. A. V. R. Abbott—North Perth) [5.22] in moving the second reading said: This Bill seeks to continue the operations of the Lotteries (Control) Act for a further period of three years.

Hon. J. B. Sleeman: I am afraid you have had a split in the Cabinet over this Bill.

The CHIEF SECRETARY: It will be remembered that that was the period agreed

to when the Bill was continued on the last occasion.

Mr. Marshall: Can you justify the period of three years?

The CHIEF SECRETARY: I shall try to. The public has continued to give strong support to the State Lottery. For the three years ended the 31st December, 1946, the income from the sale of tickets totalled £1,549,943 2s. 6d. and prize money aggregated £825,860. Expenses, including agents' commission, which we all know is 10 per cent. on tickets sold, absorbed £210,794 5s. 8d. The average proportion of subscriptions applied to expenses (excluding agents' commission) was reduced during the period from 4.5 per cent. to 3.8 per cent. It is reasonable to assume that, but for the existence of the State Lotteries Commission, by far the greater part of the very large sum of money invested with it would have been sent outside the State to lotteries conducted elsewhere.

In the circumstances, the Government considers that the Commission should be permitted to carry on for a further period of three years. It was pointed out on the last occasion when this legislation was continued that it was thought advisable to make the period longer than it had been previously. It was previously extended for 12 months. With the longer period the Commission can undertake the support of certain charitable functions which it could not possibly do if its life was limited to only one year.

Hon. F. J. S. Wise: Would you agree later in the session to introduce another amending Bill to make the life of the Commission concurrent with the life of the Act?

The CHIEF SECRETARY: That is a matter of policy and I would have to give it some consideration.

Hon. F. J. S. Wise: Do you see any objection to it?

The CHIEF SECRETARY: It is a matter to which I would require to give some thought.

Mr. Marshall: Is this Bill a unanimous decision of the present Cabinet?

The CHIEF SECRETARY: I do not propose to answer that question. I do not think it either fair or reasonable.

Mr. Marshall: The Bill will not go through until you do.

The Premier: It is a Cabinet decision.

Hon. F. J. S. Wise: Majority rule!

The Premier: That is so.

The CHIEF SECRETARY: As I was pointing out, or attempting to point out, on the last occasion the Commission was appointed for three years.

Hon. F. J. S. Wise: That was the life of the Act.

The CHIEF SECRETARY: Yes. The object, as then put forward, was to enable the Commission to act with some continuity in supporting certain charitable functions which it could not otherwise support. As a result, the Commission has subscribed very large sums to the Royal Perth Hospital which is now nearing completion. The Commission fulfilled its undertaking and it is necessary that its life should be continued. It does seem to be very foolish to renew the life of an organisation of this nature from year to year.

Hon. A. H. Panton: That is what we used to tell members for years, but they would not listen to us.

The CHIEF SECRETARY: They are convinced at last.

Hon. A. H. Panton: You always were.

The CHIEF SECRETARY: Probably I was, but I am convinced now. The idea of extending the period for three years is to enable the Commission to plan ahead and discharge its functions in a proper manner.

Mr. Rodoreda: What is a reasonable period?

The CHIEF SECRETARY: Three years.

Mr. Rodoreda: Why?

The CHIEF SECRETARY: I have tried to explain to the hon. member.

Mr. Rodoreda: Why would not four years be reasonable?

The CHIEF SECRETARY: Probably it would. Three years is considered reasonable for a term of Parliament, but a good many members would prefer a longer period. I would myself, but that is by the way. I do not propose to delay the House longer and I move—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—SUPREME COURT ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [5.30] in moving the second reading said: This is a Bill that has been introduced at the request of the Prime Minister. As members know, there have been established in many countries Australian embassies and also consulates in the U.S.A. and in many other oversea lands. Under the Supreme Court Act, 1935, of this State, provision was made by which ambassadors and ministers and consuls could act as notaries for the purpose of attesting documents that would be receivable as evidence in the courts of Western Australia. That is a very desirable provision to save expense in connection with authentication of important documents and the Bill proposes that the same power to attest documents notarially shall be given to Australian consular and diplomatic representatives abroad as was given by the 1935 Act in the case of the British. There can be no question that it is desirable our Australian consuls and diplomatic representatives should be given the same power to attest documents that we have already given to those of British nationality, and the Prime Minister wrote desiring that our law should be amended in those terms. I move—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—UNCLAIMED MONEYS ACT AMENDMENT.

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [5.32] in moving the second reading said: This Bill proposes to amend Section 2 of the Unclaimed Moneys Act 1912-1924, by expanding the definition of "company" in that Act to include a building society registered under the Building Societies Act, 1920-1921. Under the Unclaimed Moneys Act, companies are required to enter in a register all amounts of not less than £5 which have remained unclaimed for six years. Each year a copy of such register must be published in the "Government Gazette" and a statutory regulation relating thereto must be filed with the State Treasury. All moneys which are not claimed within a year after publication in this list in the "Government Gazette" are then paid by the company into the Treasury and the company is relieved of any further liability to any person or persons who may in fact be the owners of the money. When these moneys are paid into the Treasury they are kept in a special fund. They may be invested by the Government and the interest paid into consolidated revenue. If the Treasurer is satisfied that any claimant is the owner of money paid into the Treasury, he may direct the payment of such sum to the claimant, but the claimant is not entitled to claim interest that may have been earned by the Government during the period the money remained in the account at the State Treasury.

Hon. F. J. S. Wise: In any case the company has no claim on it.

The ATTORNEY GENERAL: No. The Act has two purposes. The first is to enable companies to get rid of unclaimed moneys and be relieved of any further liability. The second is that moneys shall then be received by the Government and the Government may benefit by any interest earned; and if nobody ever claims money then the people may receive the benefit of it rather than that the company should be able to put in into its own funds. Although the parent Act included companies it did not include building societies. One society in particular finds that it holds certain unclaimed moneys whose owners cannot be traced, and it wants to be able to dispose of those funds in a satisfactory way. It has suggested that in the interests of its own position and of other building societies in similar circumstances, the Act should be amended so that a building society may pay to the Treasury any unclaimed moneys in the same way that a company is able to do under the Act. A Victorian statute dealing with unclaimed moneys includes building societies as well as companies.

Hon. F. J. S. Wise: How many building societies have we in this State?

The ATTORNEY GENERAL: I could not say off-hand. I know there are not

many but some are operating on a large scale like the Perth Building Society. Then there is the Swan Building Society, a very old established concern, and the Fremantle Building Society. There may be others in places like Bunbury, Albany and Kalgoorlie. This amendment can be useful. It cannot do any harm and it will be in keeping with the intention of the parent Act. I move—

That the Bill be now read a second time.

On motion by Mr. Styants, debate adjourned.

House adjourned at 5.37 p.m.

Legislative Council.

Tuesday, 23rd September, 1947.

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

QUESTION.

PUBLIC TRUST OFFICE.

As to Expenses, Income, Etc.

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

(1) What were the total expenses of the Public Trust Office for the year ended the 30th June, 1947?

(2) What amount of overhead expense, if any, was borne by the Crown Law Department?

(3) What was the total income received during the year ended the 30th June, 1947?

(4) What was the amount, if any, of unclaimed moneys included in such income?

(5) What was the approximate value of work done gratuitously as a social service?

The *MINISTER replied:*

(1) £22,820 17s. 10d.

(2) Nil.

(3) £18,078 1s. 9d.

(4) £3,748 13s. 8d.

(5) No record.

MOTION—ELECTRICITY ACT.

To Disallow Radio Workers' Regulations.

Debate resumed from the 17th September 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. E. M. DAVIES (West) [4.35]: I desire to express my opposition to the disallowance of the regulations as proposed by Mr. Thomson. We have to realise that they were introduced primarily for the purpose of protecting the public. It has to be remembered that electricity is a force that must be controlled, and therefore there must be certain regulations issued for that purpose. The ones I am referring to at present deal with radios, which depend upon electricity as a force. For any unqualified person to be permitted to interfere with parts of a wireless installation means in the first place that we are not giving those who possess wireless equipment a fair deal because those who interfere with them as I suggest are not capable of dealing with that particular aspect. Secondly, in assembling various parts of a wireless it is necessary to have competent people who know their business in connection with the work that is undertaken; otherwise if something were done not in accordance with the factors governing the control of electricity there might possibly be an accident.

It is consequently necessary for regulations to be promulgated in the first place for the protection of the public; secondly for the protection of those who have wireless plants for repair and so forth, and thirdly, to protect those who employ technicians for the purpose of handling such sets