

# Legislative Assembly.

Tuesday, 6th October, 1942.

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

## ADDRESS-IN-REPLY.

### Presentation.

Mr. SPEAKER: I desire to inform the House that, in company with the member for Bunbury and the member for North-East Fremantle, I attended upon His Excellency the Lieut.-Governor and presented the Address-in-reply to His Excellency's Speech. His Excellency replied 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. (Sgd.) James Mitchell, Lieut.-Governor.

## ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, Feeding Stuffs Act Amendment.
- 2, Dried Fruits Act Amendment.

## FEDERAL SENATE VACANCY.

### Lieut.-Governor's Message.

Message from the Lieut.-Governor received and read transmitting a copy of a despatch received by him from the President of the Senate of the Commonwealth of Australia notifying that a vacancy had occurred in the representation of the State of Western Australia, in the Senate, Senator Edward Bertram Johnston having died on the 6th September, 1942.

On motion by the Premier ordered: That Mr. Speaker be requested to confer with the President of the Legislative Council in order

to fix a day and place whereon and whereat the Legislative Council and the Legislative Assembly, sitting and voting together, shall choose a person to hold the place of the Senator whose place has become vacant.

## QUESTIONS (3).

### CIVIL DEFENCE.

#### Precautions at Schools.

Mr. NORTH asked the Minister for Mines: 1, Is the question of improving and roofing school A.R.P trenches, also of protecting school windows from the effects of shatter, being postponed until the black-out-brown-out controversy is settled? 2, If not, will he announce his decision in this regard as soon as possible?

The MINISTER FOR THE NORTH-WEST (for the Minister for Mines) replied: 1, No. 2, This question has received the serious consideration of the Civil Defence Council, but on account of the demand for men and available material for defence works it is not possible to carry out all the work involved. Approval has, however, been given to complete the protective work necessary at North Fremantle school—which is deemed to be in the most vulnerable area—when the facilities are available.

### YANCHEP HOTEL.

Mr. MARSHALL asked the Premier: 1, In whom is the hotel, situated on the Yanchep Cave Reserve at Yanchep, vested? 2, From what source was the money obtained to erect this building? 3, Is the building, at the moment, encumbered in any way whatsoever? 4, If so, what is the amount of the encumbrance and who is the mortgagee? 5, If a mortgage is in existence, what is the interest payable per annum thereon?

The MINISTER FOR LANDS (for the Premier) replied: 1, State Gardens Board. 2, Money was borrowed from Mr. C. W. Arnott and the Collie Power Co., Ltd. 3, Yes. 4, The sum of £3,272 10s. is owed to the Collie Power Co., Ltd. 5, Four and one-half per cent.

### PILLAGING AT FREMANTLE.

Mr. BERRY asked the Minister representing the Minister for Police: 1, Is he aware of the abnormal increase in pillaging of soft goods from the wharves at Fremantle since the inauguration of clothes rationing? 2, Is such pillaging in the best interests of the

people of Western Australia and the war effort of this State? 3, What steps have been taken by the State Government to eliminate such pilfering and to ascertain if there is a "black-market" in this State for such pilfered goods? 4, Is the maximum punishment for these offences being imposed at present where guilt for such offences has been established to the satisfaction of the Court?

The MINISTER FOR THE NORTH-WEST (for the Minister for Police) replied: 1, The records of the Fremantle Harbour Trust disclose that there has been no increase in the pillaging of soft goods from the wharves at Fremantle since the inauguration of clothes rationing. In fact, the contrary would appear to be the case. 2, The answer to this question is obvious. 3, The Fremantle Harbour Trust employs a staff to deal with this problem, while the question of "black-markets" is receiving Commonwealth attention by means of legislation. 4, No. The measure of punishment imposed in convictions of this nature, which lies within the discretion of the magistrate or justices before whom the cases are brought, varies according to the circumstances in each case.

### PERSONAL EXPLANATION.

#### *Mr. Hughes and Criminal Code Act Amendment Bill.*

Mr. HUGHES: I desire to make a personal explanation. Early in my speech on the 16th September on the second reading of the Criminal Code Act Amendment Bill I quoted particular sections of the Criminal Code with which I proposed to deal. The quotation, however, was not complete, and was intended to be as follows:—

The sections of the Code to which I shall refer are Section 209 dealing with bawdy houses, Section 210, dealing with gaming houses, Section 211, dealing with betting houses, Section 212 dealing with lotteries, and Section 213 dealing with the four preceding sections.

### BILL—PUBLIC AUTHORITIES (POSTPONEMENT OF ELECTIONS).

#### *Second Reading.*

Debate resumed from the 8th September.

MR. NORTH (Claremont) [2.27]: The Bill affects various bodies, apart from local authorities. During the recess I noticed an announcement in the Press that under the National Security Regulations arrangements had been made to postpone for some

months elections in connection with local governing bodies. Regarding the Bill as a whole, my point of view, which I have reached after conferring with certain local authorities and noting the views of the public generally, is that no election, State or local government, should be postponed unless a state of emergency at the time warranted that course being adopted. It would be very hard for the public or, for that matter, the Premier, to decide whether conditions at a particular time justified the abandonment of elections. Apart from that, whenever a local authority or the ratepayers of a local government district desire an election to be held, it should take place. That course could be adopted by the local body concerned notifying the Minister, or by means of a petition from the ratepayers of the district affected. It seems to me that the Bill will have little effect except in the event of a state of emergency being so apparent that the Minister would be forced to act.

In that event, any such request from a local authority or from ratepayers would naturally have to be overridden. I am thinking of a state of emergency arising as a result of which the General Officer Commanding the Armed Forces would decide that such elections were out of the question. I should like to see the Bill amended so that in arriving at the final decision regarding the holding of elections, including the State Parliamentary elections, the Minister concerned will be directed to consult the General Officer Commanding the Armed Forces in Western Australia. He alone would know whether in the circumstances then existing it was right or wrong to hold elections. I am sure that no member would wish to remove either local authorities or Parliament itself from the power of the people to choose their representatives. The Minister, I am sure, is actuated merely by the desire to meet a case of national emergency. If the Bill is amended to make provision for holding elections where desired, I shall support it.

MR. SAMPSON (Swan): I realise that the Minister has introduced the Bill with the best of intentions but, if we consider the feelings of a large section of the public, the provisions of the measure will not receive support. We hear much talk about democracy and I suppose we have some ap-

preciation of it, although voting is permissible only when rates are paid or occupancy is given. The effect of passing the Bill, in my opinion, would be injurious to the public spirit of the State. At least some of those persons who give their services without payment to local authorities would feel discouraged. In my electorate there is no municipal council, but the same principle applies to road boards. While elections nowadays are not regarded with the same seriousness as they are in normal times—as a matter of fact there has been a steady decrease of interest in elections since the outbreak of war—there can be no question but that the people have a very jealous regard for their rights in the matter. While those rights are maintained very little interest might be shown in elections, but I am positive—and this can be gathered from the reception given to the Bill—that if there was any likelihood of those rights being denied them, the interest in elections would at once increase. If elections became unnecessary, those who occupy positions on elected bodies would lose very much of their interest. I do not mean to infer that a member would be less earnest and sincere in his endeavours, but he might be inclined to fear that he did not have at his back a majority of the ratepayers concerned.

Mr. Warner: Do not you usually get a walk-over at Darling Range?

Mr. SAMPSON: The Minister, in his capacity as member for an electorate, would not feel nearly as comfortable as he does, nor would he be prepared to proceed with his work, unless he knew that he had the support of a majority of the electors of his district. The same thing applies to municipal councils, road boards, local boards of health, water boards and other bodies whose personnel is elected. The great incentive that members of public bodies have is the feeling that they represent a majority of the electors who have thought sufficiently highly of them to vote for them.

I am hopeful that the Bill will not be passed in its present form, because I would feel very sorry if some action on our part had the effect of discouraging the public work done by members of road boards and others. Our aim should be to do all in our power to encourage public service, which is very useful to the community and, as I have pointed out, the support of the public and the extent of that support are known to

those who are elected to office. In this they find a very definite incentive to continue to do their best for the community. Some members of municipal councils and road boards have been elected time after time, but I believe that if there had been no elections they would have lost interest years ago. Before the recent order under which road board elections were postponed for 12 months and municipal council elections till January next, we had a very useful method in operation, and I am sincere in my belief that we would be wise to allow that method to continue. It is only fair to the Minister to say that, since this Bill was submitted to the House, there has been a considerable revulsion of feeling against the postponement of these elections.

HON. C. G. LATHAM (York): I point out that local authorities have recently been loaded with a great deal more responsibility than is provided by their own statutes. For instance, they have recently been requested by the Commonwealth Minister for Supply and Development to accept certain responsibility for the distribution of petrol and other commodities in the event of an emergency. In ordinary circumstances it is not usual to cast such responsibilities upon local authorities. The local governing bodies, particularly along the coast, have a great deal more responsibility today than they had previously. Having some knowledge of what was done by semi-governmental people in France during the 1914-18 war, I can fully appreciate the extent of the responsibility we shall be throwing upon our local authorities in the event of any serious event occurring.

I consider the Minister was right in introducing the Bill. Last year, under a National Security Regulation, the elections were postponed. In the adoption of that course I concurred, because the members of local authorities were being instructed in the action to be taken by them in certain circumstances, and it is not desirable to make more changes than are necessary.

We must have continuity of effort in carrying out instructions issued by the Commonwealth Minister for Supply and Development and also by the State. For that reason I thought it wise that we should have some system of postponing elections. The position would be difficult if elections were being held at a time when local authorities were called upon to perform highly

important services of a special nature. Unlike this House, a municipal council or road board always has about two-thirds of its members in office; and thus there is some continuity of policy. But in the circumstances I have in mind local authorities, like the Government, would have some highly unpopular actions to take. There may be introduced into local government people who would be quite prepared to accept responsibility for such actions but would not be in possession of the knowledge urgently needed. The Bill contains a safeguard. If the people of a local government area considered they were not receiving reasonable administration, they could ask the Minister to authorise the holding of an election.

Hon. N. Keenan: The Bill does not provide for that.

Hon. C. G. LATHAM: No, but it has been suggested by the Minister. We should view this matter from exactly the same standpoint as we have viewed the postponement of State elections. To make drastic alterations during the present crisis would not be wise. We do not know what might happen from week to week. Therefore I trust members will not consider the Bill merely as if we were living under conditions of peace and knew what was going to happen next week or next month. It should be viewed in the light of the conditions of emergency under which we are operating. Exactly as it is necessary for the Commonwealth Government to delegate certain powers to this State Government, so it is necessary, in the same circumstances, for the State Government to delegate powers to local authorities. I have often thought it would be wise if a member of our State Government would discreetly get hold of members of local authorities and instruct them as to what their responsibilities would be in the case of an invasion. Let us take into consideration what might have happened at Broome if the local authorities of that town had been instructed as they might have been instructed.

Local authorities should, under present conditions, be instructed how to act if certain contingencies arose. We have municipalities and road boards in the far north and in the south. How is one to contact all those people in case of an invasion? Secret, sealed instructions have been issued to local authorities. True, those instructions could be handed over to other persons but, in

addition, verbal instructions have been given to members of local authorities who have met from time to time in conference in various parts of the State. I am afraid the member for Swan does not realise the position. Possibly control could be established in his district if certain contingencies arose, but other districts are isolated. For instance, Albany could be cut off from the rest of the State at very short notice, and the people there would have to act spontaneously. Would the responsibility rest on the Mayor of Albany?

In France, I know, the mayor of a town is responsible for the civil population. The military authorities do not, for instance, look after the feeding of civilians. Further, the mayor of a French town is also responsible for the good conduct of its population. We should be careful to avoid throwing the populations of towns and road districts into elections at a time when it is vitally necessary that no changes should be made. If there are cases for which the Minister would wish to provide, they can be provided for; but to hold municipal and road board elections throughout the State now would produce an undesirable effect. What might happen on the Saturday early in April when road board elections are held, or in November when mayoral elections take place? We do not know! Very serious positions might arise. Again, the mayor of a town and the chairman of a road district would be responsible for the collection of fines imposed by military authorities.

MR. STUBBS (Wagin): This is a war-time measure introduced by the Government of the day, and I am solidly behind the principles enunciated by the Bill. I was indeed surprised to hear some of the arguments advanced against it, chiefly by the member for Swan. To my mind, they do not hold water. I have had considerable experience not only in the halls of the Legislature of Western Australia but also in Western Australian municipal affairs, and for the life of me I cannot subscribe to the views expressed by the member for Swan. One object of the Bill is to save expense by not holding elections if they are not required. The hon. member, however, declares that the Bill ought not to have been submitted for consideration. As to that I join issue with him for more reasons than one. I remind the House that municipal and road board members give their services gratuitously.

Let me ask who in this Chamber has not given years of his life in order to be, in an honorary capacity, even a humble cog operating for the progress of the State of which he is a citizen? Am I right or am I wrong in asking members to view the Bill in that spirit? I am entirely in accord with the safeguard which the Minister desires to submit for discussion.

The amendment of which I have given notice goes by the board, because I believe the Minister's amendment is the better one. Without dwelling on that aspect I ask, why does the member for Swan desire to throw the Bill into the waste-paper basket? Is it because the members of all these public organisations function in an honorary capacity? That is no argument. I live in a town where a large proportion of the citizens do not see eye-to-eye with the local governing body, and that is my reason for supporting the Bill. If I were a member of that body and knew that large numbers of people did not see eye-to-eye with me, I would be the first to fire in my ally and say, "I am going before the public, which shall judge whether in the services I have rendered—gratuitously, as the member for Swan said—I have been actuated by pure and conscientious motives." If the verdict was, "Sydney Stubbs, you have fallen down on your job and we are going to kick you out,"—

The Premier: Never!

Mr. STUBBS: I would bow to that decision.

Mr. Sampson: No can do!

Mr. STUBBS: I would have no option, of course. If the member for Swan has any idea that he will sway me by the argument he put up why this Bill should not become law—

Mr. Sampson: I am beginning to think you are not with me!

Mr. STUBBS: The member for Swan will have an opportunity, when the Bill is in the Committee stage, to refute my statement. I gave him full play to air his views, to which I am definitely opposed in every shape and form, as they do not carry any conviction with me. I hope the Bill will receive the unanimous support of members, because it is a wartime measure, the aim of which is to prevent useless waste of taxpayers' money in holding an election. An election, whether it be a municipal or road board election, costs a good many pounds. The Minister is

desirous of saving that useless expenditure. He proposes, however, to safeguard the position by saying that if a certain percentage of the electors desires an election to be held and presents a petition to him, he will recommend to Executive Council that the election be held, whether it be a road board or a municipal election. I ask members to agree to the Bill, subject to the safeguard which I have mentioned and which we are not allowed to discuss on the second reading. I am 100 per cent. in favour of the Bill and congratulate the Government upon bringing it down.

MR. HUGHES (East Perth): I do not think this Bill is a question of Subiaco or any other municipality. Subiaco has loomed quite largely in the debate. When I first came to Perth, Subiaco was looming largely in the public eye as the model suburb, but it seems to me that the model has fallen. There is, however, a big question in this Bill, a big principle, bigger than Subiaco and bigger than the State of Western Australia. The people of this State would be very foolish if they ever gave up, without a fight, one iota of their right to control governments, whether such be municipal, local or national. The only difference between us and the people we are fighting—at great cost and unfortunate loss of life—is that we believe, or profess to believe, that the right of government rests in the people. Our enemies believe that the right of government rests in a small section of the people who by nature are more endowed with intelligence and ability to rule. That is what the war is about. It is time our war effort was "debunked," starting from those in high places and coming down.

The things we are doing and saying and putting on to the war are too ridiculous for words. Everybody who wants to do something finds the war a good excuse. It is a wonderful opportunity, when war is on, for some people to run other people's lives, especially for people who love the limelight, who set up codes which they themselves do not follow, and who push people about and want you, Mr. Speaker, and me, to follow them. The first essential in regard to the war is to "debunk" our present war effort and face up to the war as it really is. I think one would be fairly safe in predicting that the war is pretty well set for

ten years at least. Are we going to have no elections for ten years?

Hon. W. D. Johnson: Surely it does not follow, because you say the war will continue for ten years, that it will necessarily continue for that period!

Mr. HUGHES: No! Some people honestly believe they will one day pick up the morning paper and find a revolution has broken out in Berlin and the German Government has been dethroned.

Mr. Cross: That might happen.

Mr. Stubbs: Are those people the majority? If so, God help us!

Mr. Warner: God help them, too!

Mr. HUGHES: Because of that belief, some people think the war will end in three, six or twelve months. We are just as much entitled to a guess as are those people. It is only my private opinion—and that may not be of much value; it ought not to be, as members are getting it for nothing—that the war is just as likely to continue for ten years as for three years. I rather favour the opinion that it will continue for ten years. Our electoral laws provide—I am not sure whether the provision is contained in the Municipal Corporations Act or not—that if a poll is taking place and an interruption occurs, such as a revolution, a riot or any other incident, which precludes the polling from being continued, the presiding officer may adjourn the poll: or, should he be unable to do so, the poll is automatically adjourned to some other day. If we were in the midst of a municipal election and the country were invaded—I hardly think it would be invaded without an hour's notice—the presiding officer could adjourn the poll.

Mr. Cross: The enemy might bomb the ballot box!

Mr. HUGHES: If a bomb destroyed the ballot box, that would be a chance for the member for Canning to come in on behalf of his candidate. The taking away of the rights of the people to re-elect their representatives I submit is bad in principle, because the more we educate people who are holding public offices to decry the necessity for a public election and the keeping of the sovereignty in the hands of the people, the more we approach the Nazi system. I submit that we have a fair dose of the Nazi system in Australia at present. We hear a lot about the efficiency of the Nazi system. One prominent man in town said to me the

other day, "We have all the worst of it but unfortunately we do not seem to have any of the efficiency." Therefore, human nature being what it is, if we place unrestrained power in the hands of people, they are apt to abuse it. Not a great many people can stand a sudden accretion of power or, if they realise they are not accountable to anybody, can use power without abusing it. So, fundamentally we ought to say that we are not going to postpone the municipal elections unless there is some very grave ground for so doing.

What grounds are there at present for anticipating that there will be any difficulty in holding municipal elections during the next two or three months? We might just as well say we ought to postpone the next State election, because there would be no more dislocation in the holding of a State election than there would be in holding municipal elections, and I am sure nobody is going to suggest that we should again postpone the State election. I am sure we realise that we cannot again take from the people the right to hold a State election. The position is much better from the standpoint of municipalities and road boards than from the standpoint of the State as a whole because, as has been pointed out, there is no complete abolition of the governing bodies of municipalities and road boards. Only one-third of the members retire each year, and the bodies concerned remain constituted throughout the period. The town clerks and road board secretaries, who carry out the day-by-day routine work and are directed by the councils and road boards on questions of policy, do not vacate their office. They carry on their duties just the same on election day as on any other day. At the time of an election there will be no interruption in the governmental functions of the bodies concerned, and if the road board secretaries or the town clerks desire consultation with the councillors or the road board members, there will be at least two-thirds of those men available. What excuse can be advanced for saying that there shall not be an election?

The holding of a municipal election does not involve any more in the way of organisation and bringing people together in crowds than does the holding of a race meeting, or a football match, or many other functions that take place on Saturdays throughout the year. We do not say that

because we may have an invasion, or some other calamity may befall us, there cannot be on a Saturday afternoon a football match, or a cricket match, or a race meeting, or a picture show, or any similar function that brings together large congregations of people, and would be likely to cause trouble in the event of an invasion. I oppose the Bill, and hope the House will not carry it. It is a bad precedent, and is quite unnecessary. Particularly when we profess to be fighting for the ideals of democracy, we should adhere rigidly to the principles we stand for, and say that we are not going to take from the people any more rights. As a fact, we are rapidly approaching the stage when the individual in the community will have no more rights than the individual living in Munich, or Bavaria or any of the German provinces. He is just a regimented automaton. He does not know from day to day what regulations will be promulgated.

I do not mind regimentation and the abandoning of citizen rights, insofar as they are necessary to an efficient war effort and for the defence of the community, but in my opinion a number of our rights are being unnecessarily curtailed and taken away. Because some junior clerk in Canberra has a flair for draftsmanship, regulations are churned out that interfere quite unnecessarily with people's rights. Governments, and particularly the Commonwealth Government, should hesitate to introduce regulations, and should be satisfied when drafting them and curtailing the liberty of the subject that the powers are needed and that it is necessary to use them to the extent that they are used. We ought not to encourage the Commonwealth Government by showing that we too, on the slightest pretext, want to take away the rights of the people. I hope the Bill will not be passed.

**MR. MARSHALL** (Murchison): I agree with the member for East Perth, but I oppose the measure for the reason given by the Leader of the Opposition in support of it. The greater the responsibility reposed in any particular organisation, the greater is the need for its not being removed from control by the public. The Minister advanced little or no argument in support of the Bill, and forgot entirely the principle contained therein. Individuals as well as organisations are prone to use the fact that we are at war as a means of thrusting their will upon the

public, or securing from the public some concession. They argue that things must be done because there is a war on. There are two philosophies in conflict. One was mentioned by the member for East Perth: that the State is everything and the individual nothing. Individuality must go by the board. The State is an institution which is controlled by a few and to which all must bow. That is one philosophy, and we disagree with it. We spend millions of money and sacrifice many lives in order to prevent that philosophy being thrust upon us. We say that the individual and his freedom are everything, that it is the individual who goes to make up the State, which should obey his will.

This Bill is a negation of that philosophy for which we are fighting. The measure seeks to remove from the public the control of its representatives. What for? According to the Minister, mainly to save manpower, material and money! I suggest that, if efficiency prevailed, the amount of manpower involved in bringing the rolls up to date would be infinitesimal. The Minister mentioned that the roll for the City Council of Perth involved the compilation of a list consisting of 26,000 names. That may be true, but I put this to the Minister: Is it essential in time of war that the whole 26,000 names should be transferred from one list to another? Is there no such thing as a supplementary roll for these people; could not the few additions, removals or alterations be compiled in a supplementary roll not involving the amount of work in bringing into existence an entirely new roll, wherein 26,000 names are essential but perhaps only 2,000 or 3,000 alterations necessary? There are numbers of people with ability who cannot join the Services due to their age or other incapacity, and they could do this work and do it efficiently. I do not think there would be any scarcity of labour or any competition with the war effort through getting people to do this particular type of work.

I come now to the next point—material. Tons of materials which, in the main, consists of paper, are being utilised today on matters of no importance. I will give an illustration. On a hoarding on my way into this city from Redcliffe is a huge square piece of paper and on it is written—"For Victory this Year Open the Second Front Now!" That has been done by someone, I suppose,

who knows as much about military activities as a pig knows of the virtues of paradise.

Mr. Stubbs: That is a reflection on your own administration!

Mr. MARSHALL: That paper would be sufficient for a complete list, or very near it. That is only one illustration. I do not really think there is any great weight in that argument. Again, too, some people study economy and efficiency and have circulars printed. They use only one side, then cancel it and turn the circular over and use the other side. I do not know why that could not be done in this case. There are many ways in which economies could be effected without great expenditure, and definitely without bringing into existence competition between the local authorities and the Commonwealth Government in the war effort.

Then we come to the money part of it. Again, much economy could be effected. The Minister gave us a list consisting of 457 pages. That comprises the whole of the 26,000 names. Surely we do not want to transfer them from one list to another? If that is not done we would not have to spend the large amount of money mentioned, £815. These figures and statements are of an exaggerated character. Much economy could be effected. Supplementary rolls could be provided at a much lower figure than was mentioned to us. I agree with the member for East Perth. I do not like this principle of removing from the control of the people their public representatives.

Mr. Stubbs: Why not advocate a State election for you and me and everyone else?

Mr. MARSHALL: As far as I am concerned the State elections will take place, and so will the Federal elections. We have got to the stage where some of the European dictators would, I feel confident, become pale with envy if they could only observe the autocratic powers adopted by some people in this country, with its alleged democracy.

Mr. Hughes: They would say, "Give us democracy!"

Mr. MARSHALL: Yes. We are regimented, commandeered, conscripted, rationalised and rationed.

Mr. W. Hegney: And criticised.

Mr. MARSHALL: I do not know that by comparison there is so much difference between this country and the totalitarian countries so far as individual freedom is concerned. No! There is far too much of

this sort of thing. It is said that power like wine goes to the head, and I believe there is much truth in that statement. Another great thinker at one time wrote that "power corrupts, and absolute power corrupts absolutely." I think we are drifting along those lines. I look with a great deal of disfavour upon measures of this sort. The public should be made to realise that this is the very soul of citizenship. If Governments are removed from the power of the people we have the very thing which we pretend to hate so much.

Mr. Patrick: Have not these elections really been postponed by the National Security Regulations?

Mr. MARSHALL: I am not arguing that point. I do not care. I am still opposed to the Bill, and if I were in a Federal House instead of here I would be speaking against it there. The opportunity at the moment presents itself here.

Mr. Stubbs: In your opinion Mr. Curtin is wrong!

Mr. SPEAKER: Order!

Mr. MARSHALL: I will not support a measure of this sort. It is wrong in principle. We are always believing that something is going to happen when we want to do something like this. If these elections were to take place it may be that they would coincide with a raid, but in such circumstances they would be automatically postponed without further ado, I should say. But that would not, in itself, hold me responsible for depriving the people of their right to control their representatives in any sphere of life. It is possible if this Bill becomes law and certain amendments are made to it that the people, if they feel so disposed, can call upon the Minister to take action to deprive them of the right to vote, and that is all right. That does not alter the fact that members are asked to vote for this Bill. They know that the people will tolerate a great deal before they will welcome any inconvenience that would be involved in running around with petitions. It is very difficult to induce persons to do that sort of thing. They would rather put up with an inconvenience, and that is one of the dangers of a principle of this kind. That is the way which opens the door to dictators. A dictator immediately sees that the people are not capable of ruling themselves because they display indifference regarding certain matters of importance, and



he then sets out to bring in the necessary reforms. I can foresee the danger of our civil rights being encroached upon by the military authorities, and that is the next and final step towards a dictatorship. I intend to oppose anything suggestive of the introduction of dictatorial methods such as would involve the spilling of good Australian blood upon foreign battlefields.

**HON. N. KEENAN** (Nedlands): This Bill was brought down to give to the Minister power to postpone elections held by bodies mentioned in it, these including municipal councils and road boards and such other authorities as the Fremantle Harbour Trust, the Fremantle Tramway Board, and drainage and vermin boards. The reason given by the Minister in charge of the measure for its introduction was that an approach was made to him by the Road Board Association, and that in compliance with the request of the delegation from that body power was obtained under the National Security Act and regulations brought down under that Act to postpone the elections. That power did not cover the preparation of ratepayers' rolls of municipal corporations and road boards, and this Bill has been brought down to fill the hiatus. I hope I am correct in stating that that is what the Minister said, because I was not present when the second reading was moved, and I have only gathered from others and from what I have seen that that is what was said.

Apparently the only reason for the introduction of this Bill, apart from the merits of the case, is that action has been asked for by the Road Board Association. These steps have been taken in consequence. It has been found that the power given by the regulations made under the National Security Act was not sufficiently complete. It did not enable the matter of the preparation of the rolls to be dealt with, but only gave power actually to postpone the elections. As to the merits of the Bill there is a difference of opinion on the part of different people. The Nedlands Road Board in my electorate is opposed to the Bill. It carried a motion, a copy of which was sent to me, stating that it was opposed to the measure in toto. I presume therefore that, when taking part in the meeting of the Road Board Association, the Nedlands Road Board was in a minority.

**Mr. Watts:** Did the Road Board Association meet for the purpose of considering the Bill?

**Hon. N. KEENAN:** I do not know whether the Association met specially to consider the matter, or whether it cropped up in the general discussion. The view of the Nedlands Road Board is that it does not want any interference at the will of the Minister with the statutory provision for the election of members of that body. I do not wholly agree with the view taken by that road board, although I think provision should be made—apparently from the notice paper it is intended that provision will be made—to allow bodies which contain a certain element of opposition to the measure to hold an election. That, however, is not a subject I am at present at liberty to discuss. My reason for dissenting in some measure from the attitude taken up by the Nedlands Road Board is not on the ground put forward by the Minister, not on the ground of the expense to be incurred, not on the ground of the manpower that might be affected, but on perhaps broader grounds, namely, that anything which tends to introduce matter that is hostile to a united effort in the prosecution of the war should be vetoed.

**Mr. Hughes:** Such as the proposed Federal referendum.

**Hon. N. KEENAN:** A Federal referendum undoubtedly should not come forward in the present state of affairs. It would be a positive disgrace that the people of Australia should be thrown into a turmoil at a time when unity is the greatest possible necessity. But because a blunder is made of that kind by an authority which cannot be controlled there is no reason why we should allow a blunder to be made by any authority that we can control. If the amendment that appears on the notice paper in the name of the Minister is accepted I see no reason why the Bill should be opposed. If in fact there is less than one-tenth of the ratepayers of a road board or municipality who require an election to be held surely there is no ground for holding one. One might be justified in describing that as a miserable minority. Probably members will agree that it is easy to find one person in ten who will differ from the rest.

When the time comes to discuss in Committee the proposed amendment it may be felt that a ratio of one in ten is too low. We generally find there is at least one person in ten who takes the view of a dissenter, and who would be prepared to demand the holding of an election. It is, however, outside my right to discuss that point on the

second reading of the Bill, and I am obliged to you, Mr. Speaker, for not having dealt with me with some severity, because the Bill itself does not deal with it. If the provision to which I refer had not appeared on the notice paper, and were it not certain that the amendment would be moved I might hesitate to support the second reading. As, however, the amendment does appear on the notice paper, and will most certainly be moved and I hope accepted by the Committee, I see no reason why I should not support the measure.

**MR. McDONALD** (West Perth): For the reasons given by the member for Nedlands I propose to vote for the second reading. This is not a Bill to postpone elections for 12 months or for any other time. It only confers upon the Minister power to postpone the election of any local authority for 12 months—a normal period—or for a shorter period if that is preferred. The Minister has the advantage not only of the knowledge that comes to him as a citizen but also of the advice of the local governing department. I venture to think that if any local authority made representations to him that it did not want an election postponed he would not postpone it.

**Mr. J. Hegney:** Would not the elections be automatically postponed?

**Mr. McDONALD:** No, they would not; no election is automatically postponed. Under the provisions of the Bill they are postponed only on the Minister's initiative by way of a recommendation through an Order in Council. If any road board or any other local authority wanted an election held, I think it extremely unlikely that the Minister would postpone the election. In addition to that, if there was any body of opinion evident in any local government district indicating discontent with the personnel of the road board or municipal council, and that fact was known to the Minister or to the Local Government Department, it is unlikely that the Minister would postpone an election in that particular district. Furthermore, as an amendment which appears on the notice paper indicates, it is proposed to incorporate another safeguard so that the ratepayers themselves can directly intervene to prevent an election being postponed. Why should we at this period force an election upon a local government district, the ratepayers of which did not desire it?

What would be the advantage of holding an election automatically at Wyndham where the township has been bombed and the ratepayers have left the district? Of what use would it be to force an election at Broome or Derby, which centres have also been bombed and the local residents have gone away? Why should we have an election in, say, the Hall's Creek area and compel ratepayers who wanted to vote and, in fact, should vote, to travel scores of miles in these days when they have not the necessary petrol supplies or even the required conveyances to take them to a centre where they can vote in an unnecessary election, merely because some individual who really has no chance of securing election may happen to succumb to an impulse to take advantage of the opportunity and submit his nomination? I see no good reason for forcing an election in these days in any district that does not desire one to be held, and the Bill will, I think, sufficiently safeguard that position. I had proposed to move an amendment in the form that appears on the notice paper. The principle I have in mind is also embodied in an amendment that the Minister subsequently placed on the notice paper. I am prepared to support the Minister's proposal because it embodies the principle that I think should be included in the Bill.

There is one further point I shall make. I would like the Minister to consider whether or not he should provide power in the Bill for ratepayers of a ward to demand an election and to limit the election to that particular ward. Should a local government district comprise five or six wards and the ratepayers in one ward only desire an election, I do not know that it necessarily follows that an election should be held in the other wards. I think the Minister should give that aspect some consideration when he moves his amendment.

**MR. WATTS** (Katanning): If I remember aright, I think that in the course of this debate one member expressed the view that local government elections constituted a waste of public money. It seems to me that that is an extraordinary point of view.

**Mr. Marshall:** It would not represent a waste if a war was not in progress.

**Mr. WATTS:** It would seem to be a rather extraordinary point of view of the right of the public to exercise the privilege of saying who shall or shall not be their

representatives on a local government body. I am in accord with the view indicated by the member for Murchison. I would not have risen to participate in the debate had I not received communications from local authorities in the electorate I represent. I think there are six or seven road boards in the Katanning electorate and the majority of them have written asking me to oppose the Bill. There are sound reasons why that request should be acceded to. A number of extraordinary suggestions have been made regarding proposed amendments to the Bill which, I admit, does not, as it stands, require that elections for local authorities of various kinds should necessarily be postponed.

One of the suggestions is that if 10 per cent. of the ratepayers in any particular district desire a poll to be taken, they have to sign a petition and acquaint the Minister accordingly. That may be—although I doubt it—a satisfactory method to adopt in areas where the ratepayers are more or less gathered together in a community, and where 10 per cent. would be easily accessible at small cost. But I suggest that with regard to country road boards possessing comparatively large areas with somewhat scattered populations, whoever undertook to get up the required petition to embody the signatures of even 10 per cent. of the ratepayers affected, would be involved in the expenditure of money and the use of another substance possibly more valuable than the sum involved, which would mean that the cost of securing the petition would represent more than the cost of the election held in the local government district.

Mr. Warner: But 10 per cent. of the ratepayers usually gather on the railway station when the train comes in.

Mr. WATTS: That may be so but, on the other hand, it may not be so. In these days there are not the gatherings at railway stations that we saw formerly. I think the member for Mt. Marshall will agree with that statement. Take the position regarding the Kent Road Board. Small as the area of the road board district is, comparatively speaking, it extends for a distance of over 106 miles, and the number of people in the area is admittedly not great. In that district it would be extremely difficult and, in my opinion, quite onerous, to get up a petition such as that contemplated in connection with this measure. Then again

the suggestion has been advanced that if a local authority were to request the Minister not to postpone an election, it would be unlikely that the Minister would postpone it.

The Minister for Works: He certainly would not postpone it.

Mr. WATTS: It is satisfactory to have that information. But the objection I intended to raise still stands. That objection is that it would appear that not this Parliament, nor yet the Minister or the Executive Council is to determine whether an election is to be held in a particular district. The determining body is to be the local authority itself. In those circumstances, if members of a local authority have reason to believe that their behaviour over a period of 12 months or more has been such that they are likely to get short shrift from the ratepayers, they can easily pass a resolution indicating that they do not desire an election to be held.

The Minister for Works: It could operate in the opposite direction.

Mr. WATTS: If they did desire an election, but were in the position I have suggested, then they could not pass a resolution and have the elections postponed. It seems to me to be going the wrong way about everything. I would be prepared to agree to a measure that would empower the Minister, should a state of national emergency affect a particular district—if I may use that expression in such a connection—to postpone an election at the time.

The Minister for Works: Or perhaps a state of emergency in the road board affairs.

Mr. WATTS: The emergency I had in mind was not of that description, but of one associated with an invasion by Armed Forces. I think that if a measure were brought down embodying provisions that would meet circumstances, should they arise, such as those indicated by the member for West Perth in relation to the North-West centres, we might agree to the legislation, but I do not like the proposal submitted to the House in the present Bill. There is another point to be considered, namely, that the proposal will upset road board methods that have been adopted for many years, under which it is ensured that all members of a local authority do not go out of office at the one time. I have always understood that the system that one-third or thereabouts of the members should retire in each of the three years was initiated in order that there

might be some continuity, as it were, of government and methods and that there should remain on the board members who had some experience of the affairs of the board and the district. The elections have already been postponed till 1942. If they are going to be postponed till 1943, this will have the effect in 1944—if there be no further postponement—of putting the whole board out in that year, and in those circumstances the principle set up and closely followed in local government legislation in this State for many years will be completely upset. Should the proposals embodied in the Bill be given effect to, we shall have one local authority placed in that situation while another local authority next door holds an election. Seemingly this measure has been poorly conceived and ill-executed, and certainly it should not be placed on the statute-book. I, therefore, with some regret, because I believe that a Bill could have been brought down to meet the circumstances that might conceivably arise, must oppose the second reading.

**HON. W. D. JOHNSON** (Guildford-Midland): This is a kind of emergency legislation, and I am always a little fearful when a State proposes to interfere in matters over which it has no jurisdiction and for which it has no responsibility. This is actually a measure associated with the circumstances of the nation at war. The nation is guided by the central Government, which has a full knowledge of the circumstances at the time a question arises requiring special consideration from the point of view of the war situation. The central Government can respond promptly by introducing a regulation to meet the situation at the moment. In my opinion there is no need for us to interfere in any way by passing or amending our legislation. If the circumstances of the nation demand some action, the Government that is responsible for the guidance of the nation should direct the course to be followed.

I do not like to find a State Parliament interfering in matters associated with the war and the prosecution of the war except to the extent of working in close collaboration, unison and helpfulness with the central Government. For us to start legislating in anticipation of something arising associated with the war is going beyond our province. It might cause us to be out of step from an Australian point of view. We might be

doing something that is not being done in Victoria; and why should that be so? The war affects the nation and, if the war situation demands action, it should be national action. We in Western Australia should not say that, because of the situation in regard to war and defence, the municipal and road board legislation covering elections should be amended. The ratepayers of Victoria might not take that point of view.

Mr. Kelly: You would be guided by Victoria?

Hon. W. D. JOHNSON: Certainly not, but our ratepayers should not be out of step with those of Victoria. The war circumstances are national. It would be absurd to suggest that circumstances might arise in Western Australia that would not apply to South Australia. If there is going to be necessity for action of this kind, it should be taken under the National Security Regulations, just as other requirements have been provided for.

Two years ago we passed civil defence legislation. We now know that to pass it in the form we did was very unwise, and I question whether there was any need at all for it. I admit that it has involved the State in a great deal of expenditure, but I question whether this was justified in view of the fact that all the sinews of war are raised by the central Government and all the responsibility for and expenditure on war should be guided and directed by the same authority. In passing that legislation, we got out of step with the other States, and we did so because we interfered in something that we really could not guide and direct. We tinkered with the matter, and we tinkered with it from a parochial or State point of view, instead of working in with the central Government and under its direction contained in regulations. The direction of the people's welfare, conduct and discipline can be provided for only by national regulation.

Mr. Cross: Many of those regulations are as clear as mud.

Hon. W. D. JOHNSON: That might be so, but there is no other way of governing during a period of war. Circumstances arise and change so quickly that Parliament could not be summoned to pass legislation to meet every contingency. Neither could Parliament anticipate and pass legislation for something that might possibly happen. These questions can be provided

for only by regulation. This matter of the postponement of elections should be provided for by national regulation; it should not be made a State responsibility. If the circumstances demand a postponement of local government elections, a national regulation could be promulgated, and we would then know that it would be equally applicable in all the States of the Commonwealth.

Mr. Seward: And we could not revise it; the matter would be completely out of our hands.

Hon. W. D. JOHNSON: We could do as we do at present under the National Security Regulations—respond to the call of the Government responsible for making the call.

Mr. Seward: But that would be taking the matter out of the hands of this Parliament.

Hon. W. D. JOHNSON: We would simply carry on with the authority and legislation we have today. If the functions of the State as directed by its legislation are to be interfered with, it is done by way of national regulation.

Mr. Patrick: For instance, the black-out.

Hon. W. D. JOHNSON: The black-out is not controlled at all; it is merely being tinkered with.

Mr. SPEAKER: Order! I hope the hon. member will not discuss the question of the black-out.

Hon. W. D. JOHNSON: It might be quoted as an illustration to show that action by individual States in matters of this kind can cause a tremendous amount of public irritation. The people draw comparisons between State and State. One State does this; another State does nothing. One State administers the matter in a drastic manner; another State is passive, or not too strict in the administration. Therefore we cannot get public satisfaction if we have States functioning in matters of national responsibility. I shall oppose all legislation that assumes any responsibility which it is not our function to administer or even approach until we are directed to do so by the authority that has full power and full responsibility in these matters—until we are directed to do so by National Security Regulation. I oppose the Bill from that aspect.

MR. WITHERS (Bunbury): I do not like the tenor of this measure. During the Address-in-reply debate I said I was concerned for our democratic system. The present measure intensifies that concern. The

member for Nedlands speaks of the Road Board Association going to the Minister with a certain request, which amounts to protecting that body against the people who have the right to elect road board members. From what has been stated by the member for Katanning and others, all road boards are not in favour of the Bill. Therefore the people who have the power are losing it, possibly through indifference in the first instance, and secondly by having power filched from them by Governments. I do not know where our democratic system will end if we allow this kind of thing to continue. I repeat that I do not like the Bill. It is a real mixture. The Minister has stated that the postponement of elections for local authorities was instituted on the authority of the Premier, through National Security Regulations. The same thing applies to municipal and road board elections, except that the Minister will not have the power of a National Security regulation to postpone elections and the compiling of electoral rolls.

Why should the compilation of rolls be postponed to this period? Rolls should be kept up-to-date. As the member for Murchison has pointed out, it should not be a difficult matter for a municipality, however large, to have a system somewhat similar to those of State and Federal electoral officers, whereby rolls are kept up-to-date. Why wait until the 30th September comes round to see that rolls are up-to-date? And then there is only from the 20th September to the 30th September to check the rolls and lodge objections. Nevertheless, I am not prepared to continue this taking unto ourselves of powers which we have not the right to assume. In the Bunbury Municipal Council I supported a motion for the holding of elections.

The Minister for Works: They will be held all right!

Mr. WITHERS: Yes, and they can be held on the old rolls. In my own district certain objections have been raised. I realise the apathy that exists over municipal elections. There is individual apathy as regards accepting the honour of holding office as a municipal councillor. Then how are we to get even 10 per cent. of people who are not sufficiently interested to ensure the nomination of a candidate to subscribe their names in opposition to the issue of a proclamation by the Minister? The amend-

ments which have been suggested are similar in detail, although they come from the member for Wagin, the member for East Perth, the member for West Perth and the Minister. They all mention 10 per cent. of the people. Possibly we might go a little further—though I do not agree it would be right to do so—and add the voting of the local authority itself against the issue of a proclamation postponing an election. But that again is conferring upon local authorities powers they have no right to possess. Let us stand up to our obligations. I do not understand how the Leader of the Opposition reconciles what he said on the Bill for the postponement of Parliamentary elections and the statement he made to the Primary Producers' Association with that of today when he said it was more important to postpone municipal elections. Moreover, municipal councils can carry on with two-thirds of their membership. If Parliament is prorogued, no authority will be obtainable until a new session opens; and even then, there should not be postponement of Parliamentary elections.

Mr. Hughes: Ministers do not lose office in the meantime.

Mr. WITHERS: I see no reason for postponing municipal elections. Let us not take from the people the rights of the people.

**THE MINISTER FOR WORKS** (in reply): The genesis of the Bill was in the issue by Commonwealth authority of a regulation empowering the Premier of each State to postpone elections for local governing bodies.

The Premier: Not only that, but also in many other instances. Friendly societies, for instance!

The **MINISTER FOR WORKS**: The member for Guildford-Midland does not seem to be aware that in Victoria such a regulation is operative.

Hon. W. D. Johnson: Does legislation of this type exist in Victoria or any other Eastern State?

The **MINISTER FOR WORKS**: No. Regulations have been issued; and, as mentioned by the member for Nedlands, who has evidently read them, they are insufficient regulations. In Victoria legal authorities there took the view that in addition to postponing elections the regulation empowered the Premier to postpone the preparation of lists. The Solicitor General takes the view

that the regulation does not thus empower the Premier. Although road board elections were postponed here, the Crown Law Department is not satisfied that the National Security Regulation covers the postponement of compilation of rolls, which is an important matter. We are now trying to make the matter clear. The House has an opportunity, not to accept some Commonwealth regulation, but to decide on what terms municipal and road board elections may be postponed if so desired. The view taken by our legal advisers is that the Commonwealth regulation does not give us the necessary power. The Government is asking Parliament to give the necessary power, so that what the Bill proposes may be properly and constitutionally carried out.

With regard to the remarks of the member for Murchison, who for the time being is a stickler for observance of the law, I suggest that the important point, when it is decided to hold an election, is to see that the law with regard to the preparation of rolls is carried out. I have always had the idea that the roll is the important thing. I have an idea, when one speaks of electors' rights, that all those entitled to a vote should have an opportunity to get their names on the roll. There is no mention made here of a rough and ready supplementary roll. Section 53 of the Municipal Corporations Act provides—

On or before the thirtieth day of September—

which, of course, has passed—  
—in any year, any person—

- (a) whose name has not been inserted in the electoral list may, by letter delivered or sent through the post addressed to the town clerk, apply to have his name inserted therein, and should give particulars of his claim.

Therefore, it is highly important that that provision should be carried out. Then there is also the provision in the same section for electoral lists; I shall not weary the House by quoting it. What is important—it applies to the Municipality of Perth as well as to most of the metropolitan municipalities—is that where a municipality is divided into wards, lists must be prepared for each ward. So it is not such an easy matter, after all; there is no rough and ready method of ensuring the provision of a proper roll and that all those who are entitled to vote have an opportunity to get their names on the

roll. In my opinion, electors, ratepayers or owners, would have a distinct grievance if they were denied that opportunity. Therefore, when the road board elections were postponed under the National Security Regulation and the municipalities asked what was intended to be done in their case, we pointed out that Parliament would be in session and that we would introduce a Bill which would enable Parliament to determine whether this course should be followed. Unfortunately, we were not ready in time. According to the dates I have before me, town clerks would have up to the 20th September to prepare electoral lists, and up to the 30th September ratepayers could apply for insertion of their names in the rolls or for corrections; and then lists of applicants and objectors would have to be exhibited. It may be that persons making claims had no right to do so, and that some other persons' names should be on the roll. The compilation of rolls is highly important. Then a revision court might have to be held. The nomination day is the 4th November and the ordinary election day is the 28th November.

Mr. Hughes: Has not all that been done for this year?

The MINISTER FOR WORKS: No, for the simple reason that when the municipalities asked to be included in the postponement that took place for the road board elections, which ordinarily take place in April, it was proposed to introduce a Bill to deal with the matter. Whatever may be said for the regulations, I should say that in respect to local authorities, if there is the opportunity to do so, the matter should be properly and comprehensively attended to by Parliament. The regulations certainly do not empower the Premier to postpone an election for the Fremantle Tramway Board. Members must bear in mind that candidates for positions on that board must be elected by ratepayers on the municipal roll. Members of the Fremantle Tramway Board must be enrolled on the Fremantle municipal or East Fremantle rolls. Even if the Fremantle municipal elections were postponed, it would still be necessary to have an election for members of the Tramway Board. How could this election be held unless the roll was properly prepared? One of the main reasons why the municipalities asked for postponement of elections—whether members consider the reason adequate or not—is that an election

would entail an expenditure of about £800 as well as a considerable amount of assistance, which at the present time it is very difficult to obtain.

Mr. Doney: But the cost of that assistance is included in the £800.

The MINISTER FOR WORKS: Yes. With regard to road boards, I may inform members that very great difficulty is being experienced in finding competent officers for all the road boards throughout the State. In cases where a road board secretary has not been manpowered, it is almost impossible to secure a competent person to fill his place.

Mr. Doney: But for the extra work during elections, would not retired civil servants and such-like be employed?

The MINISTER FOR WORKS: I do not know. Very little competent labour seems to be available.

Mr. Doney: Not very much is required.

The MINISTER FOR WORKS: At any rate, that was the case made out. Even if we acted entirely on the powers given by the Commonwealth regulations, the situation would not be met so far as Western Australia is concerned, because power is not given to postpone the preparation of electoral lists, nor would the regulations enable us to postpone the elections of such other bodies as I have mentioned. This Bill would complete the business. If an election is to be held, first and foremost there must be a complete roll, and both municipalities and road boards are working shorthanded. We have over one hundred road boards and all are struggling. I do not know of one country road board in Western Australia that is not struggling desperately.

Mr. Marshall: How did they get on during the depression period, when they could not get in their rates?

The MINISTER FOR WORKS: It is difficult to say.

Mr. Marshall: Road boards have never been more prosperous than they are now.

The MINISTER FOR WORKS: Representatives of a board near the hon. member's district came to me the other day, with others, and stated that all they could collect was 33 per cent. of the rates struck. They suggested that all the members of the board should resign, but afterwards thought better of it. Would anyone suggest that road boards in the marginal areas should be put to needless expense? As for the democratic part of the matter, I remind the House

that members of road boards and municipalities have been elected. They are responsible. The member for Bunbury said they were trying to protect themselves against those who have the right to elect them. That is something that cannot be done. People cannot protect themselves against those who have the right to elect them. If members of road boards or municipalities do anything that is not approved by the electors, they understand that at the first opportunity they will be shown who is boss. That is the safeguard for the electors and that is what the elected persons are always reminded of: that sooner or later the electors will exercise their right.

Though an election may be postponed, members are still responsible to the electors. The fact that there is a year's postponement of election makes very little difference. As to the term, there is no suggestion that any election shall be postponed for more than one year. Although this is a wartime measure, there is no need for the elections to be postponed for more than one year. If there were, considering that in each case the election is on a rotation system, as mentioned by the member for Katanning, there would be no difficulty in putting that right and getting them back on the rails. I agree that the rotation period would have to be restored, but in the meantime we are not troubling about that. This is the first occasion of a postponement and the postponement will be for one year only. Then the problem the hon. member suggests will arise, and can be met. There is no need to trouble about it now. I never suggested that this was one of those highly important matters. The provision has been asked for genuinely by the road boards.

Mr. Doney: Has it been agreed to by the Municipal Association?

The MINISTER FOR WORKS: These elections were postponed last April. How many protests have been received? The Nedlands Road Board has been working under the postponement proposal and has never complained. Now it says it does not desire a postponement. The Bunbury Municipal Council and certain road boards have written to say they do not desire a postponement. They do not seem to be aware that the elections have already been postponed. They seem to think that this is some new proposal. The elections have been postponed since April and there have been no protests.

As for the volume of public opinion mentioned by the member for Swan, I forget his exact words but he suggested that there had been an upheaval, that public opinion had been stirred up. In the Press I have seen more protests about those who object to participating in this war. There have been court cases almost every day. Members surely do not call that public opinion. There will be more protests in respect to that than in respect to the postponement of road board elections.

Where people desire an election there is an opportunity given them to have one. They can simply carry a resolution as in the case of the Nedlands Road Board, and their wishes will be respected. Because the Nedlands Road Board does not desire a postponement, are we to compel 139 local authorities to have an election? I think it is a commonsense proposition to say that if no protest is received from a local authority, it is willing to have a postponement. Such districts would be excluded from the schedule. The names of those who objected would be left out, and immediately they could go on with the preparation of their electoral rolls and lists so as to be in a position to hold an election. Municipal elections have been postponed for two months to enable this Bill to be rejected or passed as the case may be. Above all, if there is to be an election, the main thing is that the electoral rolls should be put in proper order. We never suggested that this was a very vital matter. It is not a party measure, but everybody here represents a road board or municipal district and members have a fair idea of gauging the feeling of people in their district.

Mr. Doney: My municipality is wholly against the proposal.

The MINISTER FOR WORKS: Then they shall have an election. There is no trouble at all about that. They do not need to go to the trouble of getting a ten per cent. protest. We are not forcing this down anyone's neck but from correspondence received I am confident that in the main road boards and municipalities desire that elections shall be postponed. As for those who object, they can be provided for. I will not discuss the amendment now, but a suitable one could be framed to give reasonable opportunity for those who desire to have an election to do so. There



will be no difficulty about that. I commend the Bill to the House. I honestly believe that over 90 per cent. of the road boards desire a postponement. The elections have been postponed since April and there have been only three protests, one from Northam, one from Nedlands and one from Mosman Park.

Mr. J. Hegney: And Gosnells.

The MINISTER FOR WORKS: Ninety-five per cent. did not protest though the elections have been postponed since April. If there had been any genuine ground for a protest, objections would have been raised. I have found from my experience with road boards that they quickly let us know when they object. They have not protested to their own association or to the local government association. As for the municipalities, in the main they desire a postponement and for sound reasons. That is why the Bill was introduced. As to what is taking place in the other States, I know that local government elections have been postponed in Queensland under the regulation which was used to postpone road board elections in this State. In Victoria the Premier took the view that the regulation empowered him not only to postpone the municipal elections, but also to postpone the preparation of the electoral rolls. That has been done there.

Hon. W. D. Johnson: Could that not be done here?

The MINISTER FOR WORKS: In this State we were advised that the regulation does not empower the postponement of the preparation of the rolls or electoral lists. That is the advice received from our Crown Law Department. We are informed that it does not empower us to postpone elections to the Fremantle Tramway Board, water boards, or other organisations. This measure does the job properly. The Commonwealth provision went only halfway. Now members have an opportunity to do the thing properly in a legal manner. They have a knowledge of what is taking place in every part of this State. With all due respect to the Commonwealth Government, I say that members of this Parliament are in a better position to judge whether it is necessary or desirable to postpone these elections than is any Federal authority acting in Canberra. I commend the Bill to the House.

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

Ayes	..	..	..	29
Noes	..	..	..	10
Majority for				19

AYES.			
Mr. Berry		Mr. Needham	
Mr. Coverley		Mr. North	
Mr. Cross		Mr. Nulsen	
Mr. Fox		Mr. Patrick	
Mr. Hawke		Mr. Shearn	
Mr. J. Hegney		Mr. J. H. Smith	
Mr. W. Hegney		Mr. Thorn	
Mr. Hill		Mr. Tonkir	
Mr. Keenan		Mr. Triat	
Mr. Kelly		Mr. Warner	
Mr. Latham		Mr. Willcock	
Mr. Leahy		Mr. Willmott	
Mr. Mann		Mr. Wise	
Mr. McDonald		Mr. Wilson	
Mr. Millington			
		(Teller.)	
NOES.			
Mr. Boyle		Mr. Sampson	
Mr. Cardell-Oliver		Mr. Seward	
Mr. Hughes		Mr. Watts	
Mr. Johnson		Mr. Wilbers	
Mr. Marshall		Mr. Doney	
		(Teller.)	

Question thus passed.

Bill read a second time.

#### *In Committee.*

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

Clause 1—agreed to.

Clause 2—Interpretation:

The MINISTER FOR WORKS: My amendments are consequential. The words "or road board" in line 9 must come out because the road board auditors are not elected.

Mr. WATTS: I move an amendment—

That in line 9 the words "municipal council or" be struck out.

The matter has gone so far in relation to this part of the measure that it is useless for this Chamber to deal with the question of municipal councils. The definition of a member of a public authority, which includes a member of a municipal council, will have relation, as I understand the Bill, not to the preparation of electoral rolls but to the question of the postponement of elections of members to local authorities. I am prepared to give separate consideration to the question of the preparation of rolls, in view of what has transpired, but this Chamber should not now be asked to give attention to the postponement of elections of municipal councils, because I find in the "Government Gazette" of the 2nd October, 1942, that an order has been made by the Premier under

the National Security Regulations postponing elections for municipal councils, without reference to members. This Bill was read a first time on the 1st September last, and the Address-in-reply had been concluded about a fortnight before we adjourned. It was quite competent for this measure to have been dealt with had we understood, as we have been given to understand today, the circumstances which made the Minister, or the Premier, or both, regard this action for reasons of national security as a matter of urgency. The Government of this State has again taken the opportunity to overlook and override, to some extent, the rights of this Parliament by failing in the first place to have this legislation dealt with by Parliament before the adjournment took place, which could have been arranged had the Government so desired; and secondly, by bringing in a National Security regulation to deal with the matter. I do not propose further to interest myself in the question of municipal councils in this Bill. The right of this Parliament to deal with this question has been substantially abrogated by the action taken under the National Security Act. I move the amendment for the reasons I have given, and also as a protest against the continued activity on the part of the Government in neglecting to recognise the rights of this Parliament, and particularly this Chamber.

The MINISTER FOR WORKS: I am surprised that the hon. member should have moved his amendment on this clause. It is a ridiculous amendment; there is no sense in it. All that this definition provides is that a member of a public authority includes the council's auditor.

Mr. Watts: If there is to be any action taken in regard to the council there will be none against the council's auditor.

The MINISTER FOR WORKS: If the hon. member desires a shrewd interpretation made, he had better go to some better place for it. I propose to strike out the words "or road board," because they are not relevant. I fail to see that this clause is the place for a test whether "municipal council" shall be struck out.

Mr. WITHERS: The paragraph is not in order; there is no sense in it. A bit further on it says what the words "public authority" include. The portion of the clause under discussion says that a member of a public authority in relation to a muni-

cipal council or road board includes the council or road board auditor. But "public authority" also includes a municipal council, a road board, a local board of health, etc. The whole paragraph is nonsensical.

The Minister for Works: The inclusion of the provision is necessary otherwise an election would have to be held.

Mr. SAMPSON: The member for Bunbury's conclusion is perfectly correct. The whole definition of "Member of a public authority" should be deleted. If we agree to it we import into the legislation what should not be covered by it. I understand the Minister has decided to strike out the reference to road boards, but if we agree to the remainder of the definition we will make it possible for municipal councils to be covered by the legislation.

The Minister for Works: No.

Mr. WATTS: I wish to reply to the Minister's comments on my amendment. If one desires to delete from the Bill all references to municipal councils, one must start with the first reference to those bodies. It has always been customary to adopt that course and it is obviously necessary to do so. That is the reason for my amendment. If we leave the reference in the Bill at this stage, it will have to be deleted elsewhere.

The MINISTER FOR WORKS: The provision under discussion merely sets out that an election for a municipal or road board auditor may be postponed. Nothing else can be read into it. If the amendment is agreed to, the postponement of the election of an auditor will not be possible.

Amendment put and negatived.

The MINISTER FOR WORKS: I move an amendment—

That in line 2 of the definition of "Member of a public authority" the words "or road board" be struck out.

Amendment put and passed.

The CHAIRMAN: It will be necessary to move a similar amendment in the next line.

The MINISTER FOR WORKS: I move an amendment—

That in line 3 of the definition of "Member of a public authority" the words "or road board" be struck out.

Amendment put and passed.

Mr. SAMPSON: I move an amendment—

That in the definition of "Public authority" the words "(b) a road board;" be struck out. I am not so vain as to believe that the war will be affected or present-day difficulties

accentuated by the holding of a road board election. I agree with the member who said that to do anything adversely affecting the powers of ratepayers to choose the members of an elective body, would be retrogressive and disadvantageous. If my proposal is agreed to, I shall move a further amendment dealing with other elective bodies such as local boards of health, and water, drainage and vermin boards. Whatever justification there may be for the inclusion of various local government bodies, there is none for the inclusion of road boards, which should be allowed to function with their full powers. The idea of some individual going round with a petition savours of undesirable tactics. The ratepayers should have the right to elect the members of a road board, and the provision for a petition to which the Minister would give consideration should not be necessary. A board that would ask for the postponement of an election might be the very one in respect of which an election was necessary.

Amendment put and negatived.

Clause, as previously amended, agreed to.

Clause 3—Postponement of elections:

Hon. N. KEENAN: Apparently some doubt prevails as to the meaning of paragraph (a) of Subclause (1). It is understood that the postponement of elections is to be for the maximum period of one year, but if the Minister peruses paragraph (a) he will probably agree that, as it refers to a postponement for the whole or any part of a period of the war, it may be taken to mean a postponement for more than one year.

The Minister for Works: Yes, that is so. I would accept an amendment to limit the period of postponement to one year.

Hon. N. KEENAN: I have not prepared any such amendment.

The MINISTER FOR WORKS: The intention is that the postponement shall be for a period not longer than one year. Where a local authority expresses a desire for an election to be held in the ordinary course of events, it will be held. That is not mentioned in the Bill, but I am prepared to accept an amendment to that effect.

Hon. N. KEENAN: I suggest that the Minister should move to insert at the end of paragraph (a) the words "but not exceeding in all the term of one calendar year."

The Minister for Works: That is the interpretation and that is how it will be administered.

Hon. N. KEENAN: But we cannot pass a Bill that leaves a gap for administration. We must express the intention by the words used. The Minister should move an amendment to cover the point.

The MINISTER FOR WORKS: I will consult the Crown Law Department and arrange for an amendment to be moved in another place. Alternatively, we might recommit the Bill and make the amendment here.

The CHAIRMAN: The member for East Perth has an amendment on the notice paper.

Mr. Hughes: I am prepared to let the Minister move his amendment.

The MINISTER FOR WORKS: There are three amendments on the notice paper and the Crown Law Department has considered them and drafted one that should meet the position. If the members for Wagin, East Perth and West Perth are agreeable, we can accept the Government's amendment.

Mr. Hughes: I agree.

Mr. McDonald: I agree.

The MINISTER FOR WORKS: I move an amendment—

That the following paragraph be added to Subclause (1):—

(c) Provided that before any proclamation is issued under paragraph (a) of this subsection, notice of intention to recommend to the Governor the issue of such proclamation shall be published by the Minister in the "Government Gazette" and in a newspaper circulating in those portions of the State which will be affected by the issue of the proclamation at least thirty days before such recommendation is made; and if before the expiration of such period of thirty days a petition is received by the Minister containing the signatures of at least ten per centum of the electors of any public authority as contained in the electoral roll then last compiled of such local authority likely to be affected by the proclamation objecting to such proclamation being issued, in so far as it may postpone an election of such public authority, the Minister shall not recommend to the Governor the issue of such proclamation, or shall exclude from his recommendation the name of the said public authority, as the case may require.

Mr. McDONALD: On the second reading I raised the question whether the petition, on being signed, should involve an election for the whole local authority. Perth has eight wards and it might happen that in one ward 10 per cent. of the ratepayers desire an election to challenge the period of office of the present councillor whereas, in the other seven wards, the ratepayers might not desire an election. This would apply in road districts also. I suggest that the Minister should consider with the officers of the local government branch how far the position might be improved by providing that, if 10 per cent. of the ratepayers in any ward present a petition, the election should be held for that ward and not necessarily for all the wards.

Mr. J. HEGNEY: I oppose the amendment. This is merely tinkering with the matter. We have passed the second reading to provide for the postponement of elections on the ground of an emergency existing in the State. If we make piecemeal arrangements under which one road board might hold an election and the majority of the boards do not, it will be most unfair. If there is justification for postponement on account of emergency war conditions, it should apply to all. To provide that any local authority may make application not to be included in the proclamation would be unwise. If it is good enough for 90 per cent. of the local authorities to come under the proclamation, all of them should be included. The suggestion of the member for West Perth as to ten per cent. of ratepayers should not apply to the whole area but only to the particular district. However, the suggestion again amounts to mere tinkering with the question. Last year's Parliamentary elections were postponed because of an emergency, which still exists. A great deal of work has already been saddled on local authorities, and as a consequence there is likely to be difficulty in administration. I cannot support the amendment.

Mr. WARNER: I supported the second reading of the Bill because of the Minister's proposed amendment then on the notice paper. The provision as to ten per cent. of ratepayers makes the Bill more reasonable. Even in country districts it should not be difficult to obtain a demand by ten per cent. for an election. I support the amendment.

Hon. N. KEENAN: Undoubtedly the second reading division was largely influenced by the appearance of the Minister's amendment on the notice paper, and I hope he will stand by it. There should be a further amendment permitting an election in one ward only, where only one ward is a matter of dispute between the existing member and a competitor. One effect would be greatly to reduce the expense. The cost of obtaining the signatures of ten per cent. of the ratepayers of a municipality to a petition would be considerable. The Minister should give serious consideration to the suggestion of the member for West Perth. I do not ask him to accept words off-hand. Again, from the aspect of manpower, an election for one ward would require only one officer, but an election for the whole of Perth would require a large number of officers.

Mr. NEEDHAM: I do not favour the amendment suggested by the member for West Perth. If there is to be a successful petition for an election, it should be signed by more than ten per cent. of the ratepayers; otherwise too much power would be given to a minority. I would prefer a simple majority of ratepayers.

Mr. Hughes: It might be easier to get ratepayers to sign a petition than to get them to vote.

Mr. NEEDHAM: If only ten per cent. of ratepayers sign a petition for an election, it is an indication that the remaining 90 per cent. are indifferent. I move:

That the amendment be amended by striking out in line 15 of proposed paragraph (c) the words "at least ten per centum" with a view to inserting other words.

Mr. SAMPSON: If the amendment is carried, then ipso facto 100 per cent. will be required to make a petition effective. The member for Perth desires to strike out the provision for 10 per cent., thereby implying that 100 per cent. would be necessary. I remind members that the Minister's amendment is the sugar-coated pill which carried the Bill through the second reading. This amendment has already been the subject of argument and certainly influenced some members to vote in favour of the Bill.

The MINISTER FOR WORKS: In glancing through the Act, I am amazed to find the incredibly small percentage of ratepayers who can demand, for instance, a public meeting.

Mr. Hughes: And a loan poll.

**The MINISTER FOR WORKS:** That can be demanded by a very small percentage of the electors, and I point out that a loan is a vitally important matter to the electors. The departmental view is that the percentage proposed is high; it would need an extremely enthusiastic person to secure the signatures of 10 per cent. of the electors.

**Mr. Hughes:** It would be easier to get them to sign a petition than to induce them to vote.

**The MINISTER FOR WORKS:** Then there is the question of the availability of even 10 per cent. of the electors. There may be 5,000 ratepayers on a roll and one would experience difficulty in locating 4,000 of them.

Amendment on amendment put and negatived.

**Mr. SAMPSON:** I hesitate to move another amendment. The provision relating to the 10 per cent. applies to the area controlled by the public authority and is not necessarily restricted to the ward concerned. Is that intended? I have no objection, because I think it should be made easy to insist upon an election.

**Mr. HUGHES:** I hope the Minister will not entertain the suggestion of the member for West Perth and the member for Nedlands. The amendment means that 10 per cent. of the ratepayers of a municipality or a road board will be required to decide upon the holding of an election. That seems to me to be fair, because there must be some substantial ground for insisting upon an election. It should not be a difficult matter to get 10 per cent. of the electors to sign a petition, especially if somebody went from door to door presenting it. People will sign at the door.

**Mr. Cross:** They will sign anything.

**Mr. Sampson:** Is that your experience?

**Mr. HUGHES:** I am speaking of the intellectuals. There is no doubt that if one goes to a door and presents a petition to a person that person will frequently sign it, whereas the same person will forget to go to the polling booth a fortnight later. If the question were of any moment at all I am sure there would be no difficulty in getting the signatures of 10 per cent. of the electors. If it is segregated to a ward the position may arise that it will be easy to get 10 per cent. of the electors to sign a petition, and the member concerned will have to face an election at which it will be found that not

10 per cent. of the people have voted against him. That frequently happens. Ten per cent. is a high enough figure. We do not wish to deprive the electors of the right to an election if they want it but, to restrict it to one particular ward, is possibly to shift it from being a question of public affairs and public policy to one of personal animus. A ward member might give offence to some influential person in his district, as a result of which that person says, "I will put him to the trouble and expense of an election."

**The MINISTER FOR WORKS:** There is some merit in the proposal but difficulties will arise. The gathering of signatures to a petition would not be limited to any particular ward. Those gathering the signatures would get them anywhere they could. It would not necessarily follow that there was a motion of no confidence in the member for the ward under consideration. The petition might be presented as a result of dissatisfaction with the work and policy of the whole council. In that case the mayor would be involved. The mayor of a municipality is elected by the whole of the ratepayers throughout the district, and it would not be a matter of an election in one ward only. In the case of general dissatisfaction there would have to be an election for the whole district. Such an amendment would have to be separate from this. There would have to be a requisition demanding an election throughout the whole municipality or road board and then there would have to be a separate provision for individual wards. In the case of separate wards it would mean that if a demand for an election were made a special list would have to be prepared.

**Hon. N. Keenan:** It always is.

**The MINISTER FOR WORKS:** Not under this proposal, which postpones the preparation of the roll and the voters' list. All that work need not be carried out under this measure, but there would be a necessity for it if an election for one ward were held. Ratepayers are safeguarded in this case, and I believe action taken would not be against an individual but against a council. Many members are concerned about electors having their rights. This is a safeguard and will keep the local authorities in order. To have a limitation applying to wards would complicate matters too much.

**Hon. N. KEENAN:** The Minister is under a misapprehension. If there were general dissatisfaction the petition would have to be

signed by 10 per cent. of all the ratepayers. But the case the member for West Perth wants to have dealt with is one in which there is no general dissatisfaction, but only dissatisfaction in relation to one ward. If 10 per cent. of the signatures of electors in the whole area were required for a petition, it might in some cases mean more than all the ratepayers of the particular ward concerned. There are eight wards in Perth. Presumably each ward has one-eighth of all the ratepayers, but as a matter of fact some wards are smaller than others. There is no doubt a ward which does not have more than one-tenth of all the ratepayers within its boundaries. If there was an absolutely unanimous view in that ward that an existing representative should be removed, it could not be done because the ward did not have one-tenth of the ratepayers of the whole municipality. That is one of the reasons why the member for West Perth desires that if the ratepayers of a ward to the extent of 10 per cent. of the number entitled to vote in respect of that ward petition the Minister, an election shall be held.

The Minister for Works: Is it a contingency worth providing for in the Bill?

Hon. N. KEENAN: Take the case of the Perth Municipality. Is it not extremely likely that there will be only one ward or perhaps two at the outside desirous of having an election? From looking at the results in the paper I notice that a great many members are re-elected without opposition. Under the Minister's proposal 10 per cent. of the whole municipality would have to agree before an election could take place.

Mr. WITHERS: Are we speaking to an amendment moved by the member for West Perth?

The CHAIRMAN: The question before the Chair is the amendment moved by the Minister.

Mr. WITHERS: Then we are discussing a suggestion. If you will permit me to discuss the suggestion discussed by other members I will advise the Minister not to accept it. We are discussing a Bill for the postponement of an election in connection with municipalities, and now we are trying to bring it within the confines of wards. It was never suggested in the Bill. Again, it would be for the Minister in authority to see that the 10 per cent. did not come from one particular ward, but from each of the wards so that one could not control the destinies of

the municipality. It is either a municipality or road board, and not a ward.

Mr. SAMPSON: I feel sure there is a misunderstanding about this. What is happening in one part of a road board is of very little interest to certain other wards. If 10 per cent. of the electors of any public authority are needed before this saving clause can be admitted, a great deal of work will be involved.

Mr. J. H. Smith: It should be 20 per cent.

Mr. SAMPSON: I do not agree. If the ward furthest east in the Boyup Brook local authority desired something should there be 10 per cent. of the electors for the most westerly portion in favour of it? Of course not! One is concerned in producing flax and the other engaged in growing apples.

Mr. J. H. Smith: You will be getting into deep water presently.

Mr. SAMPSON: I am glad the member for Nelson is with me. If it were not for this clause, which was discussed fully during the second reading debate, the Bill would not have got through. I hope the matter will be put in order by the addition of the words, "or ward affected" or alternatively, "it shall be limited to the ward concerned." If that is done it will be competent for a petition to be obtained consisting of 10 per cent. of the ratepayers. If it is necessary to get 10 per cent. of a far-flung road board such as controls the Tablelands in the North-West the Minister would be more cursed than he is today. I hope he will see his way to report progress, since this unfortunate Bill appears to be going through, and have this very necessary clause added.

Mrs. CARDELL-OLIVER: I do not know what is before the Chair. I did not hear any amendment, but only a suggestion by the member for West Perth supported by the member for Neulands, that we should revert to wards instead of providing for 10 per cent. of the whole municipality or road board. I would like to be sure that there is something before the Chair on which to vote.

The CHAIRMAN: I can only give to the hon. member the information I gave to the member for Bunbury. The subject matter before the Chair is that the words proposed to be inserted be inserted, and they contain only the amendment moved by the Minister, which appears on the notice paper.

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

Clauses 4 to 6—agreed to.

Title—agreed to.

Bill reported with amendments.

## **BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the 10th September.

**MR. HUGHES** (East Perth—continued) [5.27]: There is not much that I wish to say in concluding my remarks on this matter. The main thing in this Bill to which I draw attention is that it makes no provision to give back to the workers the loss they sustained by the failure to raise the basic wage on the 10th February last. That means that for the last 30 weeks some workers in the metropolitan area have been penalised to the extent of about £5, which is a considerable sum to them on top of what they are already paying. During the debate we had raised the old bogie about inflation. I submit that this is another part of our war effort on which we ought to be “debunked”—on the question of inflation. It is not the business of the Arbitration Court to go into the question whether there is inflation or deflation. If it is anybody's business it is that of this Parliament. There again another extraneous body is stepping in and taking away from this Parliament its rights, sovereignty and responsibilities. We all agree, and all the workers are conscious of this fact, that simply raising the basic wage every three months to adjust an increase in the cost of living is not going to solve their problems. That is merely a clumsy expedient. The cost of living, I venture to say, has already considerably increased over and above the last rise in the basic wage.

The Government should tackle this question from another angle. What we should set out to do is to protect the purchasing power of the basic wage as it exists, not merely let the rise in commodities take place and then, after the worker has suffered a loss in his purchasing power for three months, say, “Very well, we will give you a step up so that you will now have the purchasing power you should have had three months ago.” Immediately we do that we raise the cost of commodities again and the worker finds that his purchasing power is being continually diminished. He is always “tailing the field,” if I may make use of a racing term. He is always behind in his

wages compared with the progressive rises in the cost of commodities. That may be a good move from one Australian point of view. It may suit the Commonwealth Government to allow the cost of commodities to keep rising, and then every three months give the workers an increase in the basic wage to cover the leeway of the previous three months. As the basic wage rises, notwithstanding that the increase is supposed to be by way of compensation for the increase in the cost of living, the effect very often is to place the worker in a higher tax group. Under the present system, he may not be required to pay any tax because his basic wage plus marginal rates reaches only a certain figure.

With the increases in the basic wage, although admittedly the worker is not in receipt of any real increase in his wage but merely a compensatory increase to cover the additional cost of living, he becomes a taxpayer. Furthermore, a worker who may be in a low tax group by virtue of the increased basic wage, is frequently placed in a higher tax group. In such circumstances, from the point of view of the Commonwealth Government, the increases in the basic wage can continue, for they suit the requirements of the Federal authorities. It would certainly suit the Commonwealth Government if the basic wage was £10 a week, because all workers would then be paying income tax. If there is a real desire to protect the standard of living of the people, particularly those in receipt of small incomes, we must tackle the problem from a different angle and must determine that the cost of living shall not rise. I cannot understand why the basic wage has risen consequent upon increases in the cost of living in view of price-fixing, the elimination of imported commodities, the fact that we are living almost entirely upon home products, and with rents pegged as from the beginning of the current war. There is something wrong somewhere. There is some lack of control that allows the cost of living to increase all the time. One need only walk down the street to note what prices are being charged for articles today. Until we get to grips with the problem from that particular angle and determine not to allow the war situation to diminish the standard of living of those on the lower rungs of the social ladder, we must continue to resort to the expedient of

increasing the basic wage; but that course will always mean that the worker will be three months to the bad regarding his wages compared with the increase in the cost of living. If that is going to inflate the currency, we must have inflation.

Dealing for a moment with the question of inflation or deflation, I do not think we can reach a static stage. In economics, as in chemistry, we can reach the stage of equilibrium only at death. The moment any substance reaches the stage at which it has no motion and is in complete equilibrium, it is in a state of death. That is equally so in the realm of economics. As a matter of fact, nothing remains stationary. There is a continuous rise and fall, ebb and flow. It seems to me we must have either deflation or inflation. In those circumstances we must endeavour to control the position so that neither deflation nor inflation will be too great. As far as the workers themselves are concerned—I refer to those of us who constitute the propertyless proletariat—I deny that inflation will hurt us. On the contrary, deflation will injure our interests. I am sorry we are about to send to the Federal Senate a representative who has not much clearer views on the question of inflation and deflation. I fear the consequences of sending forward a man who has no clear conception of what is a major problem throughout the world today. If we print 100,000,000 bank notes, that is described as inflation.

Hon. N. Keenan: What would you call it?

Mr. HUGHES: Inflation.

Hon. N. Keenan: Then we are agreed on that point?

Mr. HUGHES: Yes, on this occasion. But if we print £100,000,000 worth of pieces of paper on which is recorded a promise to repay the amount issued with four per cent. interest added, what does the member for Nedlands say that would be designated?

Hon. N. Keenan: It would all depend. If you went to someone with a piece of paper and got money in return for it, you would probably find yourself in the dock next day; but if you went to the man with the piece of paper and you were able to say that you had national assets and would pledge them as security for the repayment of his money, you would be securing a loan. That is all.

Mr. SPEAKER: Now perhaps we shall return to the member for East Perth and his speech.

Mr. HUGHES: That is the answer I wanted and expected from the member for Nedlands, because when we issue £100,000,000 worth of pieces of paper on which is recorded the promise of the Commonwealth of Australia to repay the amounts involved with interest added on some future date, we are issuing paper with no tangible security behind it.

Mr. J. Hegney: You have the security of the Commonwealth behind the paper you issue.

Mr. HUGHES: We have security in the form of an undertaking from the present generation of Australians guaranteeing that some future generation of people living in the Commonwealth will provide services and goods to the value of £100, if a bond is taken out for that amount. The individual has no further security than that. The value of that security depends upon two factors. The first is the capacity of a future generation to fulfil the obligation and the second is the willingness of that future generation to do so. I remind the member for Nedlands of a striking illustration that lends point to my remarks. When the Russian revolution broke out in 1917, the national debt of Russia was inclusive of bonds held by people in Great Britain to the value of £900,000,000, against which as security the bondholders had the revenue of the whole of Russia. The generation of Russians that gave that guarantee constituted the ruling class and they promised to make repayments in goods or kind equivalent to a value of £900,000,000. But along came a generation of Russians who said they were not going to pay. They did not pay, and they do not intend to. Unless, after the present war is over, we go to war with Russia to compel payment, that money will remain unpaid. There was no security behind the bonds, and they are not worth anything today.

Hon. N. Keenan: They are quoted still, but at a very low figure.

Mr. HUGHES: Russian bondholders from the 1917 revolution formed an association in London and were willing to go to war with Russia to get those bonds paid, but they could not get enough support. So there is £900,000,000 worth of public security that was not repaid. The member for Subiaeo said that if they had been British, they would have paid. She is wrong. History records that one of the English kings—Edward II or Edward III—defaulted, and the bond-



holders have been without that money for 800 years. The English people said that it was the king's debt, and that he had been given no authority to borrow.

Mr. SPEAKER: I hope the hon. member intends to connect this with the Bill.

Mr. HUGHES: Yes, it is important to the Bill. The Russian people said that the Czar contracted the debt and that they were not going to pay it.

Mr. SPEAKER: I do not think the Czar has anything to do with the Bill.

Mr. HUGHES: He might have something to do with the Bill, because in other circumstances Russia might not have been at war with Germany today, and we might not have been involved in war, and so would not have had an increase in the cost of living or the introduction of this Bill. There is not a scrap of difference between the Commonwealth's issuing £100,000,000 worth of paper carrying interest and printing the equivalent in notes and putting them into circulation. Both would be money not backed by tangible securities, and whether non-interest bearing notes or interest-bearing bonds, it is the same thing—an inflation of the currency. The member for Nedlands has probably devoted so much of his life to the law that he has not had enough time to give to the study of economics; otherwise he would have understood more clearly the difference between inflation and deflation. From the point of view of the workers, if we must have the one or the other, inflation is preferable because it hits those people who are in receipt of fixed incomes. The rising cost of living hits you, Mr. Speaker, and me, because our remuneration is fixed. It deflates our purchasing power. Those members who draw income from pegged rents are affected by the rising cost of living, and their purchasing power is deflated. No doubt the Minister in charge of the Bill is feeling the pinch because his rents are not returning the service they did previously. It is much better that those people should suffer a decrease of purchasing power than that the man on wages should find that his earnings will not buy as much as they did before.

I complain that the Bill has not been made retroactive to the 10th February last when the President of the Arbitration Court refused the workers the increase to which they were entitled. There is no reason why the measure should not be made retroactive. It would not be the first time

that this Parliament had made legislation retroactive. We might also consider making provision for a monthly adjustment of the basic wage in order to break down the three months' lag that the worker suffers at the present time. If that is not done, we shall place the whole burden of the war on the basic wage-earner, because he will continually get less in goods and services for the service he gives. The lack of a periodical increase in the basic wage commensurate with the rise in the cost of living will be equivalent to an instrument by which the worker may be taxed almost to the extent of half his wages, in that he might find that his wages will not purchase half as much as before. Therefore, two amendments should be made in the Bill—one to make the measure retroactive to the 10th February last, thus giving basic wage earners the increase they have lost, and the other to provide for a monthly adjustment. By so doing we would be trying—in a futile way, I admit—to keep pace with the increased cost of living.

MR. BOYLE (Avon): The member for East Perth referred to the inflationary tendency of the times. That is one of the reasons why I am supporting the Bill. According to the latest reports, the Australian note issue amounts to £110,000,000, of which a sum of £90,000,000 is in the hands of the people. With the rationing of commodities it is obvious that when a small population like ours has money to the huge amount of £90,000,000 at its control, and the commodity manufactures which should equate that vast sum are only partly in existence, we have inflation which is held down only by a system of rationing. Therefore the work of an Industrial Arbitration Court, from the very basis on which it is called into being, is to be watchful of rise and fall in the cost of living—that is, the cost of commodities—and deliver judgments accordingly. But the Western Australian Court of Arbitration was hampered in its work by Commonwealth Statutory Rule No. 16, which was issued by the Commonwealth Government on the 10th February last. The Minister, in moving the second reading, said the main object of the Bill is to substitute the word "shall" for the word "may." To use the Minister's own words—

It (the Bill) aims at making compulsory the adjustment of any alteration in the cost of living that takes place during any quarter,

the figures in connection with which are placed by the State Statistician at the proper time before the Court of Arbitration.

The Commonwealth rule which guided Mr. President Dwyer of our Arbitration Court was published in the judgment given by the court, which appeared in the "Government Gazette" of the 12th June last. I quote from the report—

Since the declaration of the basic wage last year statutory rules have been promulgated under the National Security Act, 1939-1940, of the Commonwealth Parliament. Rule 1942, No. 76, Regulation 16, provides as follows:—"16. Subject to this Part an Industrial Authority shall not, after the commencement of these regulations, include in any award, order or determination any provision altering, in respect of any employment, the rate of remuneration applicable to that employment (whether in pursuance of any award, order or determination or otherwise) on the tenth day of February, one thousand nine hundred and forty-two."

Mr. President Dwyer went on to point out that the Arbitration Court was bound down because the Commonwealth authorities had taken away authority from the State Arbitration Court, and therefore this statutory rule governed.

Mr. Cross: It did not govern in the Eastern States.

Mr. BOYLE: I am dealing with the position in Western Australia. So far as Mr. President Dwyer is concerned, the workers of Western Australia have never had a better friend than that gentleman, as has been manifested in our Arbitration Court. He has been eminently fair, but of course with a Commonwealth statutory rule issued the President had no option but to obey it. The Industrial Arbitration Act of Western Australia dates back to 1912, and for 13 years no important alteration was made. In 1925 the word "shall" was introduced, as set out in Section 124 of the Industrial Arbitration Act, reading—

Subject to Section 122 the basic wage prescribed in every award and industrial agreement shall from time to time automatically become increased or decreased so that it conforms to and is in parity with the basic wage as last determined by the court.

That amendment was enacted in 1925, and was the law of Western Australia until 1930. I do not think that during that period industrial levels fell or anything untoward happened. In 1930 an amending measure was brought down to provide for quarterly automatic adjustments of the basic wage and to substitute the word "may" for the

word "shall." That being the case, as is proved by documentary evidence, I fail to understand why this Government, which came into office in 1933, has left the present amendment until 1942. No doubt it may be urged that the judgment delivered by Mr. President Dwyer on the 12th June, 1942, compelled the Government to take some action. But the Government was well aware of Rule No. 16, which was promulgated on the 10th February last. Since then we have had sittings of Parliament for three weeks in March and one week in April; and obviously, if the Government intended to take action, it had the opportunity not only of the sittings of Parliament but of the statutory rule. Mr. President Dwyer's utterances, made two days later, were morally agreed to by the Government through lack of action to deal with the position. The Commonwealth Government, obligingly, again came to the help of the State Government. One wonders what is the real value of a Commonwealth statutory rule issued in the month of February and later altered for the purpose of delegating to the State Government the power to override the State Arbitration Act. Furthermore, our Government, as we are aware, took the matter to the Supreme Court of Western Australia.

The Minister for Labour: Who took it there?

Mr. BOYLE: I am sorry; the Government did not. The Government did not take the case to the court at all; but our Government took the case to the Commonwealth Government in order to obtain a statutory rule, which represents the highest authority in the land. Accordingly a statutory rule, No. 16, was issued. In February the Commonwealth Government issued one statutory rule, and later issued another statutory rule enabling the State Government to increase the basic wage in Western Australia. I will not say that the State Government in doing that did anything wrong, because a few weeks ago I hazarded an opinion that the increase in the cost of living in Western Australia would not be less than 20 per cent. Figures recently issued show the increase to be 17.9 per cent. Obviously it is unfair to keep our workers tied down to a basic wage when the rise in the cost of living amounts to 20 per cent., and when from the judgment of the Arbitration Court it appeared that there would be

no further increase in the Western Australian basic wage.

Mr. McDonald: That inference is not correct.

Mr. BOYLE: I cannot reason the matter out any other way. The member for West Perth intimates that my deduction is not justified. Reading Mr. President Dwyer's judgment we find he said also that there was a case for reduction of the award by the Arbitration Court. Right throughout the judgment it is evident that Mr. President Dwyer considers himself tied down absolutely to non-interference with the existing basic wage, a wage which "could not go on." I have heard in some quarters that we have a basic wage that is out of all proportion to corresponding rates in the Eastern States. That is hopelessly wrong.

Mr. Cross: It is ridiculous.

Mr. BOYLE: To make sure of my ground, I telegraphed to each Labour Minister in Australia, with the exception of the Tasmanian. I received a reply from the South Australian Labour Minister, dated the 14th September, stating that the basic wage for males in South Australia was £4 7s. per week.

Mr. Cross: That has been increased by 7s.

Mr. BOYLE: May I proceed, Mr. Speaker? The telegram reads as follows:—

State living wage £4 7s. weekly for males, £2 3s. 6d. for females. Application for increase now being heard, stop. Federal basic wage for Adelaide £4 11s. weekly. Secretary Minister Industry.

From the Minister for Labour, Victoria, I received the following telegram:—

Your telegram 12th, basic wage for metropolitan area also weighted average five pounds Victoria is four pounds fourteen shillings.

I am rather honoured in the next telegram, because my telegram was delivered by mistake to our old and esteemed friend, Eddie Ward, the Federal Minister, instead of to the State Minister for Labour. Mr. Ward took the trouble to reply as follows:—

Received telegram. Total basic wage Sydney, Newcastle, Wollongong four pounds fifteen shillings, elsewhere in New South Wales four pounds twelve.

From the Queensland Minister for Labour I received this telegram:—

As from 3rd August ultimo, basic wage Queensland, males South-Eastern Division, 92s.; South-Western, 99s. 4d.; Mackay, 97s.; Northern, 102s.; North-Western, 109s. 4d.; female basic wage from same date, 50s. South-Eastern, 53s. 8d. South-Western, 52s. 9d. Mackay, 55s. Northern, 58s. 8d. North-Eastern.

I have read those telegrams to show that the basic wage increase in Western Australia has really not anticipated the basic wage increases in the other States; the increases have been made more or less at the same time. Western Australia today is not suffering industrially from the increase. Our basic wage is in some cases equal to the basic wage prevailing in the Eastern States.

Mr. McDonald: In purchasing power we are still 9s. 11d. above the figures you have quoted.

Mr. BOYLE: The fact remains that there is very little that we in Western Australia can purchase.

Member: We do not want it.

Mr. BOYLE: There are many commodities purchasable in the Eastern States that cannot be bought here. True, we have substitutes, but they are no cheaper. I cannot help interpolating here that it is a great pity our Government had to approach the Commonwealth Government. It looks as though Western Australia is simply being governed by a series of statutory rules issued by the Commonwealth Government at the request of the State Government. That possibly is an argument favouring the abolition of State Governments and State Parliaments. I admit, as any fair-minded man must admit, that the State basic wage could not be left at the point at which it stood previous to the increase. To show how little is known about Western Australia and our conditions, either in the farming areas or industrially, Mr. President Dwyer remarked, when delivering his judgment, that Mr. T. G. Davies, representing the Industrial Union of Workers, said, after a visit to Canberra, "that the Commonwealth Crown Law Department was unaware of the provisions in this State and other States as regards the method of basic wage fixation and adjustment."

Mr. J. Hegney: Does that appear in the judgment?

Mr. BOYLE: It is there.

Mr. J. Hegney: I did not hear either Mr. President Dwyer or Mr. Davies say that. I think the reference is wrong in respect to this State, but not in respect to the other States.

Mr. BOYLE: It is in the report. Imagine Commonwealth Government officials issuing a statutory rule to alter and interfere with decisions of State Arbitration Courts, when those officials have no knowledge of the

various States' Industrial Arbitration Acts! I go further and say that those officials have little or no knowledge of most of the matters in respect of which they have framed statutory rules. The Minister alleged that following the pronouncement that no alteration would be made in the State basic wage, serious unrest was manifest. If so, why did not the Government call Parliament together to deal with the matter? Why were not we, who must shoulder the ultimate responsibility, consulted in order to effect the very alteration which it is now proposed should be made in our Industrial Arbitration Act? We have had to wait nine years for this alteration. If industrial unrest was manifest, then palpably it was the Government's duty to call Parliament together.

Another phase occurs to me. If the word "may" is left in the Act, I point out that in three years Mr. President Dwyer will reach the compulsory retiring age of 70 years. That will be in 1945. Mr. President Dwyer attained the age of 67 years in August last. If the present Government is in power, as quite possibly it will be, though not at the will of the electors, but by prolongations of Parliament, and this juggling continues—I will not use the word—probably the Government will extend the life of Parliament for another twelve months.

The Minister for Lands: The Government cannot do that.

Mr. BOYLE: If the Government cannot do it, no private member may. The Government will seek the support of the House in carrying that measure through. It is possible the Government will receive the support of a majority of members in both Houses.

Mr. SPEAKER: Order! We are not dealing with elections now.

Mr. BOYLE: I am dealing with the retirement and appointment of a President of the Arbitration Court, which is a vital matter in regard to industrial arbitration in Western Australia. It appears to me that everything depends on the President, whoever he may be. As there is an employers' representative and a workers' representative, in the ordinary course of events the President must be an extremely impartial man. When Mr. Justice Dwyer retires in 1945 I cannot imagine this Government appointing anyone to the bench other than a man it

considers most suitable for the position. What that suitability means can be left to members to decide.

I am supporting the Bill because, as I have said repeatedly in this House, I will not be a party to lowering the standard of living amongst workers. I have fought too hard in my time and am still fighting for a decent standard of living for primary producers who are today facing deflation, while others are facing inflation. There is a serious deflation in the primary products of this State and I am contrasting that with the conditions obtaining among industrial sections. The Minister considers that £7 a month is a sufficient basic wage or, as he euphemistically termed it in reply to a question I put, an augmentation of what the farmer receives. The farmer does not see it in that light, as an augmentation of his financial income where all his proceeds are taken. Would the Government co-operate with me in return for my supporting this Bill by giving a decent wage to the primary producers in this State and putting them on a comparable basis? At least I am consistent in my attitude. I repeat that the action of the Government in altering this Act is well within its province. The Parliamentary Country Party has inserted in its Constitution, "No interference with the decisions of the Arbitration Court of this State."

We say that there should be no interference with the judgments of the court. If there are any alterations to be made let them be made in this House to the Industrial Arbitration Act. The Government has done right in bringing this matter before Parliament. However, no explanation has been given of the nine years delay from 1933 to 1942, and as the member for East Perth pointed out, no explanation has been given of the lag in the basic wage. No retrospective payments have been made. We have been told that increases in the basic wage will cost the commercial community £440,000 a year and the Government £250,000. It will not cost the commercial community one shilling. Basic wage increases are passed on to the farmer, who has no say in the matter. He comes up against a dead wall. The argument that the basic wage increases cost the manufacturers and the commercial community a considerable sum does not cut any ice with me. Such increases are passed on with the full concurrence of the Price-fix-

ing Commissioner. But when it comes to how much shall be given for wheat or wool, the basic commodities of the farmer, it is considered that £7 per month is sufficient for him with £6 a year for each child under 16. I said £6 a year and not £6 a month or a week. That is to say 10s. a month is given by a Government which is prepared to invoke Federal statutory regulations. I think we should have a hand in invoking a regulation to assist the farmers.

Mr. SPEAKER: I think that could be done under another measure.

Mr. BOYLE: I think so, too, and possibly an opportunity will be afforded us to do it. I support the measure, but I do not support it because I think it is anything out of the way. Before concluding, I draw attention to something that I consider grossly unfair. I noticed that first on the Public Service List is the name of Mr. Shapcott who, in addition to his £1,500 a year, receives £40 a year by way of basic wage increase. The name of man after man appears on the list as receiving, in addition to a high salary, this basic wage increase. I am told that Mr. Shapcott received more than £1,500 a year. Yet he was given the £40 a year increase.

The Minister for Justice: That is the law.

Mr. BOYLE: Why are not we poor downtrodden members of Parliament given a basic wage increase on our tax-ridden £600 a year?

Mr. SPEAKER: I do not think we come under the Industrial Arbitration Act.

Mr. BOYLE: I am afraid we come under nothing in that regard. I protest against highly-paid public servants—and there are scores of them on this list receiving salaries varying from £1,000 to £1,500 a year—having provision made for them to receive £40 a year increase when, if we want 40s. for men on £70 a year, we are told it cannot be done. I support the Bill.

On motion by Mr. W. Hegney, debate adjourned.

*House adjourned at 6.17 p.m.*

## Legislative Council.

*Wednesday, 7th October, 1942.*

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

### ADDRESS-IN-REPLY.

#### *Presentation.*

The PRESIDENT: I have to announce that I waited on His Excellency the Lieut.-Governor and presented to him the Address-in-reply agreed to by the House. His Excellency has been pleased to make the following reply:—

Mr. President and hon. members of the Legislative Council—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. (Sgd.) James Mitchell, Lieut.-Governor.

### ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the following Bills:—

1. Feeding Stuffs Act Amendment.
2. Dried Fruits Act Amendment.

### FEDERAL SENATE VACANCY.

#### *Lieut.-Governor's Message.*

Message from the Lieut.-Governor received and read transmitting a copy of a despatch received by him from the President of the Senate of the Commonwealth of Australia notifying that a vacancy had occurred in the representation of the State of Western Australia in the Senate, Senator Edward Bertram Johnston having died on the 6th September, 1942.

On motion by the Chief Secretary, ordered: That the President be requested to confer with Mr. Speaker in order to fix a day and place whereon and whereat the