

Legislative Council.

Wednesday, 22nd November, 1944.

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

QUESTIONS (2).

NORTHAM HIGH SCHOOL.

As to Accommodation.

Hon. C. F. BAXTER (for Hon. G. B. Wood) asked the Chief Secretary:

(i) Is the Government aware that the accommodation at the Northam High School is inadequate to cope with the large number of students attending?

(ii) Is it the intention of the Government to provide more school-rooms and teaching facilities before the first term commences in 1945?

The CHIEF SECRETARY replied:

(i) Yes; the matter has been kept prominently before the Education Department as a result of repeated representations by the member for the district (the Hon. A. R. G. Hawke).

(ii) Plans have been prepared for the provision of the necessary additional accommodation and every effort will be made to have the work completed in time for the commencement of the first term in 1945.

BARLEY.

As to Disparity in Fixed Prices.

Hon. C. F. BAXTER (for Hon. G. B. Wood) asked the Chief Secretary:

In view of the disparity in the fixed prices of barley in the Eastern States compared with those applying in Western Australia, will the Government take immediate

steps to see that West Australian growers receive prices comparable with Eastern States growers?

The CHIEF SECRETARY replied:

The prices announced by the Australian Barley Board are for the selling price of barley under varying conditions and do not necessarily reflect the price which growers in the Eastern States will receive.

The West Australian Barley Board, however, at a meeting today is reviewing the position as it affects this State, following upon the recent announcements in the Press regarding the selling price of barley through the Australian Barley Board.

BILLS (2)—THIRD READING.

1, Members of Parliament Fund Act Amendment.

2, Collie Recreation and Park Lands Act Amendment.

Passed.

BILL—LEGISLATIVE COUNCIL (WAR TIME) ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. S. W. PARKER (Metropolitan-Suburban) [4.38]: This is a Bill to extend the operation of the Legislative Council (War Time) Electoral Act which was brought down for the purpose of giving the soldiers a vote. I have no objection to soldiers getting the vote, but I take the strongest exception to the present Act and therefore to its extension. The reason I do so is because it is entirely and absolutely unworkable if we desire to retain the purity of elections. The Act was, I think, passed somewhat hurriedly last session without proper consideration being given to its provisions. The intention no doubt was good, but the operation of the Act, to put it mildly, has proved to be very unsatisfactory. I venture to say that any election that was affected by the soldier vote would be upset by the Court of Disputed Returns. I do not say that wildly; I am speaking from personal knowledge. There was a Court of Disputed Returns over the last election and, among other objections taken, there was one to the great majority of votes taken under this Act. I think 153 soldier votes were cast in that election and there were only

six to which objection was not taken. The objection was based on the ground that the Act provides that the soldier who desires the vote shall sign a declaration as follows:—

I am not under the age of 21 years, or

I am under the age of 21 years and I have served outside Australia.

Only six of those voters crossed out one or other portion of the declaration; the others did not stipulate whether one or the other was correct. I will read the remarks of the judge, who sat on the case, referring to this particular objection. He said—

It may be taken as a principle of electoral law that the elector must do all that the law requires of him for the exercise of his franchise. But all these electors, it seems to me, have done that exactly and nothing else. Parliament itself has prescribed the form of their declaration; the fact that there may be an ambiguity or indefiniteness in its wording does not seem to be to the point. The elector is required to fill in, not to strike out; he is not called upon to say to which of the two named classes he belongs, but only that he comes within them. In my view, therefore, the declarations objected to in bulk should be held to be sufficient and the votes are not invalid unless for other reasons; and I proceed to consider those attacked on other grounds.

That is my first objection to the Act, namely, that the form of declaration is entirely wrong. I will give other reasons why I think the Act needs to be re-framed if we desire to give soldiers a vote and keep elections clean. Our first duty is to maintain the purity of elections and then, as far as possible, give all those who are entitled to vote an opportunity to do so. No. 1 consideration, however, is to maintain the purity of elections. A number of votes by soldiers were objected to on the ground that they did not set out the residence of the voter within the district for which he purported to vote. In the declaration a soldier is required to sign, he must set out his ordinary place of residence immediately prior to enlisting, and the electoral district in which his place of residence is situated. The learned judge remarked—

Thirty-six of these are objected to on the ground that the voters had not been resident in the Avon district; in nearly all cases the objection must be sustained. The declarations set out the place of residence in full, and it is quite clear in at least 31 cases that the voter's residence was in a different electoral district and was not in the Avon electorate. I have checked the residences given, and in 31 cases the different district is easily

ascertainable. Eighteen other votes were objected to on the ground that they were not attested in the mode prescribed by the statute. I am satisfied on an examination of the documents that the objection should be upheld in 16 cases.

My grounds are that the forms in the schedule to the 1943 Act must be regarded as part of the Act, and they require, in my opinion, that the person designated to take votes shall add his rank and unit, or his designation, so that his legal capacity will appear. In the cases mentioned, this requirement has not been complied with. The person concerned does not appear to be either a presiding officer or a commissioned officer, and his authority to act cannot be presumed. I disallow the 16 votes on the ground that directions as regards voting are imperative and not optional or merely directory.

The experience I gained from that case shows that the Chief Electoral Officer had no control of any sort or description over the officers appointed to take the vote. The vote of a soldier had to be put in an envelope and the envelope had to be signed. Subsequently the votes were taken out and counted. The number of votes, however, did not tally with the number of envelopes; there was a discrepancy. Furthermore, although there is provision as to how the votes are to be opened, they were actually opened in New Guinea by somebody who knew nothing about the matter. These are points on which I can speak with exact knowledge. The Act is such that if we continue it and if the soldiers' vote would make the slightest difference to an election, it is certain that the Court of Disputed Returns would be appealed to and the election would be upset. I have been referring to honest mistakes, but consider what it might mean if by any chance any improper practice crept in! The Act leaves the door wide open to the perpetration of many improper practices, and I think members will appreciate my position when I say that, knowing so much about the Act, I cannot vote for its continuance.

I have no objection to the soldiers having the vote, but I want to see the vote taken in a proper manner and under proper supervision and control, not in the haphazard way we know prevailed on that occasion. There is no scrutiny whatever of the soldiers' vote. Members will appreciate the position when they know that no fewer than 16 soldiers declared that they resided at a certain place before enlistment outside the Avon district, and yet they cast a vote

for a candidate for that electorate. Every one of those votes was admitted by the responsible officers in charge of the election. I am not for a moment suggesting that there was anything improper in the actions of the individuals who did so; they acted through ignorance. Their desire was—as is the desire of a great many members of this Chamber—to give the soldier a vote. They thought it did not matter; they said, "Let him vote for Avon; it does not matter where he lived." Members will see how the matter is left open. I sincerely hope, if it is the honest intention and desire of the Government to give the soldiers a vote, that it will completely overhaul the Act and bring it down early next session, so that we may make it as nearly watertight as possible, at the same time allowing the soldier entitled to a vote to record one. There is no need for this Bill. The law remains in existence until the end of the year. The only use the Bill could be would be for a by-election and perhaps for a general election before the next session of Parliament; but members will agree with me that a general election before then is a very remote possibility.

Hon. J. Cornell: It is not remote as far as a Legislative Council election is concerned.

Hon. H. S. W. PARKER: I am at the moment dealing with the Assembly Bill.

Hon. J. Cornell: The Bill under discussion deals with the Council.

Hon. H. S. W. PARKER: It makes very little difference.

Hon. Sir Hal Colebatch: Why not extend the Act for a year?

Hon. H. S. W. PARKER: I am afraid I cannot agree to an extension for a year; because whatever election is held, if the soldiers' vote makes any difference to the result, I feel certain that the Court of Disputed Returns will have sufficient grounds to cause it to upset the election. It means this: The successful candidate, through no fault of his own, might be put to the expense of another election. I do not think that is right. I point out that no-one can say whether these votes are good, bad or indifferent until one actually proceeds with all one's necessary documents to the Court of Disputed Returns, and the judge sitting in court actually gives one permission to inspect the votes. A candidate has to incur

the whole of the expense and, if I may so put it, go to the Court on the blind. Personally, I think it is a certainty that if a candidate did go to the Court on the blind, he would find—as happened in the Avon election—that a great number of the votes would not be in accordance with the law. Therefore, this measure is useless. Not only is it useless, but dangerous; and not only dangerous, but very expensive to the candidates concerned and, incidentally, to the State. I cannot agree to any extension of this law as it now stands.

THE CHIEF SECRETARY (in reply): I have listened with a great deal of interest to Mr. Parker's remarks. It seems to me that his main objection to the continuance Bill is that certain individuals who were authorised to take votes did not take them in accordance with the Act. I suggest that that is likely to happen at any time under conditions as they exist overseas. Mr. Parker does not suggest that the Chief Electoral Officer did not take all the precautions open to him.

Hon. H. S. W. PARKER: He took none at all.

THE CHIEF SECRETARY: The only precautions he could take, I presume, were to give the necessary directions to whoever might be authorised to take the vote. That would apply in any circumstances.

Hon. J. Cornell: The fact remains that there was not sufficient time to get the papers to the men in the front line. The Act wants amending in that direction.

THE CHIEF SECRETARY: The hon. member had an opportunity to speak on the Bill if he so desired.

Hon. J. Cornell: I will speak on the next Bill.

THE CHIEF SECRETARY: This Chamber spent a great deal of time last session on this legislation, with the object of ensuring that every member of the Forces entitled to a vote should have the opportunity to record one. Parliament did its best in that respect. It placed a responsibility on the Chief Electoral Officer to devise the necessary machinery whereby that object could be achieved. I have no reason to doubt that that was done in an efficient manner, and we cannot hold the Chief Electoral Officer responsible for the shortcomings of some commissioned officer who was authorised to take votes under

this legislation. Mr. Parker points out very definitely that some breaches of the Act occurred and that there was recourse to a method whereby such breaches could be rectified; but he suggested that that might be the responsibility of the candidate, and for that reason he is prepared to vote against the continuance of this measure for the duration of the war. In doing so, however, he is also prepared to deny to the soldier the right to vote should there be a by-election between the present time and the termination of the war.

Hon. H. S. W. Parker: I said until next session.

The CHIEF SECRETARY: In my opinion, this is not sufficient reason for contending that this legislation should not be continued. I suggest the better plan would be to agree to the Bill as it stands.

Hon. G. W. Miles: Limit it to a year.

The CHIEF SECRETARY: I am suggesting that the House agree to the Bill as it stands. I do not see why we should take two bites at one cherry. I will undertake to have the objections raised by Mr. Parker put before the Electoral Department and, if necessary, before the Crown Law Department, with a view to ascertaining whether it is necessary to amend the legislation in order to meet some of the objections that Mr. Parker has raised. If we do not agree to the continuance of this legislation, either for the duration of the war or for 12 months—some members seem to prefer the latter period—it means, as I said, that in the event of a by-election, or perhaps an election for the Legislative Council, before the war ends, the soldiers who were entitled to vote at the last election will not be entitled to vote at the next. We should not place ourselves in that position. I hope the House will pass the measure. As I said, I will have the objections raised by Mr. Parker examined with a view to ascertaining what is necessary to be done in order to get over the disability to which he referred.

Question put.

The PRESIDENT: There must be a division on this Bill.

Division taken with the following result:—

Ayes	..	..	..	23
Noes	..	..	..	3
Majority for	..	..	..	20
				—

AYES.

Hon. C. F. Baxter	Hon. V. Hamersley
Hon. L. B. Bolton	Hon. J. G. Hislop
Hon. Sir Hal Colebatch	Hon. W. H. Kitson
Hon. O. R. Cornish	Hon. W. J. Mann
Hon. L. Craig	Hon. G. W. Miles
Hon. J. A. Dimmitt	Hon. T. Moore
Hon. J. M. Drew	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. Seddon
Hon. F. E. Gibson	Hon. A. Thomson
Hon. E. H. Gray	Hon. F. R. Welsh
Hon. E. H. H. Hall	Hon. C. B. Williams
Hon. W. R. Hall	(Teller.)

NOES.

Hon. H. S. W. Parker	Hon. J. Cornell
Hon. H. Tuckey	(Teller.)

The PRESIDENT: There being more than an absolute majority of members voting in the affirmative I declare the question passed.

Question thus passed.

Bill read a second time.

In Committee.

Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 23 and continuance of the principal Act:

Hon. J. CORNELL: It is my intention to move an amendment—

That in line 3 after the word “words” the words “for the duration of the present war and twelve months thereafter” be struck out and the words “until the 31st day of December, 1945, and no longer” inserted in lieu.

If this amendment be carried, it will prolong the Act for another year. There are many instances where this legislation has not worked out as was expected. Out of roughly 400 electors entitled to vote at the last election for the South Province under this Act, 22 only cast their votes. Of these I received ten and my opponent received 12. In such circumstances, it was hardly worth while taking the vote. I have been given to understand by the Chief Electoral Officer that electors for this Chamber when in the front line had no chance of recording their votes. The same thing would apply in the case of Assembly elections. The requisite papers could not be transmitted to the men in time to enable them to conform to the provisions of the Electoral Act. Whilst the Act of last session purported to provide facilities to enable a soldier to vote, actually the papers could not be got to all the persons concerned within the 30 days specified. In the case of service men, the 30-day period should be extended.

If the Bill is passed with the amendment the Chief Secretary proposes to move, the

Act will go on for the currency of the war and for 12 months thereafter. There will then be no obligation on the Government to bring down amending legislation during that period. Parliament will thus have to leave it to the Government whether or not it will bring down a Bill. If this measure is made to operate only for another year, the Government will be forced to bring down another next session. If nothing has been done in the meantime to rectify the many anomalies that exist, this House can then make a further protest. Even at this stage, I wish the Government would withdraw the Bill, and bring down an amending and continuance measure so that the men we set out to serve could be served. Much has been said in Parliament about enabling the soldier to record his vote. I have just returned from attending the Returned Soldiers' Congress. There were no fewer than 500 items on the agenda, but not once was the soldiers' vote mentioned. The men most concerned had nothing to say about the matter. This legislation ought to be so elastic that the men concerned may record their votes if they so desire.

The CHIEF SECRETARY: I prefer the amendment I have on the notice paper to that moved by Mr. Cornell. The only difference between us is that his amendment provides for an extension of the Act for 12 months whilst I desire to extend it for the duration of the war and 12 months thereafter. Mr. Cornell infers that unless this Chamber agrees to his amendment the Government will be forced to do something. I do not like the implied threat that the Government will be forced to take action to amend the Electoral Act so that servicemen shall get a vote. The matters that have been raised will, as I have said, be referred to the Electoral Department and, if necessary, to the Crown Law Department, with a view to the Government's considering what may be necessary to improve the position, if it is possible so to do. During the course of his remarks, Mr. Cornell said that he had been informed by the Chief Electoral Officer that it was not possible for soldiers in the front line to record their votes.

Hon. J. Cornell: Not possible for some soldiers.

The CHIEF SECRETARY: Now there is a qualification! The hon. member made a very definite statement regarding the Chief

Electoral Officer's assertion that soldiers in the front line could not record their votes because they could not be supplied with ballot papers in time.

Hon. J. Cornell: There was more than one front line at the outset.

The CHIEF SECRETARY: No matter where the front line might be, there would probably be difficulty in ensuring that every soldier had an opportunity to vote. We cannot blame anyone for that, and I doubt very much if it would be possible, by way of a regulation extending the time limit or by any other method, to guarantee that every soldier in the front line would have a vote.

Hon. T. Moore: It would be impossible.

The CHIEF SECRETARY: I suggest that we should not extend the legislation for 12 months only but accept the amendment I have indicated. I give the Committee the definite assurance that the points raised will be given consideration and, if necessary, the Government will not be averse to amending the Electoral Act to deal with the position regarding soldiers and their votes.

Hon. C. F. BAXTER: When we passed this legislation 12 months ago we realised it was experimental, but I do not think any member thought that the experiment would have turned out so unsatisfactorily. The Chief Electoral Officer has no control whatever over the ballot, which is entirely in the hands of the military authorities. The results have been chaotic. We have had evidence of what actually occurred. Mr. Cornell said that men in the front line had not voted. That is quite correct; they did not have the opportunity.

Hon. T. Moore: And never will. Men in the front line will never vote.

Hon. H. S. W. Parker: Of course, they could not do so.

Hon. C. F. BAXTER: Some men in the front line did vote.

Hon. T. Moore: Then it must have been a very quiet front line.

Hon. C. F. BAXTER: Of about 1,000 votes recorded in one instance, between 750 and 760 were disallowed. That shows where it failed. Those votes were accepted by men who knew nothing about electoral matters. Notwithstanding the experience we have gained, the Chief Secretary asks the Committee to extend the legislation for the duration of the war and 12 months thereafter. If we extend it for 12 months only, that will

give the Government an opportunity to look into the matter and frame the necessary amendments to deal with the position satisfactorily.

Hon. G. W. MILES: Tell the Committee about the secrecy of the ballot.

Hon. C. F. BAXTER: After the experience we have had it is essential to amend the Act so as to get down to a fairer basis. Mr. Miles referred to the secrecy of the ballot. The case he has in mind is where seven soldiers went to record their votes. With regard to six of them, the officer in charge took their open votes, glanced at them in turn, and passed them to an officer standing next to him over whose shoulder a third officer glanced at the ballot papers. Thus three officers inspected votes that were supposed to be secret! The votes after having been glanced at, were put in envelopes and thrown into a tin. The seventh man had had some experience in connection with voting, and demanded the envelope in which to enclose his ballot paper. When he was asked why he required it he explained that he knew what to do. He was given the envelope into which he put his ballot paper, sealed the envelope, and put his voting paper into the tin himself.

The Chief Secretary: Was not that in connection with the recent Referendum?

Hon. C. F. BAXTER: Yes, but the incident referred to soldiers' votes. I believe the Chief Secretary himself recognises that the Act has not worked satisfactorily. I do not blame the Government, but it is the business of this House to deal with legislation on sound lines. It would not be sound to enact this legislation for a period extending until 12 months after the war.

Hon. G. W. MILES: I support the amendment. The Chief Secretary was wrong in inferring that Mr. Cornell delivered a threat to the Government. I do not think Mr. Cornell had that in mind at all. The Committee can gratefully accept the Chief Secretary's assurance that he will have these matters investigated, and, if necessary, introduce amending legislation. In the meantime we should re-enact the legislation for 12 months, and it will be a simple matter to renew it annually.

Hon. H. SEDDON: I support the amendment. I would have supported Mr. Parker's suggestion had it not been for the assurance given by the Chief Secretary that these

matters will be considered by the Government with a view to the introduction of amending legislation. The re-enactment of the legislation for 12 months will give the Government ample time to deal with that phase.

Hon. G. FRASER: I oppose the amendment. I have heard nothing during the course of the debate that would furnish any reason for my doing otherwise. The complaints raised have been with regard to the manner in which polling has been conducted.

Hon. J. CORNELL: And also regarding the weakness of the Act.

Hon. G. FRASER: Mr. Baxter lodged a complaint but answered it himself, when he said that the poll was conducted by the military authorities over whom we have no control. Naturally such polls must be conducted by the military authorities, and irrespective of whether the Act is renewed for 12 months only or for the longer period suggested by the Chief Secretary, that difficulty will remain.

Hon. J. CORNELL: The Chief Secretary has asked the Committee not to agree to my amendment and has said that if there are any weaknesses in the Act they may be remedied. The logical assumption to be drawn from the introduction of the Bill is that the Government is satisfied with the Act as it is, seeing that it has introduced a measure to continue it for the duration of the war and for 12 months afterwards.

The Chief Secretary: As far as I know, there have been no complaints about it.

Hon. J. CORNELL: Has any inquiry been held so that complaints could be made? If a Select Committee were appointed to deal with the matter and evidence was secured from those responsible for carrying out the provisions of the Act, the Government would get some astounding statements.

Hon. C. F. Baxter: The Chief Electoral Officer has already told us something about it.

Hon. J. CORNELL: If my amendment is agreed to, the Act, good or bad as it may be, will remain in force. In the interim the necessary inquiries could be made by the Government and amending legislation could be introduced. If we extend the life of the Act for 12 months only we shall demonstrate that we are not satisfied with the law as it stands, and that we will not agree to more than one year's currency at a time until the

Act is overhauled. In lieu of my first proposal, I move an amendment—

That all the words after "deleting" in line 2 be struck out and the following words inserted in lieu:—"the word 'forty-four' in line 3 and inserting the word 'forty-five' in lieu thereof."

Hon. T. MOORE: The principal Act has not been working too well, because front-line soldiers do not get an opportunity to vote. Whole battalions have been isolated, and not in the front line either. Therefore it is absurd to contend that we expect all soldiers to get a vote. Our aim should be to give the vote to as many soldiers as possible. The conduct of the ballot has not been as we would have it in a well-appointed agricultural hall; but as long as there is honesty of purpose on the part of the officer conducting the ballot, I shall be perfectly satisfied; and I think other members should also be satisfied. The returning officer is not interested in how electors vote. It is absurd to bring up small, piffing matters. Soldiers do not worry about the question by whom the vote is cast.

Hon. J. CORNELL: Subject to correction, I understand that in a by-election a period of 30 days is allowed under the Electoral Act. A lot of noise has been made about denying certain soldiers the vote, but the intention of the principal Act was only to give the vote to some soldiers. It is said that this provision may apply only to by-elections, but if it is to be brought down to that time limit we might as well scrap the Bill.

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

Bill reported with an amendment.

BILL—ELECTORAL (WAR TIME) ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. S. W. PARKER (Metropolitan-Suburban) [5.40]: I do not wish to reiterate my remarks on the last Bill, but I would point out that the difference between the two measures is that whereas in the case of the Legislative Council there is some opportunity of checking the names of persons who vote, in the case of the Legislative Assembly any person can go along and vote and put any name and address he likes. Therefore in the case of soldiers a whole

battalion could vote for a particular district without any check being made. I think the law could easily be tightened up to prevent that sort of thing. If it cannot be tightened up, I fear this will not make for purity of elections. I feel keenly on the question of having the basis of our whole political existence kept clean, and I am also of the opinion, which is borne out by Mr. Moore—with whom I entirely agree—that the soldier does not care two straws whether he has a vote or not, since he is too busy—

Hon. T. Moore: I never said anything of the kind. What I did say was that the officer who took a vote was not interested in how the elector voted.

Hon. G. Fraser: That is correct.

Hon. H. S. W. PARKER: I was not referring to that portion of the hon. member's statement. He stated that whole battalions in the front line did not get an opportunity to vote.

Hon. T. Moore: They would not.

Hon. H. S. W. PARKER: And they did not care.

Hon. T. Moore: That is another matter.

Hon. H. S. W. PARKER: I have spoken to a great many returned soldiers and asked them about what they had done in regard to recent voting. In reference to State elections, the soldiers did not even know they were on, nor did the soldiers care. As regards the Referendum, I cannot express in this Chamber the way they stated their views about having to vote. But there are certain people, a very few, who are keen about voting; and I will say that the better the soldier, the less he cares about what the civilians are doing. He is intent on his job as a soldier, and he looks to us back here, who cannot go, to look after his interests there; and I feel quite sure that we people are capable of looking after the soldier's interests without worrying him about voting. It leaves the door wide open, if there are any persons anxious to be dishonest in regard to an election. Therefore, in addition to remarks I made on the previous Bill, I consider it even more important that the Act here referred to should not remain on the statute-book one minute longer.

If it is the desire of the Government to give the soldier the vote, then I certainly think the Government should give it to him under conditions comparable to those

under which the ordinary citizen exercises it. It is true that the Government is not going to put the soldier on the roll—he does not have to be on the roll—but there should be some safeguard ensuring that he in fact did live in the electoral district for which he claims and does vote. Further, there should be some arrangement whereby at least scrutineers may be appointed to examine the voting papers and claim of the soldier. It is also important that there should be some arrangement for the checking of addresses, and for the opening of votes by the Chief Electoral Officer or his deputy in person in the presence of scrutineers. I cannot see why a soldier's vote should be treated in a cavalier way or why the attitude should be adopted that so long as he puts his name on a bit of paper it does not matter where it goes. Mr. Moore asked: "What does it matter?" In my opinion it matters a lot, because it may be that the commanding officer has certain political views and the soldier has other views. In those circumstances, it is not pleasant for the soldier. It is more important there than it would be here. I am sure Mr. Moore would not suggest that because an employer was acting honestly he should have the right to see which way his employee should vote.

Hon. T. Moore: What an analogy!

Hon. H. S. W. PARKER: Maybe; but I cannot see any difference between that man and the officer commanding, or the officer who takes the votes and who has strong political views and may be particularly anxious to see which way his subordinate votes. I point out to members that, so far as is possible, it is the officer commanding and his subordinates who are the returning officers for the rank and file who care to vote in a particular unit. I cannot support the Bill.

HON. J. CORNELL (South): As Mr. Parker has said, there is a check so far as the Assembly is concerned, inasmuch as a man must be on the roll. This question was considered by the Select Committee appointed to inquire into this matter; and, in evidence before that body, the Chief Electoral Officer candidly admitted that in this case there was no check whatsoever, and no method of checking. I am not concerned about the soldier who votes under this Bill in his own electorate. What I am concerned about is what happened at

the last election with regard to the soldier outside his own electorate. He could walk in and say: "I want to vote; I live in so-and-so electorate." He would then be able to make a declaration and vote. Let us suppose that the place in which he said he lived was Wagin; he was thus able to vote for the Wagin electorate.

I have had it on the best of authority that the number of men who said they lived in a certain electorate and voted in respect of that electorate was extraordinary. I think it was pointed out that many of the soldiers who said that they lived in the Avon electorate never lived there at all prior to their enlistment, but they voted for that electorate; and that can happen under this measure. Another difference between this measure and the one we have agreed to continue is that under this measure a non-commissioned officer cannot take a vote whereas for the Council he can do so. The admission was made that another place did not know the Select Committee had made that amendment. It is a definite anomaly and no attempt has been made to correct it. Evidently a superior chap will take the vote for the Legislative Assembly and an inferior man will take it for the Legislative Council! When the Bill is in Committee, I propose to move an amendment similar to that moved in connection with the previous Bill.

THE CHIEF SECRETARY (in reply): My reply to Mr. Parker is that no matter what arrangements we may desire to make with regard to the taking of a poll outside Australia, we are in the hands of the military authorities; or perhaps I should say in the hands of those officers appointed by them to conduct the election. If it should be that there is a number of commissioned officers unscrupulous enough to utilise their position as officers in the way suggested by Mr. Parker, that is just bad luck. But it does not speak too well for the commissioned ranks in our Forces overseas. I can well understand that some of those commissioned officers have never had anything to do with conducting a poll. They would receive their directions from the Chief Electoral Officer and, to the best of their ability, they would carry out those directions.

I know of one case in which a commissioned officer, charged with the responsibil-

ity of seeing that a certain number of soldiers voted, approached a member of the rank and file who he knew had been associated with the electoral office and asked him for advice. To the best of his ability, he followed the advice so given. Even then, I suppose one could have found some fault if one had wanted to look at it from the same angle as Mr. Parker. I did not contest the amendment on the previous Bill to limit the operations of the measure for 12 months, and I do not intend to oppose the amendment on this Bill. I hope that, notwithstanding that there may have been incidents which could be criticised in the way they have been criticised by Mr. Parker and Mr. Baxter; that, notwithstanding certain happenings, which must be inseparable from conditions as they are overseas, this House will not refuse to agree to continue this measure which does give to as many soldiers as possible an opportunity to record their votes. If they do not record them, that is their own fault.

Hon. T. MOORE: Seeing that Mr. Parker has directed so much attention to me—

The PRESIDENT: Order! Is this a personal explanation? The Chief Secretary has replied to the debate.

Hon. T. MOORE: I will say what I have to say in Committee.

Question put.

The PRESIDENT: There must be a division on this Bill.

Division resulted as follows:—

Ayes	22
Noes	3

Majority for	19
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AYES.

Hon. O. F. Baxter.
Hon. L. B. Bolton.
Hon. Sir Hal Colebatch.
Hon. J. Cornell.
Hon. C. R. Cornish.
Hon. L. Craig.
Hon. J. A. Dimmitt.
Hon. J. M. Drew.
Hon. G. Fraser.
Hon. F. E. Gibson.
Hon. E. H. Gray.

Hon. E. H. H. Hall.
Hon. W. R. Hall.
Hon. V. Hamersley.
Hon. J. G. Hislop.
Hon. W. H. Kitson.
Hon. G. W. Miles.
Hon. H. L. Roche.
Hon. A. Thomson.
Hon. F. R. Welsh.
Hon. C. B. Williams.
Hon. T. Moore.

(Teller.)

NOES.

Hon. H. S. W. Parker | Hon. H. Tuckey
Hon. H. Seddon. | (Teller.)

The PRESIDENT: There being more than an absolute majority voting in the affirmative I declare the question passed.

Question thus passed.

Bill read a second time.

In Committee.

Hon. V. Hamersley in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 34 and continuance of principal Act:

Hon. J. CORNELL: I move an amendment—

That all the words after "deleting" in line 2 be struck out and the following words inserted in lieu:—"the word 'forty-four' in line 3 and inserting the word 'forty-five' in lieu thereof."

Hon. T. MOORE: I wish to reply to Mr. Parker, who directed so many of his remarks at me. He put up a very poor case for the officer-class, of which he was once a member. He would lead us to believe that the officers are corrupt.

The CHAIRMAN: Can you connect that with the deletion of these words?

Hon. T. MOORE: Yes. It was on a similar measure that he made the remarks. I often found that the officers and the men in the ranks were the best of pals. Although I was not in the officer-class, I became an N.C.O. and served in the front line.

Hon. H. S. W. Parker: How did you manage that?

Hon. T. MOORE: I earned it in the front line. It is absurd to suggest that officers and the men serving under them are like masters and servants.

Point of Order.

Hon. H. S. W. Parker: On a point of order! I cannot see that there is any reason why Mr. Moore should rise simply to abuse me, and make innuendoes in connection with anything I have said.

Hon. T. Moore: Mr. Parker tried to put into my mouth words that I never uttered.

Committee Resumed.

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

Title—agreed to.

Bill reported with an amendment.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. SIR HAL COLEBATCH (Metropolitan) [6.5]: I intend to support the second reading of this Bill for what I consider to be good and sufficient reasons. Ours is one of the few Parliaments possessing the great advantages of the bi-

cameral system that has no well set out method of settling differences between the two Houses. There should be some way of settling those differences. I think that this Bill is capable of amendment so as to provide a satisfactory method for settling disputes between the two Houses. I do not think that the Minister, or the Government, expected this House to pass the Bill as it stands. To do so would be completely to abrogate our responsibilities as a House of Review and also the duties that we ought to, and do from time to time, exercise in the interests of the rights of minorities. Minorities have rights which cannot with justice be denied. This House has, on more than one occasion, shown its willingness to stand up for the undoubted rights of minorities.

The Minister is greatly mistaken if he thinks that the people of Western Australia have so much confidence in the Government and in the Legislative Assembly that they are content to allow them to have complete control over the affairs of the country. The people of this State have not that measure of confidence in the Legislative Assembly. They desire that there shall be some check. The whole history of liberty is the history of the limitation of the powers of government. There can be no question about that. There is no security under the law in any country if the Government is given unrestricted powers. Power always corrupts, and absolute power corrupts absolutely; but in spite of that we find Governments, not only in this State and in the Commonwealth but in many other parts of the world, reaching out for more and more power. It is one of the provinces of this House to see that that power is not given to this or to any other Government. The Chief Secretary set out the methods adopted by the other States by the Commonwealth and by New Zealand for settling disputes between the two Houses. If those methods are studied carefully, it will be seen that not one of them contemplates anything like the same destroying of the powers of the Legislative Council contemplated in this Bill. Not one of them goes half as far as does this measure.

So the question arises: Why did the Government, instead of selecting one of the methods mentioned by the Chief Secretary, that are somewhat analogous to our own,

go right outside of them and select the method adopted in a Parliament with which ours has no analogy whatever? Why did it by-pass all the Legislatures in the different States, the Commonwealth and the Dominion of New Zealand and go back to the Act passed by the British Parliament in 1911? There is no analogy between our circumstances and those of the House of Lords, which is a hereditary and nominee body. This Legislative Council is an elected body. I know that a great deal of capital is made of the fact that the number of electors on the Legislative Council rolls is small compared with the number on the Legislative Assembly rolls, and also that the number of voters is small. But that submission does not truly represent the position.

It is an undeniable fact that can be proved at the Electoral Office any day that not one-half of the people entitled to enrolment on the Legislative Council roll are so enrolled. Why is that? Not only is there compulsory enrolment for the Legislative Assembly but the Electoral Department, at considerable expense, sends out investigators who see that every person qualified to be on the roll is enrolled. And it is a peculiar fact that when, in the course of these expensive canvasses, the department discovers that certain people who should be on the Assembly roll are not on, it does not prosecute them with a view to recovering some part of the expense, but simply puts them on. That is one of the reasons why there is such an enormous difference between the enrolment for the Assembly and that for the Council. One is compulsory and is aided by departmental efforts at public expense, while the other is voluntary and no steps are taken to see that people are enrolled. When we come to the number of voters, again we have compulsory voting for the Legislative Assembly and voluntary voting for the Legislative Council. I suggest in all sincerity that that state of affairs accounts for something else. The people who enrol for the Legislative Council are those who take seriously their responsibilities as citizens. The people who vote for the Legislative Council are those who take a real interest in public affairs, and I have no doubt that that accounts for the wise choice that the electors make in returning members to this Chamber.

Members: Hear, hear!

Hon. Sir HAL COLEBATCH: If there is no analogy between the House of Lords and this Chamber, there is still less between the circumstances that led to the passing of the Parliament Act of 1911 and those that prevail in this State today. I do not think that those responsible for the drafting of this Bill took the trouble to inquire into the circumstances leading up to the passing of the Parliament Act of 1911. They have followed it word for word with the exception of two cases to which I shall make reference a little later. They have followed that Act, regardless of the fact that some of its provisions are totally inadequate to our circumstances. Let me mention one—

Amongst the Bills to which restrictions are not to apply are those extending the life of the Legislative Assembly.

That is an exact copy of the British Parliament Act, subject to the use of the word "Assembly" instead of the words "House of Commons." Did the framers of this Bill trouble to find out why those words were included in the British Parliament Act? There was a good reason for their inclusion in that measure. The House of Commons had on occasions—and it seemed capriciously—passed Bills extending its own life, with the result that one Parliament sat for eight years. Therefore it was seen that that sort of thing must be stopped. That provision has been included in this measure simply because it is in the British Parliament Act, and not because there is occasion for it here.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir HAL COLEBATCH: I was referring to the circumstances that led to the passing of the Parliament Act in England in 1911. There were specific and immediate reasons for the passing of that Act. Two Bills of public interest and importance had been passed by the House of Commons and rejected by the House of Lords. Those measures were the Irish Home Rule Bill and the Bill for the disestablishment of the Welsh Church. It is interesting to note that the first of those measures, the Irish Home Rule Bill, lapsed because of the Irish revolution. Though what I am about to say has nothing to do with the matter, I have always felt it would have been wise had home rule been

granted to Ireland in the days of Parnell. However, that is by the way. The Welsh Church Disestablishment Bill was passed, no doubt as a result of the passing of the Parliament Act. There was a specific and an immediate reason for the passing of the Act of 1911. Can it be claimed that there is an immediate reason for the passing of this Bill? If there is an immediate reason, what is it? We have not been told. On the contrary, there was an understanding, which has been departed from of late, that controversial legislation should be avoided during the period of the war. Apparently that understanding has gone by the board.

Now what is the reason for the introduction of this Bill? I think it is the action taken by the Legislative Council in amending the Commonwealth Powers Bill. It cannot be too often repeated that it was the action of the Legislative Councils in the three smaller States that prevented the Commonwealth Government from securing the practically unlimited powers that it sought. It was not the popularly elected Assemblies in the Commonwealth or State Parliaments or the popularly elected Senate; it was the Legislative Councils of the three smaller States that rightly interpreted the will of the Australian people. I am bound to point out that it is generally agreed that some of the Bills which were thrown out by the Council had for their ultimate aim the abolition of the Legislative Council. A fact not so freely admitted and not generally understood is that such Bills had, as their ultimate object, the abolition of State Parliaments. There can be no doubt about that. We have reached a stage now when the Labour Party in the several States wish to see the abolition of State Parliaments. We know that their aim is unification—the abolition of State Parliaments. Do not let anyone run away with the idea that Bills to destroy the Legislative Councils or improperly to intrude upon their powers have not as their ultimate end the abolition of the State Parliaments.

It might be asked why this Legislative Council is picked on, we being only one of three such Chambers that refused to pass the Commonwealth Powers Bill in its entirety. I do not think the reason is far to seek. South Australia could not be attacked because there was no Labour majority in the Lower House to put the Bill through that Chamber. Tasmania could not be attacked because the people of Tasmania, by a sub-

stantial majority, have shown that what the Legislative Council did in that matter was in accordance with their wishes. The Legislative Council of Tasmania was in a very strong position. But because there was a small—though only a small—majority of "Yes" votes, we were open to attack. I still contend, as I have always contended, that had those questions been submitted singly, as they should have been, instead of in bulk, the decision of the electors would have absolutely justified the action taken by this Chamber.

I am quite prepared to admit that there ought to be a proper method of settling disputes between the two Houses, and for this reason I intend to support the second reading of the Bill. In Committee, however, I propose to submit amendments, which will appear on the notice paper tomorrow. I consider that those amendments go as far as this House is entitled to go without abrogating its responsibilities. They will be as generous in their concessions to another place as the provision made in any of the cases quoted by the Chief Secretary yesterday, as generous as those applying in the Commonwealth Parliament or in the Parliament of New Zealand. In fact, I am not at all sure that my proposals are not more than generous. Let me briefly outline the purpose of the amendments. I am prepared to concede to the Legislative Assembly its authority and power in the case of money Bills, but they must be money Bills. Another place must not have the power to pass a money Bill and then use that power to pass legislation which is not properly included in a money Bill.

I should like to draw attention to two differences between the Bill now before us and the British Parliament Act of 1911 from which it is drawn. Under the British Parliament Act, the Speaker has to certify, after consultation with certain authorities, that the measure is a money Bill. There we have a positive declaration; he certifies that it is a money Bill. Under this measure, however, the Speaker, after getting the concurrence of a majority of the members of the Standing Orders Committee of the Legislative Assembly, is merely to certify that, in his opinion, it is a money Bill, and that that opinion is concurred in by a majority of the members of the Standing Orders Committee of the Legislative Assembly. Personally, I am not prepared to accept the

opinion of a majority of the members of the Standing Orders Committee of the Assembly. What does that amount to? When a dispute occurs between the two Houses, it is proposed to make one party to the dispute the judge in its own cause. I am sure that that is not just and that this House will not agree to it. Then we come to the other difference between this Bill and the Parliament Act. The Parliament Act provides that the Speaker's certificate that it is a money Bill shall be conclusive for all purposes and shall not be questioned in any court of law. The framers of this Bill, however, evidently thought that that would be going too far, and so inserted paragraph (vi) of the proposed new Section 2A making any certificate by the Speaker *prima facie* evidence of the correctness of the matter certified. Where does that lead us? If it is only *prima facie* evidence, how is finality to be reached? How are we to ascertain whether it is correct or incorrect? It only pretends to be *prima facie* evidence of the correctness of the certificate. This apparently contemplates that the matter shall be decided in a court of law. But on whom is to be cast the responsibility of taking such an action?

I propose to submit an amendment to clear up that ambiguity and difficulty, but it will really only give effect to the Bill as presented, which says that the Speaker's certificate shall be *prima facie* evidence. The great majority of the money Bills that will be submitted will undoubtedly be accepted without question, and we will not need a majority of the members of the Standing Orders Committee of the Assembly to tell us that they are money Bills. But what if a certificate is questioned? What if there is ground for questioning it? The certificate is only *prima facie* evidence, but it is not conclusive. In 1922—that was 11 years after the passing of the British Parliament Act—and as a result of an agreement between Great Britain and Southern Ireland, a Constitution for the Irish Free State was drawn up. It made provision for testing whether a measure was a money Bill or not. The power of the Lower House in regard to money Bills was made absolute, the Upper House merely having the right to make recommendations. The Bill, accompanied by such recommendations, must be returned to the Lower House within a

certain period, and it is competent for the Lower House to accept any or all of the amendments or discard the lot and pass the Bill in defiance of those recommendations. But I say it must be a money Bill.

It will be competent within a certain period for two-fifths of the members of either House—that would be a substantial proportion because it would mean 12 members of this Chamber or 20 members of another place—to enter a protest with the President or the Speaker as the case may be, and on that protest being entered, a committee of privileges would be set up. That committee would consist of three members elected by the Upper House, three members elected by the Lower House, together with a judge of the Supreme Court who may have a casting vote but not a deliberate vote. The committee of privileges will have nothing whatever to do with the wisdom or otherwise of the Bill. That will not be its concern at all. All it will have to decide will be the question, “Is this a money Bill?”

Since the definition of “Money Bill” is made clear in the Bill, it becomes a question on which a judge is the most competent authority to act, with three members of the Legislative Council and three members of the Legislative Assembly. The judge would have a casting, but not a deliberative vote, and that decision is final. If he says, “No, this is not a money Bill,” then it has to proceed on its course as an ordinary Bill; if it is a money Bill, then it has the privilege of the Legislative Assembly that is accorded to money Bills. Surely, that is a far better method of settling this matter than to say vaguely that the certificate of the Speaker shall be *prima facie* evidence that it is a money Bill, leaving it in some obscure fashion, to some person or some authority to take action in a court of law to obtain a decision whether that certificate of the Speaker is anything more than *prima facie* evidence. It is a clear definition of what a money Bill is. As I say, if it is a money Bill then I think all that this House should ask is to have sufficient time to permit its recommendations to be understood by the public, and then the matter is entirely in the hands of the Lower House, which can pass it with or without such recommendations if it thinks fit.

Then we come to other than money Bills. Again I am prepared to go a long way towards meeting the wishes of another Chamber. The Parliament Act did not exclude from its operation Bills to amend the Constitution. There is a simple reason for that. In the British Parliament there is no written Constitution and therefore it cannot be amended. But surely, if the Parliament Act saw the necessity for excluding such a matter as the lengthening of the life of the House of Commons, it would have undoubtedly excluded an amendment of the Constitution had there been a Constitution which could be amended. I sincerely think that we should exclude from those Bills which may ultimately be passed without the consent of this House, any Bill to amend the Constitution. It has always been recognised that Bills to amend the Constitution must have a more definite backing than ordinary Bills. It is provided—we had instances of it this afternoon—that any Bill to amend the Constitution must be passed at its second and third reading stages by an absolute majority of members of both Houses. Consequently, every justification exists for picking out amendments of the Constitution from ordinary Bills.

Then it would also be necessary to exclude from Bills that can be passed without the consent of this Chamber, Bills to amend this measure, if it becomes an Act. Without such a provision it would be competent ultimately so to amend this measure as to destroy all the safeguards that we propose to put into it; and without those safeguards it would be entirely competent for the Lower House, in the life of a single Parliament, to abolish this Chamber, or even to abolish the State Parliament altogether. I am sure this House would not agree to anything of the kind, and I do not think that either the Minister or his Government expects us to do so. In regard to the proposal that it must exclude amendments to this measure, there is an interesting case on record. That same Irish Free State Constitution to which I have referred provided that there should be no amendment of the Constitution without a reference to the people, but it was thought that in the case of a new Constitution, certain circumstances might arise which would make some minor amendment necessary and regarding which it would be like taking a steam hammer to crack a nut

to refer it to a referendum. So a section was inserted leaving it open to the Parliament of the Irish Free State to make amendments to the Constitution at any time within eight years. One of the first things that the Parliament did was to amend that section by striking out "eight years," thereby entirely destroying the intention of the framers of the Constitution. We do not want that sort of thing to happen here.

Regarding those Bills that may be passed without the concurrence of this Chamber, I think it important—and the amendment which I have framed provides for it—that between the second and third passing of such Bills by another place there should be a general election. I think it is quite idle to contend that any and every general election shows the will of the people on specific questions. Our elections are fought, unfortunately I think, on purely party lines. All sorts of considerations influence the vote of electors. To say the party that obtains a majority at a general election has secured the complete endorsement of the whole of its policy, is to talk simple nonsense. Nothing could be more absurd. But if the Assembly in any two sessions passes a Bill which this House rejects and then there is a general election, it can fairly be put up to the people that it is their business. They could be told, "If you return this party you will be regarded as having endorsed this particular piece of legislation." If, after the elections the same Bill is passed again by the Legislative Assembly, then the provisions of this Act would apply and this House would have to accept that as the will of the people.

I, for one, do not think that this House desires to stand in the way of the will of the people. If we pass the second reading of this Bill and accept the amendments which I have outlined, and which will appear in detail on the notice paper tomorrow, I think we will have gone probably further than the Government expects us to go; at any rate, as far as we can safely go. I should not be at all surprised to find that some members will think we have gone too far; of course, they are entitled to suggest any modification they desire and I am quite prepared to listen to any suggestions. But I do think that, although the time is badly chosen, there should be a means of settling differences between the two Houses. If this House adheres rigidly to its rights as a

House of Review, and is called upon to say that the control of the purse should rest ultimately with the Legislative Assembly, we are also entitled to say that it is not our job constantly to stand in the way of expressed public opinion. There are two matters to be considered, a money Bill and a non-money Bill. This Bill proposes that if the Speaker certifies a Bill to be a money Bill, having ascertained by the agreement of a majority of the members of the Standing Orders Committee of the Assembly that it is a money Bill, then our power in regard to that Bill is practically nil.

Instead of that, I do not want even to obtain the consent of a majority of the Standing Orders Committee—that would be merely a matter of form; let the Speaker certify that it is a money Bill and in nine cases out of ten it would be a money Bill, and if it is a money Bill our power would be merely to recommend. We are entitled, however, to make sure that it is a money Bill and the method I suggested is, I think, a proper one, a protest lodged by two-fifths of the members of either House, with the President or the Speaker, to establish a committee of privileges, consisting of three members of each House and a Supreme Court judge, to decide not whether it is a good Bill, but simply whether it is a money Bill. Then, in regard to other than money Bills, we should provide that certain Bills should be excluded from that operation—Bills to amend the Constitution and Bills to amend this Bill—and that between the second and third passing of those Bills there should be a general election. I shall support the second reading of the Bill and I shall place on the notice paper tomorrow the amendments which I think should be carried when we get into Committee.

On motion by Hon. H. Seddon, debate adjourned.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. A. THOMSON (South-East) [7.57]: There appears to be a considerable amount of organised opposition to this measure. Whilst I feel justified in holding my own views and opinions on this Bill, I certainly would hesitate to follow the advice of those who would reject it altogether.

When this legislation was first passed, it was stated the desire was to keep within the State large sums of money which were being sent to the Eastern States for investment in the Golden Casket and in Tattersall's Consultations, as well as in lotteries in New South Wales. I think it was a wise step that this legislation should have been introduced and so give the people of this State the opportunity to invest in a local lottery. Since the legislation was passed, we have not had the spectacle of so many of what I might term "snide" lotteries, the receipts of which were swallowed up almost wholly in expenses. The legislation has also led to the control of appeals to the public for contributions to various funds, and thus the public has been protected from exploitation.

I am sorry that it is not competent for the House to amend the Bill. The only course open to us therefore is to reject it, if we do not approve of it, with the idea of giving the Government the opportunity to introduce another measure providing for a fixed term of years for the Commission. It is necessary, in my opinion, that the work of the Lotteries Commission should be reviewed from time to time by Parliament. The suggestion made by Mr. Bolton is one which should appeal to members. If, on a review by Parliament of the distribution of the funds by the Lotteries Commission, it was considered that the funds were not being satisfactorily distributed, the necessary action could be taken to ensure that the funds would in future be distributed more in keeping with the views of Parliament. The Lotteries Commission has been of inestimable value to the country districts in the provision of additional hospital accommodation, infant health centres and so on.

There are many who consider the policy of direct giving far preferable to the present system of lotteries, but I would remind members and people outside who hold that view that when legislation was introduced in New South Wales for the purpose of establishing a State lottery, appeals were made to the Government to stay its hand on the score that as much money could be raised by direct giving as was necessary to maintain the hospitals. The Premier of the day agreed to postpone action for 12 months to see what would happen, and it is a matter of common knowledge that the experiment was a lamentable failure. Many peo-

ple condemn the gambling propensities of the people and urge that the tendency to gamble is encouraged by the holding of lotteries. I am satisfied that if the lotteries were not held a large proportion of the money invested locally would be immediately transferred to the Golden Casket in Queensland or to Tattersall's in Tasmania. I consider it would be foolish for Parliament to abolish the Lotteries Commission. If that course were adopted, the Perth Hospital would suffer serious disabilities and the country hospitals would lose substantial financial assistance.

I commend the Lotteries Commission for the provision that has been made for the erection of homes for elderly people. There are many such who require accommodation of that description, and I can relate one particular instance that came under my notice. A farmer in my province complained that he was in a desperate position because his wife was suffering from a complaint that the medical men diagnosed as not a disease although it finally caused her death. He could not get accommodation anywhere, and the man had to purchase a home in the town so that his wife would be near the hospital. She could not remain in the institution beyond a certain period and he could not get any assistance in order that his wife might be properly cared for. There was no place in Perth or elsewhere to which she could be sent. That farmer had to leave his farm to the management of his children so that he could go to town and look after his wife during her last illness. In setting aside a considerable sum of money for the provision of homes for elderly people, the Commission is engaged upon a work that will enable those fortunate enough to secure one of the homes to end their days in happier conditions. I believe it is the intention of the House to vote against the second reading of the Bill mainly because it cannot be amended as we desire. I would be reluctant to do anything that would cause the charitable institutions of the State to lose money that is available to them annually from the Lotteries Commission. I am not quite sure how I shall cast my vote but at the moment I feel that I should support the view expressed by those members who urge that the Bill should be withdrawn with the object of another measure being submitted giving the Commission a further life of three years.

Hon. G. Fraser: You had better play safe and vote for this Bill.

Hon. A. THOMSON: I do not think the Government will take the risk of losing the money that is derived from the Lotteries Commission. Each year this House by its vote has indicated its approval of renewing the life of the Commission for a further 12 months but has insisted upon its right to review the situation. In the circumstances I think the Government would be wise to withdraw the Bill and replace it with another making provision for a further three years of life for the Commission, which measure I feel sure would receive almost the unanimous approval of members.

HON. E. H. H. HALL (Central): I cannot for the life of me understand why so many members hold that if the Lotteries Commission ceased to exist country hospitals must necessarily suffer. My view is that the Government would not dare to allow country hospitals to suffer in such circumstances. Country members should remember that it is the bounden duty of the Government to look after the sick poor and especially those who are pioneering the out-back portions of the State. Perhaps I shall be reminded that the reverse is actually the position and that while people in the country districts are called upon to find £ for £ for their hospitals, the people in the metropolitan area are not required to do the same.

Hon. G. Fraser: In many instances they have.

Hon. E. H. H. HALL: Last night members were called upon by Mr. Fraser to submit some alternative to the Lotteries Commission. I do not know if it is because that hon. member has had other duties thrust upon him during the last two or three years that he has forgotten the existence of the Hospital Fund Act. Last night it was erroneously stated by one member that under that legislation everyone had to pay a hospital tax of 2d. in the £ as a result of which £200,000 had been raised in one year. Of course, it is known to most of us that the tax was not 2d. in the £ but 1½d. in the £. In the last year it realised no less than £250,000. With the money that is available nowadays, I think the tax would raise an amount easily in excess of that figure.

Any misunderstanding regarding the hospital tax on the part of the man in the street could be forgiven but we have heard it said repeatedly by members of Parliament that the money had been spent in this or that direction whereas they should have known that the money raised by the tax was specially earmarked by Parliament for expenditure along the lines laid down in the Act. I have had to combat similar statements on many occasions. I have had to combat them in my own home town of Geraldton where I am connected with the local hospital comforts fund. It has been stated from time to time that the money was spent for this or that purpose whereas, in fact, the money could not be spent at the will of the Treasurer or of the Government but only in accordance with Section 15 of the Hospital Fund Act which reads as follows:—

The moneys in the fund shall be applied by the Minister—firstly, in payment of the cost of collection and administration as declared by the Minister, and thereafter, in any of the following ways:—

- (a) Paying any public hospital for any hospital service granted to any person exempt from liability for such service under section eleven of this Act;
- (b) Paying subsidies to any public hospital;
- (c) Erecting, adding to, altering, or renovating any public hospital;
- (d) Providing equipment for any public hospital or generally for the extension, improvement, or benefit of the hospital service.

Thus there is special provision indicating how this fund should be expended by the Minister without reference to the Treasurer. The money did not go into Consolidated Revenue and the Minister for Health did not have to go cap in hand to the Treasurer asking him for an increased vote of £10,000 or £15,000.

Hon. G. Fraser: The hon. member knows that that fund took the place of money paid direct to hospitals by the Government.

Hon. E. H. H. HALL: Like the flowers that bloom in the spring, that has nothing to do with the case.

Hon. G. Fraser: It had a lot to do with it.

Hon. E. H. H. HALL: In one year the Minister for Health spent some thousands of pounds out of this fund and the only man who could lay down the law to him—the Auditor General—directed the Min-

ister to refund the money, which he had wrongly spent on purposes other than those associated with the hospital fund. We are not dependent upon this wretched gambling business, the Lotteries Commission, for funds for our hospitals. The lotteries business is immoral. On the Select Committee, which became a Royal Commission, inquiring into juvenile delinquency, I learnt that the moral fibre of the community is rapidly being sapped. People say that that sort of thing always happens during war. Last night I was pained to hear a member of this Chamber referring in what I may describe as contemptuous terms, to churches and women's organisations. I say, God help us as a country if we cannot trust our women! Many women are giving up, in a voluntary spirit, many hours of their time to work for those people who are not quite so well off as some of us are.

I make no apology for mentioning that, like other members, I have received a letter from the Women's Service Guild. So far as I know, the guild does not bear allegiance to any political party or any religious body. The letter heading says—

Platform and objects: To educate women on moral, social and economic questions, and the disadvantages of the use of alcohol as a beverage. To support from the standpoint of women any movement to protect, defend or uplift humanity.

Surely those aims are very laudable! Part of the letter reads—

Young Australians are growing up with very easy views on the gambling evil, encouraged by the State's attitude towards gambling. How can we expect a right conception of what is right and what is wrong in our children, when our Parliamentarians condone and pass legislation inimical to their interests, and to the interests of the people generally?

I am not going to deny that I take tickets in the charities consultations, but I think that my duty as a public man is to try to set an example to others who, perhaps, are not so fortunately situated as I am in that I take one ticket in every lottery, so far as I can; sometimes I forget. I have also been guilty of occasionally visiting the racecourse; but not very often lately. As members know, it would not cost me anything to go on a racecourse. Whether I am getting a little more sense as I grow older I do not know, but I hope that is the case. Formerly I went much oftener to the races than I do

now. Probably I would be a much better man if I bore in mind that we elders have a duty to consider the younger people coming after us, and that for them we should set a standard.

I consider that to obtain money by gambling while claiming to be assisting people who meet adversity in the form of sickness or of old age, is not conducive to that state of affairs which should be desired by any man who has the true welfare of his country at heart. Last night remarks were passed about the churches. Again I am sorry to have to make an admission that I do not go to church as often as I should. However, I have found that the people who criticise the churches most harshly are very often people who do not know very much about the fine work done by our various churches. The Salvation Army was referred to last night in scathing terms, because its members go into hotels and on racecourses to collect money for their work. Most of us especially those men who went away to fight for their country in the last war, and also our present-day soldiers, and also our present-day civilians, are willing to hand it to the Salvation Army for doing its duty by its neighbour. Moreover, the Salvation Army does not care what the colour of his neighbour's skin may be, or to what branch of the Christian church he professes to adhere, or whether he professes any such allegiance at all.

From inquiries I made today I find that the Salvation Army and the Methodist and Presbyterian churches refuse to accept money from the lotteries. The Methodists of Perth employ and pay a sister whose task it is to make herself conversant with and to help women who have fallen by the wayside, and also to visit homes to help and comfort, in a spiritual as well as a practical manner, those who are down and out. They also conduct institutions for boys and girls. They receive a Government subsidy, but if it were not for the gratuitous help they receive, I think a large section of the people now assisted would not be so well off as they are. I want members to bear in mind—it has not been mentioned so far in this debate or at any time—that a few years ago a very fine movement was started, a movement that, in my opinion, Australian Governments should assist up to the hilt. In my boyhood I read

a book entitled "Selfhelp," written by Dr. Samuel Smiles.

In this city there has been started a Metropolitan Hospital Benefit Fund, which is making marvellous headway, such headway as renders a continuance of the lotteries business quite unnecessary. That is the proper spirit of self-help to instil into our people. For a contribution of a few pence one can obtain, in sickness, three guineas weekly towards hospital expenses. And there is 6s. per day sickness allowance proposed by the Commonwealth. These aids will considerably reduce the financial handicap that so many people have to battle against when sickness comes along. A family consisting of husband, wife and child for 1s. weekly becomes entitled to benefits totalling £25 4s. per member, representing a return of £75 for a contribution of £2 12s. per annum. What need is there for anybody who falls ill to be unfinancial if he or she when working will take some thought for the future and subscribe 3d. weekly—for a single person, that is—to obtain the advantages I have enumerated? And this form of sickness insurance applies also to maternity cases. I am informed that the fund has no less than 45,000 subscribers; and, what is very apropos, the fund is managed by an honorary committee.

I have from my place in this Chamber, ever since the Lotteries Commission was established, maintained that there is not the slightest excuse for paying a number of men to disburse the money. I have here a document showing that amounts of £30,000 and £40,000 have been collected by a body known as the Sportsmen's Council. The Chief Secretary is rendering honorary service to that body. The hon. gentleman is rendering honorary service notwithstanding that he is a busy Minister of the Crown. I venture to say that this gives him a great deal of satisfaction; and his fellow-Minister, Mr. Gray, is known from one end of the State to the other as an honorary worker in aid of a very laudable organisation—I refer to the Infant Health Movement. But will Mr. Gray deny that despite the Government assistance to that movement there is a large body of honorary voluntary workers giving their services, and their money too? That is the kind of thing we want. It is here. It only wants the asking for aid.

Members must know as well as I do that the amount of money raised by the various wireless stations is almost incredible. No sooner does an appeal go out that the money flows in, almost over-night. It does not matter whether the station is in the city or in the country. At Geraldton there is a station, and the amount of money it raises is wonderful, which speaks volumes for the generosity of the people. Lotteries are not necessary if people will go about obtaining benevolent contributions in the right way. Wherever the need is, the public will back it up. Our sister States of South Australia and Victoria do not rely on gambling for the support of their hospitals; and, if my information is correct, the hospitals in those States are very much better than ours. Getting back to the Hospital Benefit Fund, I understand it is termed the Metropolitan Hospital Benefit Fund but that efforts are being made to acquaint people in the country with the benefits to be obtained from joining up with the fund. An attempt is to be made to enrol country subscribers who will thereby be able to obtain those benefits at their own country hospitals. The contributions to the fund at present total £30,000 a year and each month some 2,000 additional persons are being brought under the protection of the fund. I think it is worth repeating that this fund is administered entirely by an honorary committee.

Members are aware of the wonderful work that has been done in connection with the war—such as work for the Red Cross and similar organisations. But I would point out that, year in and year out, when there was no war, hundreds of people were working, as Mr. Gray has worked, in an honorary capacity on behalf of charitable organisations. I would refer to the town I know best and draw attention to the fact that in Geraldton we have a visiting nursing scheme. People visited are at liberty, if they are able, to contribute half-a-crown to pay for the nurse's visit; but, if their circumstances do not permit, they are not called upon to pay anything. We also have a maternity hospital which was started by a local committee and in which a bed is kept specially for indigent cases. At that time there was no talk of any lotteries commission. Of course, since the Lotteries Commission has been established and various other bodies have been assisted, these committees have called on the Commission

for their share. I want to emphasise that there have been honorary efforts and that the spirit of voluntary giving does exist.

Look at the wonderful effort made by Sister Kate on behalf of our coloured children! I have had it on good authority—and I am sure that other members will be as surprised as I was to learn—that a large number of voluntary contributions flow into that splendid institution at Subiaco, the Children's Hospital. Wonderful amounts are forwarded to that institution towards the care of sick children, not only at Christmas time, but right throughout the year. My remarks are addressed chiefly to members who are afraid that we shall not have due recognition of the needs of our hospitals if the Lotteries Commission goes out of existence. Those fears are not justified. The money is here and only needs to be obtained. There is a right and a wrong way of obtaining it; and to run a gamble to secure such money is wrong. I listened with interest to the remarks of Sir Hal Colebatch the other evening. He has had a vast experience and spoke of what had happened in other countries; and I feel sure that, if we want to do the right thing by our children, we shall vote this Commission out of existence for good and all. I shall oppose the second reading.

On motion by the Chief Secretary, debate adjourned.

BILL—TRANSFER OF LAND ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER [8.38] in moving the second reading said: By this Bill it is proposed to effect certain changes in the procedure to be adopted by the Titles Office in dealing with lost or damaged copies of certificates of title or Crown leases. Members are aware that the basis of land transactions is the security afforded by the registration and issue of these certificates, one of which is retained in the Titles Office and the other by the person concerned. Registered on these certificates are the varying conditions in respect of the alienation of the land from the Crown and details of dealings such as mortgages, caveats, etc., and their subsequent discharge when such an action has taken place. Many of the certificates have a considerable number of these registrations endorsed upon them.

Instances occur where the certificates are lost or destroyed by fire, and provision exists under the Act whereby application may be made for the issue of a special document in lieu of the original. In issuing this, however, it is necessary for the Registrar of Titles to endorse all the dealings on the old certificate upon the new one, and this involves a considerable amount of unnecessary detailed work, much of which has no actual value whatever. It is proposed by this Bill to simplify the procedure involved in the issue of these special certificates, so that the unnecessary work to which I have referred may be discontinued. The Bill authorises the Commissioner, when requested to replace a duplicate certificate which is lost, destroyed or obliterated, to order that the original registration be cancelled and a fresh entry made in the register, and sets out that where a new certificate has been issued and the duplicate is not lodged with the Registrar for cancellation, such duplicate certificate automatically becomes null and void.

The Bill further provides that when a fresh entry, which will be in the form of the Fifth Schedule to the Act, is made in the register, only those endorsements having current application will be carried over to the new registration. All details which do not affect the position will be excluded. It also authorises the issue of a document which will have volume and folio numbers different from those appearing on the duplicate certificate declared to have been lost. This should provide a more adequate safeguard against fraudulent practices than is possible at present, when both the special certificate and the duplicate certificate bear the same numbers, namely, those of the original registration. If the Bill is passed, the procedure to be adopted in the case of loss or destruction of a certificate will be comparable with the present practice when replacing an existing certificate for other reasons. For example, when the original certificate becomes dilapidated or the number of endorsements required on a certificate of title becomes too large to be accommodated on the original.

The only other amendment is consequential and is necessitated by the fact that the description "special certificate" will cease to apply in the event of the passing of this Bill. That sets out the reasons for the introduction of the Bill, which aims, as I have

already indicated, to simplify the existing procedure, which involves a good deal of unnecessary work by officers of the Titles Office, and at the same time affords adequate safeguards for the protection of the public. The Bill has the wholehearted support of the Commissioner of Titles and the Registrar of Titles and is similar to legislation in the other States. I trust the House will endorse the measure. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—RURAL AND INDUSTRIES BANK.

Second Reading.

Debate resumed from the previous day.

HON. V. HAMERSLEY (East) [8.44]: We have had various measures before us over a period of years in connection with the administration of the Agricultural Bank, and it is interesting to cast our minds back to the early stages. The reason for the establishment of the bank was that settlers found the utmost difficulty in raising finance to carry on their work because the trading banks had no security upon which to advance money to settlers. That came about because the Government sold land on 20 years' terms. If a man took up land at 10s. per acre he was allowed to pay 20 annual instalments of 6d. per acre. It was a very low price indeed and amounted to about five per cent. of the capital value of the land. If the settler paid that five per cent. per annum for 20 years he really received the freehold title. Actually he got the land for nothing. That is the principle that applies to all Government land today. These people wanted to make use of every penny they had to improve their land, but they found that they had so little money that it was hopeless to go to the financial houses for further assistance.

The financial institutions simply said, "You have no equity and have not really sufficient money to pay your rent from year to year." They did not look upon those farms as security because the Lands

Department controlled them all the time and could cancel the farmers' right to the land if they did not observe the conditions laid down. The private institutions were not in a position to start them off entirely by finding the money for them to make the necessary improvements to their properties, over which the Government really had control. For that reason the Agricultural Bank was started. It was to give the smaller settler a start. Mr. Wm. Paterson was a man highly esteemed. He knew thoroughly the working of these lands and he was making a success of the bank.

When the institution was first started, it had very limited funds. I think its capital was £100,000 and there was a strict injunction to the general manager not to advance more than £400 to any one individual. That, of course, meant that nothing would be advanced to a settler for buildings or structures. They had to be erected with private money. This amount of £400 was to be spent only in the clearing of the land, the provision of water supplies, ringbarking, which is a preliminary to clearing, and fencing. At one period we raised the limit to £700 and it was later increased to £1,200. It was the Legislative Council that always insisted upon there being a limit to the amount that could be lent. It was anticipated that by the time the settler had spent £1,200, or had been able to borrow that amount from the Government, he would have a sufficient interest or equity in his property to induce the private institutions or banks to take over the liability of the Government so that the money lent by the Agricultural Bank to that person would become available to be lent to some other small holder or person taking up new land.

Then came a general election. The Labour Party decided to make tremendous use of the bank, and it did so. It ran a campaign offering practically an "open go"; all could borrow as much as they wanted from the Agricultural Bank. That Party said it was a shame that the farmers should be confined to borrowing such a small sum on the land and, of course, it won the election. It speedily made an effort to give unlimited credit to the people on the land, and again the Legislative Council had to step in. A Bill was brought down providing for that "open go." The Legislative Council looked upon

it as altogether too dangerous because there was nothing to prevent one man from rushing the bank and persuading it to grant him £5,000, and another person might want as much as £10,000. We endeavoured to make a limit of £1,500. Several conferences took place between the Legislative Assembly and the Legislative Council and we finally fixed the limit at £2,000, the idea being that there must be a limit because it was too dangerous and unfair to throw on to the general manager an onus which was rightly that of Parliament, namely, the fixing of a limit.

Without some limit fixed the general manager would find himself in difficulties, and the State would also be in difficulties because of the onslaughts made. Indeed, within a week of that measure being passed the general manager told me that he had had to approach the Premier for £1,000,000 capital to be added to the Agricultural Bank's funds. The Premier of the day was aghast at that figure. His reply to the request was, "You will have to keep them at bay. There is no chance of the country being able to find that sum. I already have appeals for large sums and do not know which way to turn." The general manager had to keep a stiff upper lip and help the Premier out of his difficulty. I am glad to see that the matter of a rural bank has been brought up. Those people who have been struggling for many years are looking forward to some institution in the nature of a rural bank so as to be sure of their future. What is needed is the adoption of the principle of the long term loan. To develop this country we must have cheap money on long terms. We thought that the Commonwealth Bank would be of some use. It was starting out on a rural bank basis, but I understand that it has not been able to take over many of the Agricultural Bank clients because of the system of paying by instalments. At any rate, for some reason or other it has not been able to help our settlers. Therefore the State has made up its mind that it is necessary for us to carry out this work. I am sorry that we did not have this same method 10 years ago. It is more than 10 years too late.

Hon. T. Moore: Over 10 years ago this House defeated a Bill with the same object.

Hon. L. Craig: No.

Hon. T. Moore: Yes, in 1929.

Hon. V. HAMERSLEY: I hope it will not be defeated this time. This bank will be able to help many people on the land who are in great difficulties. Even so it is too late to assist those who have had to walk off. The ones who have been the best clients of the Agricultural Bank have left it and gone to the trading banks. Those banks were able to take the picked settlers and securities, and the Agricultural Bank has been left with the worst cases. Many of those cases are bona fide, but we know the Australian conditions and we know that we have price changes so that at times it does not matter how successfully a property is being worked the prices are such that the farmer is unable to balance his accounts for the year. Yet, regular instalments must be paid and the farmers cannot stand up to their undertakings. They get into arrears and then troubles come on them heavily, although they work their places properly. Frequently they have been forced to take second-hand machinery which, in itself, has been the ruination of many. They have got into difficulties, but no appeals for the writing-down of their liabilities have been allowed. But when they have walked off their properties, the writing-down takes place and the newcomers benefit. That is unfair.

I am hopeful that this rural bank will give long-term credit and that reasonable writing-down will take place in the case of those people who have got into difficulties. In many cases it is not the fault of the people concerned; the dice have been loaded against them. I support the measure which will be an inducement to many in the future to take up land. I hope they will be able to work in conjunction with the private firms dealing in stock. The stock business is one on its own and quite apart from banking. There is a danger that those in charge of the rural bank may think that they know everything about stock transactions. I would point out, however, that there are firms who have made a close study of the stock business over many years and that it would be well for the bank authorities to work in conjunction with them, especially in the matter of credit to be allowed to a settler who must trade in stock. The stock firms are much more capable of handling the business associated with wool and stock than is the average man who is an official of a

bank, whether it be a private or a Government bank. I feel quite sure that the rural bank would not be likely to succeed in carrying on the primary producers as the stock firms are able to do, and I repeat that I foresee a certain amount of danger associated with this phase of the business if the rural bank tries to interfere in that direction. I have no desire to occupy the time of the House at greater length beyond saying that I have pleasure in supporting the second reading.

On motion by Hon. H. Seddon, debate adjourned.

House adjourned at 9.2 p.m.

Legislative Assembly.

Wednesday, 22nd November, 1944.

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

QUESTIONS (3).

OLD AGE PENSIONERS.

As to Granting Concession Fares.

Mrs. CARDELL-OLIVER asked the Minister for Railways:—

Is he aware: (1) That the New South Wales Railways Department and the Road Transport and Tramways Department issue free or concessional fares to old age and invalid pensioners?

(2) That old age and invalid pensioners are allowed a return ticket at single fare to country districts once a year?

(3) That such pensioners living in the country are allowed return fares to the city at single rate once a month?

(4) That the department allows a free pass on city and suburban trains, trams and omnibuses at all times on Sunday, and between 9.30 a.m. and 4 p.m., and after 6.30 p.m., from Monday to Friday, and on Saturday between 9.30 a.m. and noon, and after 2 p.m.?

(5) Would he give consideration to a similar concession to such pensioners in this State?

The MINISTER replied:

(1) to (4) No.

(5) As old age and invalid pensioners are a Commonwealth responsibility, this matter has already been considered by the Government and is to be referred to the Commonwealth.

BUTTERFAT PRICES.

As to Reduction.

Mr. WATTS asked the Minister for Agriculture:

(1) Have butterfat prices been recently reduced?

(2) If so, what were the reductions and what are the present prices?

(3) What are the reasons for the reductions?

The MINISTER replied:

(1), (2) and (3) A variation in the price of butterfat occurs between the two periods, January to August and September to December, as a result of the Commonwealth subsidy being paid to dairy farmers.

The subsidy during the period January to August is 6.92d. per lb. This is reduced to 4¼d. per lb. from September to December.

A further variation of the price of butterfat is caused by the stabilisation contribution required by the Dairy Products Marketing Board. During July and September, the contribution was 5 per cent. of the gross proceeds, representing approximately 1d. per lb. butterfat. During August, October and November, the contribution was 7½ per cent. amounting to approximately 1½d. per lb. butterfat.

The present price of butterfat of choice quality is 1s. 5½d. plus Commonwealth subsidy of 4¼d. per lb.

There may be small variations in the price of butterfat paid by individual factories throughout the State, such variations being dependent upon the varying conditions affecting manufacturing costs.