

Legislative Assembly.

Tuesday, 3rd September, 1946.

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

PERSONAL EXPLANATION.

Mr. Seward and Omission from Question.

Mr. SEWARD (Pingelly): On the notice paper today appears a question in my name, addressed to the Minister for Works, as follows:—

1, Have any arrangements been made for the payment of road board rates—

(a) current year's rates between the date of purchase of the property and its taking over by the new owners;

(b) arrears of such rates?

2, If so, who is to pay them?

3, If no arrangement has been made, and in view of the fact that in some road districts fairly large properties have been purchased, the non-payment of rates on which pending the new owners taking them over could seriously affect the road board concerned, will he take up the question of payment of current rates, particularly with the authorities concerned?

Unfortunately, a mistake has been made in that a line has been left out. The first paragraph should read—

Have any arrangements been made for the payment of road board rates on properties that have been bought for soldier settlement.

I ask that the question be amended by the inclusion of the words omitted.

The MINISTER FOR WORKS: The hon. member notified me of the words omitted from the question. The question, amended as desired, will entail a considerable amount of further inquiry before answers can be given, but we shall do our best to have the replies available tomorrow or, at latest, on Thursday.

QUESTIONS.

TRAFFIC.

As to Installation of Stop-Go Signals.

Mr. NORTH asked the Minister representing the Minister for Police:

1, Does our metropolitan traffic yet warrant the installation of stop-go signals?

2, If so, what prevents a move in this direction?

3, How many police would be relieved from point duties if stop-go signals were introduced?

The PREMIER replied:

1, In the opinion of the Commissioner of Police, stop-and-go signals would not facilitate the flow of north and south traffic in the City Block, and would tend to delay it.

2, Answered by No. 1.

3, In the opinion of the Commissioner of Police, no police would be relieved.

AGRICULTURE.

As to Export of Seed Oats.

Mr. PERKINS asked the Minister for Agriculture:

1, Was the export permit of 200 tons for the export of 200 tons of oats from Western Australia?

2, If 200 tons of oats were exported, who received the difference between the fixed Australian price of 3s. per bushel and the much higher export price?

The MINISTER replied:

1, Yes. 200 tons of seed oats.

2, The oats were bought privately by a merchant and not connected with purchases by the Commonwealth Government.

The maximum fixed price to growers for seed oats f.o.r. Perth was 4s. 2d. per bushel ungraded and 4s. 9d. per bushel graded.

It can be assumed that the exporter, being the owner of the oats, would be entitled to the export price offering.

MIDLAND JUNCTION SALEYARDS AND ABATTOIRS.

As to Departmental Report.

Mr. SEWARD (without notice) asked the Minister for Agriculture: Will he make available the departmental report on meat

and stock at the Midland Junction saleyards and abattoirs?

The MINISTER replied: The report has not been printed, but I am prepared to make available to the hon. member a type-written copy.

BILL—MILK.

Report of Committee adopted.

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

Second Reading.

THE MINISTER FOR LABOUR (Hon. A. H. Panton—Leederville) [4.38]: in moving the second reading said: This is a particularly small Bill. Members will recall that last session we discussed the advisableness of bringing down further amendments this year. Since then, a conference of Premiers has been held, to which I accompanied the Premier some days ago, and a considerable amount of discussion took place on the question of rents legislation. Our State Act will expire on the 30th of this month, while the control of rents generally under the National Security Regulations, so far as we know, will expire on the 31st December. A good deal of discussion took place as to whether it would be possible to get uniform legislation, and whether the Commonwealth or the States should exercise control. It was decided to defer the matter until the next Premiers' Conference in January, and meanwhile both State and Federal officers will make all necessary inquiries as to how best to deal with the matter.

In view of this fact, the Government decided that it would probably be in the best interests of this State to continue the present Act for a further 12 months. By that time we shall know what action has been decided upon as between the States and the Commonwealth. That is why the Bill now before the House is presented as a continuance measure without the amendments that it was suggested last session should be included on this occasion. The requisite amendments have practically been drafted, mainly with a view to tightening up the position as considered necessary in the light of experience. In the circumstances, however, we thought it best to continue the Act until we know whether or not uniform legislation will be adopted. There have been considerable

difficulties and differences between the States. Tasmania contends it is unable to do anything about the matter at all. The Legislative Council in that State simply says "out," and that is the end of it. They are not prepared to listen to it at all there. Victoria has an extraordinary section in its Act which provides that before the measure can be amended a referendum must be taken.

The Premier: Also they will not agree unless the other States agree.

The MINISTER FOR LABOUR: Yes; and Tasmania has never agreed. Consequently the measure has never come into operation in Victoria, and there is also that extraordinary provision that before there can be an amendment it must be submitted to a referendum of the people. The whole matter is full of difficulty at the moment. The Government discussed the position and decided that it would be better to introduce a continuance Bill to provide for the Act to operate for a further 12 months. In the meantime the whole matter may be cleared up. There is little to say about the Bill, which is purely a continuance measure, the present Act expiring on the 30th of this month. For the most part, our own legislation is being used in this State in preference to National Security Regulations. A very small section of the National Security Regulations is in operation, principally dealing with eviction of tenants. If we do not continue our own legislation, it will mean that all the legislation which has been acted on over the period of the war will go out of existence, unless we bring down a greatly amended Bill. We are told that the National Security Regulations will cease to operate at the end of the year, and we therefore desire to protect ourselves. I think every member will agree that that is essential. Otherwise, in view of the demand for housing, if we relinquish control over rent it can be imagined what will happen.

Mr. Seward: This Bill deals with other than housing.

The MINISTER FOR LABOUR: Yes, but in view of the demand for housing, if there were no control over rents one can imagine how those rents would increase. I know that this Bill does not deal with housing.

Mr. Seward: It deals with rents.

The MINISTER FOR LABOUR: Yes.

Mr. Seward: An injustice is being done at present.

The MINISTER FOR LABOUR: That may be so; but there is a lot that could be said about the injustices that might be done if the measure were not in operation. Whatever injustices are occurring are infinitesimal in comparison with the injustices that would be perpetrated if this Act no longer existed.

Mr. Seward: All the more reason for dealing with the matter.

The MINISTER FOR LABOUR: That is what I am doing now.

Mr. Watts: A mere continuance Bill does not seem satisfactory.

The MINISTER FOR LABOUR: I will admit that it is not as satisfactory as we would like; but under the circumstances, we think it is the best that can be done at the moment. Immediately we find out exactly where we stand in regard to the other States and the Commonwealth, legislation can be introduced—a comprehensive Bill if members wish. I did adopt the suggestion made last session and had the matter looked into. As I have already stated, amendments were practically drafted. They were fairly comprehensive, though I do not know whether they would have tightened up the position which was causing the member for Pingelly concern. This is the best we find ourselves able to do, and I consider the Government is doing the right thing. I move—

That the Bill be now read a second time.

On motion by Mrs. Cardell-Oliver, debate adjourned.

BILL—MARKETING OF BARLEY (No. 2).

Second Reading.

Debate resumed from the 29th August.

MR. PERKINS (York) [4.45]: In introducing this Bill, the Minister informed us that it had been requested by the producers of barley in this State. I know he is quite correct in saying that, because in the past there has been some uncertainty on the part of producers as to what the position might be if nothing were done to carry on the system of marketing of barley which is in operation in Western Australia. It suits the producers to level out as far as possible the

conditions of the marketing of their barley. It does not pay them to have a very large production in one particular year with a sharp decrease in price, and subsequently a sharp increase in price due to the fact that there is a shortage of supplies and that barley has to be imported from outside the State. It also suits consumers particularly well that stability of the industry should exist.

The consumers of barley in this State are hurt just as much as the producers if there are wide fluctuations in the amount of barley available for maltsters and brewers here. Actually, although formerly we did not have any board in Western Australia which has been responsible for the marketing of barley, a certain amount of control of the industry has been carried out by the maltsters and brewers in co-operation with the growers. It has been the practice for the maltsters and brewers, I understand, more or less to guarantee certain producers that, provided they maintained their production at a suitable figure, whatever barley of suitable grade was produced by them would be bought by the maltsters and brewers. I believe the maltsters and brewers have viewed with a certain amount of concern any great influx of producers into the industry. Therefore, although we have not had a board responsible for the marketing of barley over the years, there has been something approaching what the Minister is aiming at by way of co-operation by the maltsters and the brewers with the primary producers.

I quite agree with the Minister that in view of the fact that during the war years, under Commonwealth control of marketing, a board has been set up in Western Australia and has given general satisfaction in this State, the board should continue to exist under a measure along the lines of this Bill. I have gone through the measure, fairly carefully, and as far as I can see it provides all the necessary machinery for the marketing of Western Australian barley to be carried out satisfactorily. But I would point out to members that in this instance much more depends upon the quality of the board than is the case with a board in more ordinary circumstances. It is fairly obvious that if a suitable board is constituted, there will be very little trouble from either the producers or consumers of barley in regard to the marketing of the product. If, on the

other hand, a board is constituted which does not meet with the approval of either the producers or the maltsters and brewers there can be a great deal of trouble in marketing over the next few years.

Although the necessary powers seem to be conceded to the proposed board, in the terms of this Bill, I am not quite sure that the board which is likely to be constituted will necessarily be entirely satisfactory to all the parties concerned. In the clauses of the Bill dealing with the constitution of the board, I notice that provision is made for a person to be nominated by the Minister to act as chairman, and I think that is as it should be, but, as to the appointment of the remaining five members, there is room for division of opinion. Two of the producer-members are to be appointed by the producers and, as one who represents many producers, I agree that that is as it should be, but when the Minister states that the third producer-member shall be appointed by him and will be responsible to no-one but him I am afraid he is getting on to dangerous ground. We, on this side of the House, have no idea whom the Minister might appoint. He might appoint some individual who would be entirely acceptable to the growers but, on the other hand, he might appoint a man whom the producers would repudiate. This is not entirely supposititious, as it has occurred on other occasions.

Members will recall, in the case of the Fremantle Harbour Trust, that provision was made in the Act, or an understanding has existed, that one of the Commissioners on the Fremantle Harbour Trust should be a person representing rural interests in this State. The man formerly appointed to represent rural interests was quite satisfactory to them, but when he either died or resigned from the Fremantle Harbour Trust another man was appointed and it would be difficult for anyone, by any stretch of the imagination, to say he was representative of the producers. Now, although we have had an understanding that one of the Commissioners on the Fremantle Harbour Trust—who are to be nominated and appointed by the Minister—shall represent rural interests, we find that at a later stage a person is appointed to that position who is not satisfactory as a representative of those interests.

The Minister for Agriculture: This provision says, "one who shall be a producer." Surely, if he is a producer, he will have the interests of producers at heart.

Mr. PERKINS: A man might be a producer of barley but need not necessarily obtain the whole of his income from barley production. It might merely be a side line. I can think of men in this State who are producers of primary products but of whom by no stretch of the imagination could it be said that they were proper representatives of rural opinion in their own spheres. An appointment of this nature places far too great a responsibility on the Minister concerned and I am afraid this provision will meet with a lot of opposition from the producers.

The Minister for Agriculture: Do you want to strike it out?

Mr. PERKINS: We may desire to amend it. If the Minister is prepared to accept an amendment I think we will be happy, but at this stage we should point out whatever shortcomings we see in the Bill. Those are my reasons for saying that the appointment by the Minister of this representative on the board makes the provision unsatisfactory as it stands. I have no idea of the reactions of the maltsters and brewers. The same position applies as to the appointment of their representatives. In each case it is laid down that the member of the board shall be a person nominated by the Minister to represent those interests. There again, though the Minister may make an entirely satisfactory appointment, if he were not quite in step with the opinions of the maltsters and brewers there could be a great deal of dissatisfaction on their part at the appointment of the member of the board to represent their opinions. I can see little objection to provision being made in the Bill for the appointments of representatives of producers, maltsters, and brewers to be effected or arranged by the interests concerned. The Minister should be content with the appointment of the chairman, to represent the opinion of the Government on the board. If he dabbles in the other appointments I am afraid it will only be a cause of strife and possibly lead to the creation of a board that may not enjoy the confidence of the parties concerned in the marketing of barley.

The Minister for Agriculture: I think you are conjuring up difficulties that do not exist.

Mr. PERKINS: It may be, if the Minister thinks he is going to obtain a board that will be entirely satisfactory, and that the points I have mentioned will never arise; but at some time we may have a Minister for Agriculture who is not so well in step as is the present Minister with the opinion of the growers in this regard. I am trying to guard against that difficulty arising in the future. I have quoted to the Minister what happened in the case of the Fremantle Harbour Trust.

The Minister for Agriculture: That is not at all analogous.

Mr. PERKINS: It is a case where the whole of the power was given to the Minister to make appointments. In the original instance the appointment made was entirely satisfactory to the people represented.

Mr. SPEAKER: Order! I do not think the member for York can continue with that illustration.

Mr. PERKINS: I do not wish to take up undue time in that regard, but I believe the difficulties I have mentioned could occur in relation to this board if appointments such as have been made to other boards were made in this case. There are probably other instances that could be called to mind, but I have not done sufficient research to gather all those points. Undoubtedly there is a loophole in the present provision for the constitution of a board which might not be really representative of the opinions of all the people concerned in the marketing of barley; the producers, maltsters and brewers. Otherwise I think the Bill is reasonably satisfactory.

There are several other points on which there may be room for differences of opinion but I am pleased that the Minister has brought the Bill down, and has acceded to the wish of the growers that a board should be constituted to carry on the arrangement that we have had during the war and that has worked satisfactorily for both producers and consumers, with the effect of stabilising the production of barley in this State. It has meant that we have been able to cover our own needs for barley by means of our own production and thus saved the

necessity to import the commodity during the years of war. I hope that the present satisfactory arrangement will continue and that it may even be possible during the coming years, should satisfactory markets be available, not only to supply our local requirements but to have a surplus for export to those markets. I intend to support the second reading of the Bill, and I hope it will find favour with the House.

MR. McDONALD (West Perth) [5.2]: This appears to be a necessary measure to meet the situation that obtains today. After the war-time marketing provisions that have continued during the past five or six years, there is need to ensure that this particular industry, as well as other like industries, does not get out of equilibrium during the present period. The measure is to operate for three years, and during that time the situation with regard to barley production and marketing will no doubt be much more clearly defined and the business will, in all probability, return to normal channels. In the meantime the legislation will serve to preserve the position and if it results to the advantage of those engaged in the trade, it may be that it should be permitted to continue to operate for some time longer—if not indefinitely. So far as I can gather the Barley Board in this State has done very well. It has given reasonable satisfaction to all the interests concerned: its administrative expenses have been low and, generally speaking, the board has proved much more satisfactory in its operations than a number of comparable Commonwealth administrations.

There are one or two aspects of the Bill to which I wish to refer. In the first place, I agree with the member for York that it is desirable that boards of this description shall, as far as possible, be thoroughly representative of the various interests involved. It is true that the chairman should be someone nominated by the Minister and that the person so nominated should be able to maintain an independent attitude. With that provision, it is likely that the board will function more satisfactorily if those composing it have the confidence of the various interests: and the best way to ensure that those various interests have that confidence is to enable them to select and nominate their representatives on the board. I therefore agree with the member

for York that not only in the case of the producers but of the direct consumers—the brewers and maltsters; those who are in this particular trade—should have the opportunity to nominate for appointment to the board men whose knowledge of the trade and personal qualifications are such as to command their confidence. I can see no reason for a departure from that procedure.

I think the interests of the producer should be considered first because they have created the commodity, and on such a board as that contemplated in the Bill the producers will have three representatives as against two who will represent the consumers, as I may describe them, the brewers and the maltsters. I hope the Minister will accept the principle that while he may naturally desire to appoint a man as chairman who is not personally interested in the industry, the rest of the board members should be those selected by the various interests concerned, and that therefore the board would comprise members whom those interests would regard as competent to discharge the task set for them under this legislation. Apart from that, I note that under the Bill the board is given very wide powers, even powers that I consider might be rather wider than such a body should require. It is to be granted powers that I should not be too ready to grant to such a body. One of the powers is that the board may undertake any processing which it has power to carry out.

I would like the Minister to explain what it meant by the term "processing." As I understand the purpose of the Bill, the object is to create a board for the purpose of marketing grain. I want to be quite clear that it is not intended that the board shall have any further powers to engage in manufacturing. I want to know what is meant by the term "processing."

The Minister for Agriculture: You would not object to its marketing pearl barley, would you?

Mr. McDONALD: That might be a permissible activity on the part of the board because it would create a channel by which further consumption of the grain could be ensured, and possibly the Minister may tell me that pearl barley is covered by the term "processing."

The Minister for Agriculture: It would be.

Mr. McDONALD: If the term is intended to cover such matters as the provision of pearl barley, I do not see that there can be any objection to it. There is another power given to the board respecting which I would like to hear the Minister's comments. I refer to its power to become, by acquisition of shares, a shareholder in any incorporated company. I would like to know under what circumstances the board could contemplate becoming a holder of shares in an incorporated company.

The Minister for Agriculture: In an Australia-wide organisation.

Mr. McDONALD: That might be so. I could well understand the other power included in the paragraph if the board in its operations became part of a Commonwealth-wide scheme, and the board co-operated with any other organisation that is engaged in the marketing of barley. In those circumstances, the power seems to me to be desirable. It might be that some national company might be created in which the various States might become shareholders, but that is a possibility which I think is rather far-fetched.

The Minister for Agriculture: No. That principle operates in connection with dairy products.

Mr. McDONALD: I know it operated during World War I in the form of Bawra. However, I would like some information from the Minister on the points I have raised. If there is anything comparable with regard to barley products there may be some reason for it, but I would not be disposed to grant the board power to buy shares in companies unless it were clearly indicated how the board would use that power, especially as the board is to operate only for a period of three years. Subject to the comments I have made, the Bill appears to contain necessary machinery in order to market barley to the best advantage of the producers, and to conserve the interests of the various manufacturers who require barley with which to carry on their several trades. With regard to the period of three years during which the legislation is to apply, I consider the term is a reasonable one in which we can see how the legislation operates. In all these circumstances, I think the measure should be supported.

THE MINISTER FOR AGRICULTURE

(Hon. J. T. Tonkin—North-East Fremantle—in reply) [5.10]: I am glad the Bill has been so well received; there has been scarcely any criticism of its provisions. A point has been made with regard to the constitution of the proposed board, and it has been suggested that, apart from appointing the chairman, the Minister should not exercise any control over the personnel to be appointed to that body. I think the member for York himself supplied the reason why the Minister should have some further say in that regard. He emphasised the fact that it was necessary to ensure that the board would be competent and that the marketing of barley, when the control that operates now was lifted, would require a board that was thoroughly competent. Strange things happen at elections for various reasons. If we realise that, we can see that should an error occur in connection with the board the members of which are so few in number, the error could be a serious matter and that would apply if we depended entirely upon the elective method for selecting the board. If we did that it is conceivable that we could secure a board that would not be regarded as thoroughly competent.

Mr. Perkins: Those who would elect the board would see that they chose competent men, because they would be the first to lose.

THE MINISTER FOR AGRICULTURE: That is so.

Mr. Watts: We do not keep members of Parliament out for that reason.

THE MINISTER FOR AGRICULTURE: But in Parliament we have a far larger number of members and a few errors committed in the selection of members to this Chamber would not be so important. A mistake in connection with a House of 50 members would not be so bad as a mistake in connection with a board of three or six members.

Mr. McDonald: But there is one Minister and he could make mistakes.

THE MINISTER FOR AGRICULTURE: Yes, that is so. On the other hand, the Minister should be able to correct any weakness that may possibly arise. I do not think that members need have any fear that the Minister would appoint to the board any incompetent person or a person who would not truly represent the interests involved.

If I may point to an illustration, I would remind members that when we were dealing with the Marketing of Eggs Bill last session, it was proposed that there should be certain producer-representatives on the board. In order to get the organisation functioning quickly so that it would be able to take over when the National Security Regulations were lifted, I decided I would have the board set up so that the members of it could gain experience, and that the producers' representatives could have some say in the work of the board although without legal standing. I accordingly selected two men whom I considered fairly representative of the producers' point of view and allowed them to attend board meetings although they could not be given the power to vote. When the election of the producers' representatives on the board took place, the two men I had selected at the outset were those the producers themselves chose to represent them.

Mr. McDonald: That was good tipping.

THE MINISTER FOR AGRICULTURE: The other member of the board that I nominated as the representative of the producers was acclaimed as thoroughly representative of the industry and not the slightest objection to him has been voiced by anyone. I think members should allow the Minister to exercise a similar right of discretion in this instance. No Minister would purposely set out to select people not truly representative of the interests they purported to represent.

Mr. Perkins: Sometimes great pressure might be brought to bear to have certain people appointed.

THE MINISTER FOR AGRICULTURE: I do not think so. The Minister must be credited with the desire to set up a board which would be thoroughly efficient. If the Minister wishes to exercise some discretion in the matter it would not be so that he could place on the board some favourite of his, but so that he could ensure that efficiency was the first consideration. Popularity sometimes is responsible for elections to boards rather than efficiency. Members know that; we might as well acknowledge it.

Mr. Seward: We do.

THE MINISTER FOR AGRICULTURE: But popularity does not always connote the ability successfully to run a business undertaking.

Mr. Seward: We remember the Wheat Board.

THE MINISTER FOR AGRICULTURE: Any mistake made in that direction could be corrected to a degree. I consider it desirable that the Minister should have the opportunity to appoint a man to the board who he knows is thoroughly competent.

Mr. Doney: We could point out instances where the Minister has made some sad mistakes.

THE MINISTER FOR AGRICULTURE: All men are fallible, not even excluding the member for Williams-Narrogin. I do not think there is any danger in the proposal; certainly no danger to the producers. On balance, the advantage lies on the side of efficiency and that is the only reason why it is desired that the Minister should have the power to appoint one representative. On this board of six it is proposed that the producers shall have three representatives, the producers themselves having the right to elect two of them. Therefore, allowing for the one producer nominated by the Minister, the producers by direct representation have a majority of producer-opinion on the board.

Mr. Seward: Two out of six.

THE MINISTER FOR AGRICULTURE: No, two out of three. I refer to the majority of producer-opinion. The producers will have three representatives on a board of six, which is a fair proportion and a due recognition of the importance of the producers to the industry. That appears to be the only real criticism levelled against the Bill. I think I have by interjection satisfied the member for West Perth on the points that he raised. The processing relates to the pearling of barley; and it should be recognised that the board is desirous of marketing as large a quantity as possible and that it might want to make arrangements in that direction. With regard to the taking up of shares, the Bill provides that the board shall be a body corporate, with authority to link up with an Australia-wide incorporated body, in order to take up shares in exactly the same way as the Dairy Products Marketing Board has already taken shares in the Commonwealth organisation. Because of the fact that that board has taken up those shares, it has been given the right to appoint representatives on the

controlling board of the Australia-wide organisation. The provision does not mean that this proposed board is to use funds for the purpose of becoming shareholders in various incorporated companies. That is not intended at all, but it is necessary that it should have this power to do what has already been done by the Dairy Products Marketing Board. I feel I have adequately answered the criticism which has been raised against the measure.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Rodoreda in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Constitution of Board:

Mr. WATTS: I do not approve of the wording of paragraph (a) of Subclause (3), and I propose to move that the words "for appointment by the Governor as members of the Board" be struck out.

Mr. PERKINS: Before the Leader of the Opposition moves his amendment, I desire to deal with a portion of the paragraph that comes before those words. I move an amendment—

That in line 1 of paragraph (a) of Subclause (3) the word "two" be struck out with a view to inserting the word "three" in lieu.

I took exception to this provision at the second reading stage. My desire is that the three producer-representatives should be elected by the producers themselves. The producers feel that they are quite competent to conduct their own affairs, if given the opportunity, and all they ask is that they should be given the opportunity to appoint their own representatives.

THE MINISTER FOR AGRICULTURE: Provision has been made for the appointment of three producer-representatives, and I do not think I am unreasonable in advocating that the Minister should have a say in the appointment of the third producer-representative. It could be argued that a democrat ought to be prepared to rely upon an elective system, but this is a board with a limited number and if an accident occurred in an election—such accidents have occurred—then the Minister could exercise this power.

Mr. Perkins: It is not likely that there would be an accident to all the three producers.

THE MINISTER FOR AGRICULTURE: No, but an obstructionist, who did not know his business, might be elected to the board. He might be a jolly good fellow and extremely popular, but his business acumen might be next door to nothing.

Mr. Doney: It is not customary for the producers to select men of the kind to whom you are referring now.

THE MINISTER FOR AGRICULTURE: No, but accidents will happen. I am not dealing with what is customary. I am endeavouring to insert a provision which will be a safeguard to the producers themselves. The Minister would have nothing to gain by making this special appointment. As I have said, it is to ensure the efficiency of the board. It is felt that if there is a man offering with outstanding qualifications, whose work would be of particular benefit to the industry, his services could be secured without relying absolutely upon the votes of the producers.

Mr. Perkins: You could appoint a person of that kind as chairman.

THE MINISTER FOR AGRICULTURE: Yes. The object is not to rely absolutely upon the vagaries of elections; and, with restricted numbers, there is the possibility that efficiency might be sacrificed to popularity. With larger numbers it does not matter much because, although there may be room for error, the majority of the members will be sound. With a restricted number an error might be serious, and it would take some time before it could be corrected. We would have to wait until the next election before the position could be remedied. In the interests of efficiency it is not unreasonable that the Minister should have the right to select some man with special qualifications for the job. Probably in 99 cases out of 100 the same man would be elected by the producers. I am not prepared to accept the amendment.

Mr. SEWARD: I agree with the Minister when he said, "Accidents will happen." That is why I support the amendment. Accidents have happened and we producers are too keen a memory of them to allow a recurrence. We do not forget the composition of the Australian Wheat Board. The Minister appointed someone who was cer-

tainly a producer, but when an election came around the producers promptly put that man off and elected one that the Minister did not want. That is why we view this with such suspicion. I do not suggest that the Minister wishes to exercise his will in that way, but this did happen under Commonwealth legislation. The producers are capable of electing men to these boards, and if they make a mistake it is their misfortune. In the past a Federal Minister took the opportunity to remove a very capable man from a board. On the proposed board of six it is suggested that the producers should have the right to elect two members. That is too small a minority. We, on this side of the Chamber, maintain that when a commodity is to be disposed of the producers of the commodity should have at least half the representation if not, in fact, a majority of the representation. To give them only two nominees out of six is not fair.

Mr. DONEY: The Minister was entirely unimpressive on this occasion and failed to make his point. I think he realises that himself. I have never seen him strive so hard with such little result in attempting to make a point. He thinks that there is some strange quality in the Minister that will cause him to pick a man better suited for the job, than would the farmers. I call attention to the occasion when a man was wanted on the Fremantle Harbour Trust to represent the farmers. Who was selected, a farmer? No; the secretary of a union, or the one-time secretary of a union.

The Minister for Agriculture: You have missed the point.

Mr. DONEY: He would not be a better man for that job than a direct representative of the producers.

The Minister for Agriculture: You have missed the point there.

Mr. DONEY: I have not missed the point at all. The Minister seems to think that he has been generous in giving the producers two representatives on this board. He appears to forget that the producers own the barley. They should have wider representation than two out of six.

The Minister for Agriculture: They have three out of six.

Mr. DONEY: It is unlikely, in these circumstances, that the producers will ever

have their own way. I cannot understand why the Minister should be afraid to trust the judgment of the producers. He harped on the fact that they are likely to make a mistake. The producers have selected representatives to many boards without making mistakes. My friends have already mentioned two instances. Why should the Minister's choice be any better than that of the producers? After all, they give most care to selection who have most to lose. I do not believe the Minister believes in what he has put to members.

Mr. Withers: You say you do not trust the Minister.

Mr. DONEY: If the hon. member brings in the question of trust obviously we have to say that the Minister, although a pronounced democrat, does not trust the producers to choose the right men. The Minister has no special qualification for picking men.

Mr. PERKINS: The Minister knows that I do not suggest that he would indulge in any chicanery in the appointment of this nominee representative, but the Act is a continuing one and there may be all sorts of Governments and Ministers administering it. The producers recently have had some very unfortunate experiences in regard to people placed by Ministers of the Crown on boards. Those instances have not occurred in this Parliament, but in the Commonwealth Parliament, although an analogous position could easily arise here. The genuine producers have just about had a neckful of these people who are put on boards to represent them, but who are just tools in the hands of the Minister who is the ultimate authority in controlling the particular board.

Mr. Cross: That is an unfair imputation.

Mr. PERKINS: It is not. On the Wheat Board we have certain representatives who owe their positions to a particular Minister. They are supposed to represent the producers, but they only think of crawling to the Minister who has appointed them.

Mr. Cross: Who was the man and the Minister?

Mr. Mann: One was a horse dealer.

The CHAIRMAN: Order!

Mr. PERKINS: The Chairman would pull me up if I started discussing the de-

tails of the wheat stabilisation plan. producers have had some unfortunate experiences in recent times in the market of wheat. We who represent barley producers do not want any loopholes left allow the same thing to happen in regard to the representatives on the barley board. We desire to have men, whether competent or incompetent, who will at least represent the producers. If they are incompetent the producers will suffer, but the Minister need have no fear that they will be incompetent. The genuine producers are dissatisfied with this clause. They do not sink or swim by their own efforts. They appreciate the Minister's good intentions but they are not what the producers desire.

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

Ayes	..	..	..	..	18
Noes	..	..	..	..	27

Majority against 9

AYES.

Mr. Abbott	Mr. Owen
Mr. Brand	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Read
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Shearn
Mr. Leslie	Mr. Watts
Mr. Mann	Mr. Willmott
Mr. McDonald	Mr. Doney
Mr. McLarty	
Mr. North	

(Teller.

NOES.

Mr. Collier	Mr. Millington
Mr. Coverley	Mr. Needham
Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Panten
Mr. Graham	Mr. Smith
Mr. Hawke	Mr. Slyants
Mr. J. Hegney	Mr. Teller
Mr. W. Hegney	Mr. Tonkin
Mr. Hoar	Mr. Trint
Mr. Holman	Mr. Willcock
Mr. Johnson	Mr. Wise
Mr. Kelly	Mr. Withers
Mr. Leahy	Mr. Willson
Mr. Marshall	

(Teller

Amendment thus negatived.

Mr. WATTS: Without reiterating observations I have already made I desire to move an amendment—

That in paragraph (a) of Subclause the words "for appointment by the Governor as members of the Board" be struck out.

As the two members are to be elected by the producers, it seems to me that their election should be sufficiently final to cause them to become members of the board.

THE MINISTER FOR AGRICULTURE: If the amendment is agreed to and it creates any trouble, that will be on the head of the Leader of the Opposition and not on mine. The Governor has to make the appointments. The mere election of these people does not make them members of the board until they are so appointed. If the position is satisfactory without these words I have no objection to their exclusion, but the responsibility will rest with the Leader of the Opposition. The Parliamentary draftsman included the words in the Bill to give effect to what I desired should be done in regard to the appointment of the board, and I presume he would know what words were required.

Amendment put and negatived.

Mr. McDONALD: I move an amendment—

That in line 1 of paragraph (c) of Sub-clause (3) the word "nominated" be struck out with a view to inserting the word "elected."

If that amendment is carried, I will move to delete the words "Minister to represent." The paragraph will then read, "one to be a person elected by the maltsters."

The Minister for Agriculture: How would they elect him?

Mr. McDONALD: I think they are capable of electing someone to represent them. The same principle could apply in the case of the brewers. If the maltsters did not elect a representative they would have no-one on the board particularly looking after their interests. Whilst in any marketing measure it is reasonable for the Crown to have some say in the composition of the board where the people's money is supporting the price paid to the producers, in this instance the people's money is not involved. All that the producers get is what the board obtains by selling the product on the market. There is no question about going to the Treasury for any guaranteed price or for any increase in the price obtained on the market.

THE MINISTER FOR AGRICULTURE: I am in sympathy with the object of the hon. member, but his amendment would mean setting up a tremendous amount of machinery to obtain the same result that would be gained in any case. The Minister would ask the maltsters and the brewers to submit a panel of names, and from that panel a selec-

tion of truly representative persons would be made. To provide in the Bill that we must have all this machinery for carrying out an election when only two or three voters are involved, would be too cumbersome. They would have to comply with all sorts of formalities and submit the name of the person to be appointed by the Minister. The method suggested in the Bill is far more simple than the one advanced by the member for West Perth. The reason why maltsters and brewers are being given representation on the board is that it is a courtesy extended to them because they are interested in the production and marketing of the commodity. I do not think these people would desire to be put to the trouble of going through all the processes of an election when there would be only two or three votes to be recorded. I am sure they would prefer that the Minister should make the appointment from amongst persons who would be acceptable to them. I oppose the amendment.

Mr. WATTS: I should like to hear from the Minister how many maltsters are not brewers and how many brewers are not maltsters, and how many there are of both in Western Australia. It seems to me that the people mostly concerned in the control and management of the board are those to whom the barley belongs. The Minister now gives us the impression that there will be two representatives of the maltsters and brewers, and that an election amongst those people would only result in a ballot by two or three. It has occurred to me that some of the maltsters are also brewers and vice versa, and that they will have two representatives in those circumstances. To use a colloquialism, "What the heck for?"

THE MINISTER FOR AGRICULTURE: The member for York made a good point, namely, that it was desirable to have the most efficient board, a board not only with business acumen but considerable experience and knowledge. It is felt that by permitting the brewers and maltsters, who have minority representation, to sit on it they can bring to the discussions which would arise a valuable contribution that would enable the board to function more efficiently than it would in the absence of that knowledge and experience. Maltsters and brewers are the biggest consumers of the commodity in question.

Mr. Watts: I should say that the beer drinkers consume most of it.

The MINISTER FOR AGRICULTURE: The maltsters and brewers use the barley. We are concerned in the production of the grain, and it is of interest to the maltsters and brewers that that should be adequate for their purposes. We are also concerned about the marketing of the grain, and there again the maltsters and brewers come into the matter. It is right that their opinions should be heard on the board. Even if it meant, as suggested by the Leader of the Opposition, that the clause would lead to the appointment of two representatives of the maltsters and brewers, they would still be in a minority and could never control the board's decisions. There would be two maltsters and brewers as against three producers.

Mr. Watts: Two and a half.

The MINISTER FOR AGRICULTURE: There must be three producers on the board. It is a matter for congratulation that the maltsters and brewers are getting representation, because their peculiar knowledge will be of great value in arranging for the production of an adequate quantity of grain and its subsequent marketing. Their presence will improve the board. With regard to the argument of the member for West Perth, I point out that there are very few maltsters and brewers in this State and it would be a farce to provide all the conditions necessary for the holding of an election.

Mr. Watts: Are there any maltsters who are not brewers?

The MINISTER FOR AGRICULTURE: I believe so.

Mr. Watts: How many?

The MINISTER FOR AGRICULTURE: One or two.

Mr. Doney: You are not sure.

The MINISTER FOR AGRICULTURE: I am not sure. The hon. member may rest assured that their number is so few that it would be futile to provide for an election. The maltsters and the brewers have different points of view, and it would be of advantage if both had representation on the board. No harm could be done by including both as they would be in a minority.

Mr. WATTS: I have no objection whatever to the representation of the maltsters and the brewers. They are a section of the trade that definitely ought to be represented, but it does not follow that I believe the representation proposed in the Bill would be satisfactory in the circumstances. The Minister has not overcome the point I raised that, by giving representation to the brewers, he is virtually giving it to the maltsters and vice versa. I know of no other measure in which representation has been given to two sections of the trade relatively so small in number and mutually so closely allied in their industry. Consequently, the proposed representation is rather too adequate in a board of six.

Later on provision is made for four members of the board to form a quorum. Then the two representatives of the maltsters and brewers, plus the chairman, would constitute a majority of the board. In view of the positions those people hold, there is no justification for giving them more than one representative for their combined numbers. All they could claim to represent would be six or eight interested in the trade, whereas some hundreds of growers who will be unable to carry on their business without a license from the board, will have only $2\frac{1}{2}$ representatives—two to be elected by them and one, whom I count one-half only, to be appointed by the Minister. I feel disposed to support the amendment with a view to altering the clause in other directions.

Mr. GRAHAM: Maltsters and brewers are so small in number that they should not be given separate representation. By a large measure their interests are identical. I am not enamoured of the amendment. I should favour one person nominated by the Minister to represent the maltsters and brewers and one to represent the consuming public.

Member: The beer drinkers?

Mr. GRAHAM: Those who use the commodities, no matter in what form, would be interested and should be represented. The board would be ill-balanced if we gave these large financial interests two representatives.

Hon. W. D. JOHNSON: I direct attention to the Minister's change of attitude to the representation of beer as compared with milk. Apparently the Minister has a total

different point of view on the constitution of the barley board as compared with the Milk Board. If the maltsters and the brewers are entitled to representation on this board, surely the milk vendors and the treatment plant licensees should have been given representation on the Milk Board!

The CHAIRMAN: The hon. member is not in order in discussing the Milk Board on this Bill.

Hon. W. D. JOHNSON: I am aware of that, but one is justified in directing attention to inequalities and changes of opinion of this sort. The comparison is relevant to the question whether a certain thing can be right on one night and something entirely different can be right on a subsequent night. There should be no objection to my exposing such inconsistencies.

Mr. McDONALD: Although the number of brewers and maltsters may not be large, they handle the greater part of the barley crop and therefore represent the marketing and consuming sides, and I should be sorry if their representation were reduced. Both could make valuable contributions to the deliberations of the board, and it seems only right that the various interests should be entitled to nominate their representatives.

Amendment put and negatived.

Mr. GRAHAM: I move an amendment—

That at the end of paragraph (c) of Sub-clause (3) the words "and brewers" be added.

Those interests are really one and the same and should not have two representatives when the growers are to have only two. We should concentrate upon those who produce the commodity and the final recipients of it, though some case might be made out for the representation of middlemen on the ground of the advice they could tender arising out of their experience.

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

Ayes	16
Noes	25

Majority against 9

AYES.

Mr. Brand	Mr. Leslie
Mrs. Cardell-Oliver	Mr. Mann
Mr. Fox	Mr. Perkins
Mr. Graham	Mr. Seward
Mr. J. Hegney	Mr. Telfer
Mr. Hill	Mr. Watts
Mr. Holman	Mr. Willmott
Mr. Kelly	Mr. Doney

(Teller.)

NOES.

Mr. Abbott	Mr. Needham
Mr. Collier	Mr. North
Mr. Coverley	Mr. Nulsen
Mr. Cro's	Mr. Pantou
Mr. Hawke	Mr. Smith
Mr. W. Hegney	Mr. Styants
Mr. Hoar	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Leahy	Mr. Wilcock
Mr. Marshall	Mr. Wise
Mr. McDonald	Mr. Withers
Mr. McLarty	Mr. Wilson
Mr. Millington	

(Teller.)

Amendment thus negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. GRAHAM: The maltsters and the brewers should not have separate representation when, in fact, they are one and the same people. I move an amendment—

That in line 2 of paragraph (d) of Sub-clause (3) the word "brewers" be struck out.

If successful, it is my intention to move to insert in lieu the word "consumers." The statement has been made that the breweries and the malting companies are in fact the consumers of the product. I deny that absolutely. The consumers are the people who finally receive the finished product. One might just as well argue that Pascomi and Browns Ltd. are consumers of milk because they receive practically all the milk in the metropolitan area; but all they do with it is to receive it and pass it on to the consumers in the same way as the malting companies and the breweries do. It is the public who are the consumers. It might even be argued that other people concerned in the handling of barley should have specific representation, such as those engaged in the various forms of transport and those who are actually employees in these concerns. If we gave representation to each of those interests, the producers' representatives on the board would be hopelessly outnumbered.

Mr. McLarty: What qualifications would be required of the consumers' representative?

Mr. GRAHAM: Consumers' representatives are appointed to the Milk Board because of their intelligence and capacity to represent the consumers. Sufficient has been

said concerning over-representation of particular interests on this proposed board.

THE MINISTER FOR AGRICULTURE:

I cannot accept the amendment. The position is in no way comparable with that of the Milk Board. In that case, certain firms act as distributors and deliver the milk to householders, who are the consumers of the product either in its raw form or after it has been processed. By far the largest proportion of the purchasers of barley are those who change its form in some other product so as to make it unrecognisable. They change it from a solid form into a liquid form. Maltsters and brewers in this respect are in no way comparable with the distributors of whole milk. I take it the member for East Perth, when referring to consumers of barley, means the people who consume pearl barley. These would represent only about six per cent. of the total number of consumers. The big bulk of the barley produced in this State is used by the maltsters and brewers in the processing of their product, in the same way as biscuit manufacturers use milk for the purpose of making biscuits or cakes. I would regard those persons as consumers of the product. There are maltsters as distinct from brewers. The Bill proposes that they should have representation on the board and we cannot give the maltsters less than one representative, nor can the breweries have less than one.

Mr. Doney: You could give them one representative between the two.

Mr. Watts: The Committee has decided not to do that.

THE MINISTER FOR AGRICULTURE: Even if they got together they would still be in a minority, and consequently could not by themselves decide the board's policy. They could, however, bring to the board their knowledge and experience, which are not available to the man in the street.

Mr. Withers: Or to the producer of barley, either.

THE MINISTER FOR AGRICULTURE: The people most concerned with this product are the maltsters and the brewers. They are the ones concerned with the price and the quality of the product, and it is therefore right that they should be represented on the board. The producers are safeguarded, because they have three representatives out of six. I submit it would be bet-

ter for the industry if we had the board proposed in this Bill and for that reason I must decline to accept the amendment.

Mr. WATTS: Had the amendment which was defeated before tea been accepted, I should have taken the opportunity to move that the following paragraph, having reference to representation of another branch of the industry—I think the brewers—should be struck out; which, as the Committee will realise, would have had the effect of placing the producers in a position which I and those associated with me regard as being the proper position. But, that amendment having failed, I now suggest to members of the Committee that they should leave well alone, and I think the explanation given by the Minister is as satisfactory as one could expect when one is dissatisfied with the previous decision of the Committee.

Mr. PERKINS: I oppose the amendment. The question of consumer representation on a board such as this comes into the picture to only a very limited degree, because the board which this Act seeks to establish is more or less a purely marketing organisation. It is not concerned with the finished article in any shape or form. It is a board which has been requested by the primary producers to enable them to market their produce in an orderly manner, and therefore the producers are the ones most vitally concerned with it.

Mr. Abbott: Why not the consumer? He has to pay in the long run.

Mr. PERKINS: Yes, but the consumer comes into it at a very much later stage.

Mr. Abbott: When it is a monopoly.

Mr. PERKINS: When the consumer comes into it, the product is different. It has to go through many processes before it is directly used by the consumers. If there were no board at all, action would still have to be taken by the producers to market their product in an orderly manner and, if some further action in regard to the product as consumed by the public is required, this Chamber should adopt some other course to deal with that aspect. From the time that products dealt with by boards of this kind are produced until they pass into the ownership of some other person, they belong to the producers. That is a point which has been overlooked in

ome of the legislation which has been framed or is proposed to deal with primary products. I wonder how wage-earners would like to have some outside person tampering with the product of their labour in the form of their wages! I think they would take very strong exception and, similarly, primary producers are entitled to take strong exception to other people tampering with the product of their labour. The Bill enables producers to have the necessary machinery for the marketing of their products.

Mr. Abbot: And cut out anyone else except producers.

Mr. PERKINS: The Minister would upset the purpose of the Bill if he accepted an amendment such as that proposed by the member for East Perth.

Amendment put and negatived.

Mr. SEWARD: I move an amendment—

That in line 4 of paragraph (c) of Sub-clause (3), after the word "barley," the words "who shall not be a public servant" be inserted.

[I do not know whom the Minister has in mind for the chairmanship of the board, but I think we should discourage the appointment of public servants to such positions. Not that public servants are not very competent men; but they are already loaded with very important duties, and it is not fair to them or to the work these boards do that such men should be asked to devote their time to the extra duties involved. I know one or two public servants who, if they actually sat on the various boards and committees on which they are entitled to sit, and in addition did the work for which they are primarily responsible, would probably never be at home at all and would never get any rest. Periodically they are called away to go to the Eastern States and have to delegate their duties on particular boards to someone else. Apart from that, the chairman of a board such as this should be a man with good commercial experience, because the main object of the board will be the selling of the produce at a profitable figure to those concerned.]

The Premier: The present chairman has done a splendid job.

Mr. SEWARD: I am not suggesting he has not; but he is not a public servant, is he?

The Premier: Mr. Thomas is chairman of the board.

Mr. SEWARD: I was not aware who it was. I am not reflecting on him in the least but I do not think it fair to call on these officers to do such work, because they have their departmental duties to attend to and their time should be occupied in that capacity. I do not think we could find two men who hold more positions than do our Under Secretary for Agriculture and our Under Treasurer. They cannot possibly pay proper attention to the duties they have to do, and it is not fair to ask them to do this kind of work. We should choose other men who have time, ability and commercial experience to assist in this direction.

The MINISTER FOR AGRICULTURE: I hope that membership of the Civil Service will not be regarded as a disqualification for everything else. We have a good number of excellent civil servants who, because of their training and the opportunity which their position gives them of gaining special knowledge, are eminently fitted for certain jobs.

Mr. Doney: And have they time to spare, as a rule?

The MINISTER FOR AGRICULTURE: Not always! But it is sometimes of advantage to arrange to relieve them of some of the duties they would ordinarily discharge in order that they might perform some far more important duties in the interests of the State. Surely it cannot be gainsaid that it is to the vital interests of the State to have marketing boards functioning efficiently. We go to a good deal of trouble and expense to promote our various industries and we look after their welfare when they are established. It is part of a civil servant's job, in the Department of Agriculture, to do those things, and it is an expansion of that principle to allow a highly placed civil servant, with special knowledge and administrative experience, further to serve an industry by acting on a board in connection with it.

It is not mandatory for a civil servant to be appointed as chairman of a board, but it is often of distinct advantage to the State that such should be the case. The Committee would not be wise in fettering the Minister in this regard. If the Minister appointed an officer to a board and felt it necessary to relieve him of some of his

duties as a result, he should be allowed to do so. No Minister would deliberately cause the efficiency of his department to suffer simply because he desired to put a civil servant on a board. Rather would it be the other way. Our experience during the war years has been that civil servants who have acted on boards have done a particularly fine job. I have not heard any criticism of them.

Amendment put and negatived.

Clause put and passed.

Clauses 7 to 13—agreed to.

Clause 14—Powers of Board; how exercised:

Mr. SEWARD: I move an amendment—

That at the end of Subclause (4) the following words be added:—"Provided that at least one of the elected producer-members must be present before a quorum can be formed."

If the clause is passed as it stands, the board can function without either of the elected members being present. That is not right.

The Minister for Agriculture: It is their business to be there.

Mr. SEWARD: That is so, but occasions might arise when they could not be present. One man might be engaged on his farm in the harvesting period and the other ill, and neither would attend a meeting which might be important. It is only fair that at least one of the producer-representatives should be present.

The MINISTER FOR AGRICULTURE: I cannot agree to the amendment. It is most unfair. If the two producer-representatives had a fit of pique they could stay away and the board could not function. We could not tolerate that. It is the business of the members to be present. There will be three producers on it although only two will be elected. The amendment would confer on those two members a power that no other member of the board would possess. If they became dissatisfied or lackadaisical in their attitude to the work of the board they could go for a holiday and say, "The business can wait till we get back." That would not make for efficiency.

Mr. Doney: Do you anticipate such a thing would happen?

The MINISTER FOR AGRICULTURE: No, nor do I anticipate that the board would wait until the two producer-representatives

were absent to get up to some tomfoolery. If those two members were absent, and had a legitimate excuse for their absence, I do not think the board would deal with controversial matters, but would only transact routine business. The opposite of what the member for Pingelly desires might occur. A matter vital to the producers might come before the board for decision, and if the two producer-representatives were absent the board, under the amendment, could not arrive at a decision, and it might be that it would be too late to deal with the problem when it was possible for the two producer-representatives to be present. I do not think any advantage would be conferred on anyone by the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 15 to 19—agreed to.

Clause 20—Power to control production for sale of barley:

Mr. WATTS: This clause provides for the licensing of persons to grow barley for sale. I think we should at this stage consider the effect of granting licenses and the control of production, in the light of the circumstances that exist in the case of such institutions as the Milk Board. There, the license granted to a producer or a vendor has a fixed value and when its transfer takes place so much per gallon is asked for it. In the net result it becomes increasingly difficult for persons of small capital to go in for business and an undesirable kind of vested interest is created, all because it has been found necessary to legislate for the control of production and distribution in the interests of both the producer and the general public. The operations of the Barley Board under this measure are, as it were, starting from the beginning, and it seems to me that the result will be similar to that occurring under the Milk Board, unless we take action to prevent it.

In Queensland acreage for the production of sugar is licensed under legislation and a farm that has a license may sell for £40 per acre, while the farm next door with land equally suitable for the production of sugar, but with no license, will bring only one-fifth of that figure. Under the wheat licensing scheme, conducted in past years under the National Security Regulations, as

I understand the position the farm and the farmer were licensed and no transfer of the licenses was permitted by way of sale at a premium. We should consider whether there are not sound reasons for preventing the growth of the custom to which I have referred, under licensing for the sale of barley, and in future in the case of similar legislation that may come before this Chamber. I do not know of any reasons that may be advanced to prove that the arguments I have put forward on this question are incorrect, but if there are any I would like to hear them. I am convinced that it would be better to take steps to prevent the growth of this type of vested interest while as yet there is none. I move an amendment—

That at the end of Subclause (1) the following words be added:—“No license shall be transferable. In the event of the sale by a producer of any property in respect of which a license has been granted the purchaser may apply to the Board for a license.”

THE MINISTER FOR AGRICULTURE: I am in agreement with the object that the Leader of the Opposition seeks to achieve, but I think that the Bill, as printed, contains sufficient safeguard. It is the person who produces the barley that applies for the license, and the board licenses the producer. It has power to cancel the license at any time.

Hon. N. Keenan: With good cause.

Mr. Watts: The Milk Board has that power, also.

THE MINISTER FOR AGRICULTURE: It would not cancel a license to satisfy some whim. No person has a license as a right. The person is licensed to grow a certain quantity of barley, but in the second year of operation the board might feel that the quantity of barley to be grown should be considerably less, and therefore it would alter the license to say that the producer should grow so much less. The Bill provides that “a license under this section may be cancelled by the Board, but unless or until so cancelled shall continue in force until the 31st day of March next following the granting of the license.” It operates for 12 months. If not cancelled it continues in force until the 31st March following the date of issue. I do not think there is any danger of a vested interest being established as it has in the producing and retailing of milk,

and I do not think there is any need for the amendment moved by the Leader of the Opposition.

Hon. N. KEENAN: I support the amendment moved by the Leader of the Opposition. The Minister's argument is dependent on the fact that it is the man that is licensed, and not the land.

The Minister for Works: That is what the Bill says.

Hon. N. KEENAN: Is it desirable?

The Minister for Agriculture: I think it is.

Hon. N. KEENAN: If the land is licensed and no transfer is allowed there can be no question of selling goodwill.

The Minister for Agriculture: Are you proposing that it should form part of the estate?

Hon. N. KEENAN: In any event it will form part of the estate. If a man holding a license dies the estate has the goodwill while the license is current. If the provision in the Bill was that the license was in respect of a certain area of land, with a subsequent provision that no transfer of the land should be allowed except on conditions approved by the board, we would have control of the position, because the board could refuse a transfer. If a man became incapable of carrying on his business, or died, provision would have to be made for his estate, and the board could deal with such a case on its merits. It would not allow trafficking such as happens in the case of milk, where licensees are ready to sell because they can make a big profit.

Mr. ABBOTT: I cannot see any objection to emphasising something that is important. The amendment is not redundant; it merely emphasises the point that there shall be no vested interests and that, when the necessity disappears, the sole right to a license shall also disappear.

THE MINISTER FOR AGRICULTURE: It is significant that the three members who have spoken are legal men and that they believe that the Bill as drafted will not achieve what I think it will. My opinion is that no vested interest could grow up under the Bill and I desire that no vested interest shall be created. The amendment refers to a property in respect of which

a license has been granted to a producer. To that extent I think it is wrong, but I should like time to consider the matter.

Progress reported.

BILL—LEGISLATIVE COUNCIL REFERENDUM.

Second Reading.

Debate resumed from the 22nd August.

MR. CROSS (Canning) [8.13]: This is a Bill to provide for a referendum of the people to decide whether the Legislative Council should be abolished or whether every adult person should have a vote at the election of members of the Council. The member for Nedlands made a very interesting contribution to the debate. As a matter of fact he skated very skilfully around the salient point without mentioning it at all.

Hon. N. Keenan: I do not think my knees would permit of my skating.

Mr. CROSS: The hon. member gave a very long story dealing with past constitutions of Great Britain, but not once did he say that this Bill was not designed to amend the Constitution but was merely intended to submit these questions to the people for their decision before the matter was determined by Parliament.

The member for Nedlands stated that where there was only one Chamber, it tended to become despotic. That might be true in some instances but I doubt whether it would happen in a State like Western Australia where the Constitution provides for the whole of the members of the Assembly, which would be the one Chamber if the Council were abolished, going to the people every three years at most. Members of this House are elected on the adult franchise and, if any Government misused its powers, the people would unhesitatingly remove it from office. The hon. member also referred to the dangers of a single-Chamber Government, but it is remarkable that in the State of Queensland, which has a single-Chamber, the people have returned the same party to power Parliament after Parliament and with enormously increased majorities.

Mr. Mann: Tell the truth!

The Minister for Lands: You do not like it.

Mr. CROSS: The hon. member even alluded to the French Constitution and to the recent plebiscite. He said that when a vote was taken there on the question of a single chamber, the proposal was defeated by a majority of more than one million. But the hon. member never once in his long speech mentioned the franchises under which second chambers are elected. There has been one bright spot during the debate. The member for Mt. Marshall said that no objection could be taken to the holding of a referendum because that was a democratic method to adopt.

Right through history there has been one continuous struggle to enable the voice of the people to be heard, and this has been the common experience, not only in the British Empire, but also in almost all European countries. The first struggle ended in the Magna Carta being exacted from King John and that was a demand for the voice of the people to be heard. At that time it was not the voice of the common people; it was the voice of the nobles and barons who were incensed at the power wielded by a despotic sovereign. Even under early statutes, we find that the power of governments was wielded by a few people, and mighty few people had a say in the elections. The hon. member went back several hundred years. I, too, intend to go back into history. In 1235 when the Provisions of Merton were passed by the Parliament, the number of voters was extremely limited. The 20th statute of Henry III. states—

It was provided in the Court of our lord the King, holden at Merton on Wednesday the morrow after the feast of St. Vincent, the 20th year of the reign of King Henry the son of King John, before (William) Archbishop of Canterbury, and (other his bishops and suffragans) and before the greater part of the earls and barons of England there being assembled, for the coronation of the said King, and Helianor the Queen, about which they were all called: (where) it was treated for the commonwealth of the realm upon the articles underwritten; thus it was provided and granted, as well of the foresaid (archbishops), bishops, earls and barons, as of the King himself and others...

But not the common people; they had no say whatever. Nor did these people have much more say in 1267, when the Statute of Marlborough was passed. Yet the King,

the earls, the barons and the bishops were always pretending—without giving the common people a vote—that they were dispensing justice to them. I shall now quote from the Statute—

It was provided and established and with full consent ordained, that (whereas the realm of England having been of late depressed by manifold troubles and the evils of dissensions, standeth in need of a reformation of the laws and usages, whereby the peace and tranquillity of the people may be preserved, whereto it behoved the King and his liege men to apply an wholesome remedy), the provisions, ordinances, and statutes underwritten, should be firmly and inviolably observed by all the people of the same realm, as well high as low, for ever.

The people were not given a voice at all. Later, the Statute provides—

It is provided, agreed, and granted, that all persons, as well of high as of low estate, shall receive justice in the King's court.

But, very carefully, the vote was not extended to the people. Coming now to a Statute passed in the reign of King Richard II., in 1382, we ascertain who appointed the Parliament. The Statute provides—

The King doth will and command, and it is assented in the Parliament by the prelates, lords, and commons, that all and singular, persons and commonalties which from henceforth shall have the summons of the Parliament, shall come from henceforth to the Parliaments, in the manner as they are bound to do and have been accustomed within the realm of England of old times. And if any person of the same realm, which from henceforth shall have the said summons, be he archbishop, bishop, abbot, prior, duke, earl, baron, banneret, knight of the shire, citizen of city, burgess of borough, or other singular person or commonalty, do absent himself, and come not at the said summons....

They were the people in those days who constituted the electors, and it was a long time before the common people got a vote at all. It is only within the last 30 or 40 years that the franchise in Great Britain has been widened. The member for Nedlands mentioned the French Constitution, but he forgot to say that the wonderful second chamber in France was just an undemocratic as the House of Lords.

Mr. Mann: What do you know about France?

Mr. CROSS: I know that David Thomson—

Mr. Mann: Who is he?

Mr. CROSS: A professor of the Cambridge University. Writing of the French Constitution, he said—

The Constitutional Charter which Louis XVIII issued in June, 1814, not only established the embryo machinery of representative government on the model of Britain, but also embodied nearly all the great principles first enunciated in the Revolutionary Declaration of the Rights of Man. The power of making laws was given to the King and a Parliament consisting of two Houses—a House of Peers chosen by the King, and a Chamber of Deputies elected on a narrow franchise. No subsequent Constitution of France abandoned the essential outlines of this framework of government. Only the King could propose laws....

Later, he mentions the second chamber, the members of which are elected on an exceedingly restricted franchise. Commenting on that, he said—

Clearly, the Senate is intended to act as a check on the democratic tendency of the Chamber. Legislation is the joint task of the two assemblies. There is no provision for settling a deadlock between them. The Senate acts as a revising and delaying body, as does the British House of Lords, but it can positively block legislation. Women suffrage has been repeatedly accepted by the Chamber and turned down by the Senate.

That shows what took place in France. It would be waste of time to relate what took place in most other European countries; because these were, if anything, more backward in granting the franchise to the common people than were either Great Britain or France. In 1875, the Constitution of France was altered and, for the first time, the franchise was given to every person over 21 years of age; but all persons in the Army were debarred from having a vote. Even now the Chamber of Deputies is still elected on the same restricted franchise. It is my belief, from what I have read, that throughout history practically all revolutions were caused because the voice of the people could not make itself heard. The people were retarded by the old and undemocratic parties of the various countries.

The Bill now before us is the very aim of democracy, as it proposes to give to the people, first, the right to say whether the Legislative Council should be abolished and, second, whether the franchise should be extended to every person of adult age to elect the representatives in that Chamber. Who can deny—not even the member for Nedlands can deny it—that it must be democratic to let the people decide what they

require? Then, when the Bill to abolish the Council comes before Parliament, the speech which the member for Nedlands made the other night would be most appropriate. I support the Bill. The question has been argued for years and it will be settled when it has been referred to the people. After the referendum, I do not think that even the diehards on the other side of the Chamber would be game to vote against the Bill for the abolition of the Council.

MR. GRAHAM (East Perth) [8.30]: It should not be necessary for me to have to announce what my attitude will be with regard to this measure. It is well known that I have very decided views so far as a second Chamber is concerned as a matter of general principle, and particularly when operating on a restricted franchise such as is the case in Western Australia today. It is a peculiar fact that the constitution of Western Australia, instead of being reposed in the people, is in the hands of the State Parliament, theoretically. In actual fact, because of the stubbornness and the resistance of the Legislative Council, one could easily say that the Constitution is reposed in that handful of people. Many attempts have been made to broaden the franchise to make it more possible for the will of the people, as expressed through this Chamber, to make itself heard and become an accomplished fact by way of legislation. But those attempts have been fruitless and futile. So it has been decided that an effort shall be made to ascertain the will of the people.

I am aware that last session, when a similar measure was before this Parliament, certain flimsy pretexts were devised and used for the purpose of denying the right of the people to express themselves on a controversial question; and I sincerely trust that the Minister, on this occasion, will see to it that, whenever one of those pretexts is submitted in this Chamber, so long as it does not interfere with the general principle of the Bill, he admits that pretext so that the opposition in this Chamber will not have some sort of excuse for its attitude to the Bill. It should be emphasised, in view of some of the excuses made, that this Bill is not to abolish or reform the Legislative Council, but is for the purpose of ascertaining the will of the people. The people will say what they think of this

measure, and it is not for us by a deliberate vote to interfere with that which is designed by the Bill.

We are entitled to the expression of our own views and, so far as we are able to adduce them, the views of the people we represent. But anybody who says that a question of this magnitude and importance—one that has been discussed on so many occasions by this Parliament—is not one that should go to the people, has no sense of responsibility, and should not be one of the accepted leaders in the public life of this State. It was suggested by one of the speakers of the Opposition that certain sinister influences are at work; that there is a coterie at the Trades Hall responsible for this move, the move being, of course, to seek the will of the people. It should be pointed out for his edification at any rate, that as far back as 1889 the old Australian Labour Federation, as it was then called, had as one of the planks of its platform—and there were only eight or ten of them at the time—that there should be no property qualifications for the election of persons to Parliament. That was in 1889. Ever since that time there has been a plank in the platform of the Labour Movement seeking to have democracy given an opportunity to prevail either in the State or in the Commonwealth.

It is still a plank of the Labour Party's platform. Yet, notwithstanding the fact that so far as Western Australia is concerned, particularly since Labour has been returned on innumerable successive occasions, that has featured as a plank of its platform and policy still the will of the people has not prevailed. It is remarkable that Legislative Councils were regarded as being non-party and thoroughly impartial until such time as a few adherents of the Labour Party were able to secure election or nomination to those second Houses. Then suddenly they lost their impartiality, according to those persons who are the champions of those institutions. But any person who is a student of the situation knows perfectly well that the so-called non-partisan second Chambers were comprised exclusively of Conservatives. Because they did the bidding of that class, usually at the behest of conservative Governments in the lower Chambers, of course they were called impartial, since they did not vitally disturb the Government of the day.

When Legislative Councils were originally established in Australia, it was stated by one of the sponsors, at least in one of the States, that they were there to be "a check on the growing democracy." That function is still being fulfilled. It is quite a long cry from the day when we had the nominee system of appointments to the second Chamber. Minor reforms have been introduced, but the same influences are at work. Second Chambers serve the identical purpose. They are still based upon property and not people. The work or the functions of second Chambers are negative, and the franchise upon which they are elected is restricted. All we seek is that, whatever be the popular will of the people, it shall be given an opportunity to express itself. If the people of Western Australia determine there shall be a 'conservative Government in this State, that Government has a right to govern and legislate in conformity with its platform, and in conformity with the policy it submitted to the electors.

It has not been the experience of Labour Governments in this State at any time to be in a position to implement the major planks of their platform. The member for Mt. Marshall, by using some form of calculus or higher mathematics—or call it what you will—sought to show that practically everybody was entitled to vote for representatives in the Legislative Council. Of course, he was only theorising, but if his argument were valid then on what grounds could he or his party oppose the granting of the franchise to every adult in Western Australia? If it is true that practically everybody is entitled to a vote at present, why all this argument and fuss? Why all this fuss if only a minute fraction of the people is denied that right at present? The hon. member knew perfectly well that there was no validity in the argument he submitted. He made the amazing statement that the Legislative Council guards against autocracy. Obviously the Legislative Council is an autocracy; and that statement from the hon. member suggests, to me at any rate, a well-known personality, Mr. Carlyle Ferguson, who, in his weekly newspaper makes the astounding assertion that the Legislative Council is the democratic Chamber.

The same type of logic applies to the references made by the member for Mt.

Marshall. To my mind the Legislative Council is largely an old men's home. In the first place persons are not permitted to nominate for that Chamber unless they have reached the age of 30. In other words there are many thousands of Western Australians who were old enough to enlist, and did in fact enlist and went oversea to fight for their country, who served throughout the period of the war and have since returned, married and had families, and are still not regarded as being sufficiently good and solid citizens to stand for the Legislative Council.

Mr. J. Hegney: Or even to have a vote for it.

Mr. G'AHAM: Or even to have a vote if they happen to be occupying premises which do not qualify under the present conditions of the Act. Members might appreciate the point I have made in regard to the restricted nature of the age qualification when they realise that the present member for Fremantle in the Commonwealth Parliament, who has occupied his seat for 12 months, is still not sufficiently ancient to nominate for this august body in Western Australia known as the Legislative Council which has the final say about practically every single piece of legislation that any Government, no matter what its political colour, seeks to place on the statute book. I say it is an old men's home because we find, apart from what I have just mentioned, that persons do not offer themselves for election to that Chamber until they have reached a mature age.

I have no disrespect for persons who are getting on in years. There are quite a number who were elected many years ago to this Chamber and who have continued to do a useful job for the people whom they serve. They still remain members of the Legislative Assembly because all of the people desire that they should continue to do so. But the situation in the other Chamber is different because the people as a whole have no say whatever. In the last session I asked the Premier what were the ages of the members of the Legislative Council. I was not given the information because I was told that it was not available. So I took certain steps to secure it for myself. Whilst I have not revised the information I got to make it apply to the Legislative Council as at present consti-

tuted, what I am about to quote discloses the position at the time I asked the question towards the end of last year. There were then no members—and this of course is still true—under the age of 40 years in the Legislative Council; only four were under 50 years of age; the majority—60 per cent. or 18 out of 30—were over 60 years of age. Half of them were over 65, and the average age was something over 62 years. Those figures suggest that, so far as that particular feature is concerned, that House is not representative of the people.

Mr. Seward: They are nearly as old as members of the Commonwealth Government.

Mr. GRAHAM: There are many persons of advanced years in all Parliaments and Chambers. I have no objection to any person, on the score of age, being a member of a democratic Chamber because he is there as a result of the expressed will of the people and not by some chance or mischance expressed by a coterie or clique, such as is the situation now. But apart from these considerations, I have very rigid objections to second chambers as a matter of principle. My objections are, in the first place, because they are merely an echo of a government, and secondly, they are an obstruction, and in both cases are perfectly useless and redundant. If there is a progressive government in the Lower House and, as has been our experience in Western Australia, a conservative or reactionary majority in the Legislative Council, then that second Chamber is an obstruction. If, there were a Labour Government and a majority of Labour members in the Legislative Council, then the second Chamber would be useless because it would be merely an echo of the majority of this chamber.

Mr. J. Hegney: That would be the position today if there was a conservative Government in power.

Mr. GRAHAM: Yes. If there was a conservative Government in power and a majority of conservatives in the Legislative Council the position would be exactly the same. Because of that fact and because there is a Labour Government in the Legislative Assembly—a government in name only—there is no real opposition in the Legislative Assembly. The real opposition

to this Government is in the Legislative Council. I say, and it will not be appreciated by those who sit opposite me in this Chamber, that that is the reason why there is such a weak opposition in the Legislative Assembly. Those who constitute the opposition here know perfectly well that there is no need for them to emasculate a Bill, or endeavour to do so and risk unpopularity at the hands of the people. Their motto might well be, "Leave it to the old boys in the other House," because they do the job well and successfully, and are not subject to the will of the people. No matter what the people thought of the actions of individual members of the Legislative Council they would be, as a mass, powerless to alter the situation.

It is in this Chamber that governments are made and unmade, and it is in this Chamber that the interests of the people of the State rest. Unfortunately they are not aware, apparently, of the damaging and repressive effects of the gentlemen who constitute the majority in the Legislative Council. It is on account of that fact that those who occupy the opposition benches at present appear half-hearted. They know they can rely upon certain people elsewhere. Well might they sit back easily and comfortably in that happy thought, because the experience of Labour has been that the members of the Legislative Council do attend to matters in that way. If the Labour Government of Western Australia were seeking to introduce legislation counter to the popular will it would not be successively returned, as it is, at the polls. As I said on a previous occasion, I feel that one of the strengths of Labour in Western Australia is the fact that there is a Legislative Council. Because of the conservatism of that Chamber, there is a popular reaction in favour of a progressive Government.

Mr. Abbott: Pocket boroughs, rabbit burrows, goldfields rabbit burrows.

Mr. GRAHAM: On several occasions when I have in this House discussed the question of the Legislative Council I have noticed utterances, from somewhat similar quarters, about pocket boroughs, rotten boroughs and so on. "Rabbit burrows" is the new one, which has no particular reference, and the same applies in this matter. If we required an amendment such as has been indicated by interjection on a pre-

ious occasion, that could be done by altering a different piece of legislation. It has nothing to do with this measure. If there are "pocket boroughs" as they are called, that applies to both Chambers, and has no particular reference when one is seeking to establish the rights of the popular Chamber, is against that which is representative of such small interests—small in numbers, but vastly big in finance and influence.

Another detrimental effect of a conservative second Chamber is that of making the Government water down its legislation, for the purpose of trimming it and reducing its effectiveness, in order to give it some real prospect of passing another place. Legislation that appears before us, instead of being a true expression of what the Government, as the voice of the people, wants to do, is something that has, of necessity, to be watered down—in many cases severely—in order to give it even a rough chance of being passed. The Legislative Council of Western Australia, as at present constituted, is something worse than under the old nominee system, because it has the pretence of being a democratically-elected Chamber. It has the facade, which is presented to the people, of being representative of the people. If it were purely nominee, or nominated by special interests, instead of being elected on a restricted franchise, there could be no mistake what the people would do, because they would be fully aware of its composition.

It has been said that the second Chamber or Legislative Council is necessary to prevent the possibility of hastiness in the consideration of legislation. That is merely an excuse, not a reason. As members know, there are half a dozen occasions when members can speak and vote on every Bill, and there is nothing hasty in the procedure. If I might be permitted to make the comment, it is slow and cumbersome. We follow procedure which, I believe, has been handed down to us from very many years ago and which is now applied because of custom and usage and not because it serves any real purpose. If we do subsequently find mistakes in a Bill we can re-commit it, or bring down further legislation at some succeeding stage of the sitting of Parliament. It has been said that it is dangerous to have only one House, but why is it deemed dangerous to allow a body of men to legislate when they have been elected by the people and

are subject to a return to the people within a short period of time? Why it should be thought that such a procedure is dangerous, without there being some sort of check, is beyond me, but of course charges as to the danger that a single Chamber constitutes always emanate from the Opposition, and I daresay the same sort of comment would be made if Labour occupied the Opposition benches.

The Opposition feels or senses a danger in the fact of the Government, representing a majority of the people, being able to proceed unhindered with its legislation. That, by and large, is the position when a conservative majority are elected to the Legislative Assembly. It has been said that the second Chamber is a House of review, but it is just as much a party Chamber as is this, and therefore that argument is not valid. If the Legislative Assembly does make mistakes it is in a position to correct them or, if not in a position to correct them because of the end of the Parliamentary session, then the people themselves can correct the situation. The people all have votes and can completely annihilate a Government that has in any matter of major policy betrayed the people or the confidence placed in it. To my mind the abolition of the Legislative Council follows as a natural corollary of the earlier reforms in Parliamentary institutions, such as the granting of adult franchise, at any rate as far as the lower House is concerned, the payment of Parliamentary members, the periodical return of political representatives to the people by way of election, and so on. All that is now required is some machinery to give the persons who have a programme that has been endorsed by the people an opportunity of implementing the planks of their platform.

I have no doubt whatever of the outcome of this referendum. Probably it is that knowledge on the part of those who are ranged against us politically which moves them to oppose the Bill, notwithstanding that it is designed not to do anything in itself, but merely to ascertain the will of the people. So out of touch with the people of Western Australia is the Legislative Council that I think it will deliberately deny the people the right of expressing themselves on this controversial question. That will demonstrate, at least to me, if not to other members of this House and the public gener-

ally, that the Legislative Council cares not one snap of its fingers what the people of Western Australia think. I believe the Legislative Council will do that, because "The West Australian" newspaper has given its instructions. It has indicated to the Legislative Council that its job is to defeat the Bill. About the only popular instrument in Western Australia at the moment that is working and barracking against the Labour movement and the things it seeks to do is "The West Australian" newspaper, and because it has practically a complete monopoly in one sphere at any rate, the gentlemen of another place, feeling that they will have an apologist and propagandist on their behalf, naturally obey the instructions or directions given.

At least we of this Chamber should do everything we possibly can to give the people of Western Australia an opportunity to express themselves. That is what this Bill seeks to do. I know attempts will be made to sidetrack the issue, as attempts were made successfully by the Legislative Council on the last occasion, by creating some figment of somebody's lively imagination as a pretext on which to throw out the Bill. In this instance, because its official organisation has given directions, I feel certain that the Bill will be rejected by the upper undemocratic Chamber. On the other hand, that is no reason why we in this House should not do everything we possibly can to educate the people of Western Australia as to the position with regard to the real obstruction to legislation that is sought to be passed by a progressive Government in this State. I have very much pleasure in supporting the second reading of the Bill.

MR. DONEY (Williams-Narrogin) [9.1]: The member for East Perth, I regret very much to say, has introduced an element of nastiness into the debate that we in this Chamber, accustomed as we are now and again to jump off the deep end, as it were, with regard to various contentious matters, have not hitherto in my time descended to. I regret to say that, and I say it without any feeling against the hon. member. He was, to my mind, extremely offensive to members of another place, whom most of us hold in the very highest regard indeed. There was no need whatever to drag the

debate down to so low a level. I think it is possible to keep the debate upon the high level that we have been accustomed to over the years. I know it is part of the hon. members' make-up, and he probably does not realise that he was offensive in his remarks. I am afraid, with all due respect to certain of his remarks that were palatable, that he has departed from what we have been accustomed to in this Chamber.

Mr. J. Hegney: What do you consider was offensive?

Mr. DONEY: I cannot hear what the hon. member says, and I do not care a great deal.

Mr. J. Hegney: Some people are very thin-skinned!

Mr. Abbott: And some are very tough-skinned!

Mr. DONEY: I do not think the House was very much impressed by the case submitted by the Minister for Justice. As a matter of fact, it could hardly be regarded as a case at all.

The Premier: That is nearly offensive.

Mr. DONEY: The charges levelled against the Legislative Council by the Minister were, firstly, that that House throws out Government Bills. There is no doubt about that; it does throw out Government Bills.

The Minister for Lands: What is the Council there for?

Mr. DONEY: Without going too far back, I can mention the time when the parties now sitting in Opposition occupied the Treasury bench. Did not the Legislative Council in those days, in precisely the same way, throw out our Bills? Of course it did! No doubt we in our turn felt piqued, just as the Government of today does now.

The Premier: The members of the Council must certainly have read your Bills in those days.

Mr. DONEY: Then again the Minister said the Upper House adopts an archaic attitude towards today's problems.

Mr. J. Hegney: Very archaic!

Mr. DONEY: The member for Middle Swan will have an opportunity to speak later on. The third charge levelled by the

Minister against the Legislative Council was that it is undemocratic. He did not advance any reasons whatever in support of charges 1 and 2. He contented himself merely with repeating those charges over and over again.

The Minister for Lands: They were so obvious.

Mr. DONEY: As to the Council being undemocratic, the Minister certainly said a great deal, but much of it was thoroughly unconvincing. He relied mainly, as far as my memory goes, upon what he regarded as an analogy—actually non-existent, as I see it—that he considered existed between the Upper House and, of all institutions, the House of Lords.

The Premier: At least what he said was relevant.

Mr. DONEY: At least what the Premier has interjected is not relevant at all, and is not correct.

The Minister for Lands: I think that is disorderly.

Mr. SPEAKER: Order!

Mr. DONEY: In submitting his case, the Minister was strangely contradictory. His case last year was that the Government had absolutely no intention whatever of abolishing the Upper House and yet, amazing to relate, he then proceeded to invite the people of the State, by way of a referendum, to vote for its abolition.

The Minister for Justice: We are leaving it to the people.

Mr. DONEY: He is inconsistent. During his speech on a similar Bill last year, he stated what his views were. I do not think he will deny this, because I can give him chapter and verse for it if he does. The Minister then stated that intelligence and education should be the qualifications for a vote in connection with the Legislative Council. If there is anything of true democracy in that, the Minister can tell me by-and-by, but in saying that he certainly indicated to the House that lack of education and intelligence would be, or should be in his mind, a disqualification for the Upper House vote. I say that because it sits ill indeed upon a man who, contrariwise, asks the people by referendum to decide that the only voting qualification suited to both the Legislative Assembly and the Legislative

Council is merely that the individual must be over 21 years of age. I therefore ask the Minister what is his explanation of these queer inconsistencies?

The Minister for Lands: Imagination on your part.

Mr. DONEY: If that happens to be the Minister's opinion, he is certainly able to state it.

The Minister for Lands: It is democratic.

Mr. DONEY: The Minister says, in effect, that he wants the second Chamber to be under the control of the Government, and he then proceeds to lay down a second Chamber franchise that will inevitably preclude such a result being attained. I have every right to claim that the Minister throughout his speech has been contradictory. Suppose the Minister does get his way in the results ensuing from the referendum. It will mean that the Legislative Council will become a replica of the Legislative Assembly insofar as the party politics of that House would be concerned. It must be admitted that, with the same franchise for the two Houses they must, with odd exceptions that do occur, have the same party political results. Certainly there would be no major difference between the political structure of the Legislative Council then and that of the Legislative Assembly now. In such case, how would the Minister be able to assure his colleagues here that there would be the subservience on the part of the Legislative Council that he hopes to secure? In any event, by what means does he hope to bring members of another place to heel in the way he desires?

The Minister for Lands: Get "The West Australian" on our side.

Mr. DONEY: Obviously, the Minister hopes to secure from the people power to prevent members of another place from acting as a House of review. Then he anticipates that a reconstructed Council would give a quick and automatic blessing as it were to all Government Bills and send them back to us intact. There is no machinery at all that I know of—though the Minister apparently does—to bring that about. Unfortunately, in a relatively long speech, the Minister gave not a moment's thought, I judged, to that important problem, namely, as to precisely the conditions that will ensue if his referendum should be accepted by the people.

The Minister for Justice: It is very definite, then, that you consider the minority should rule and that less than 20 per cent. of the people should control our destiny.

Mr. DONEY: I recall the Minister's saying that during his second reading speech and, if he is so proud of it, he will be at liberty to repeat it when replying to the debate. I do not think the Bill will pass another place, but it might. That is the point. If the Minister does get his own way, I can only say that the new franchise-status must give to another place a vastly more secure tenure of office than it has now.

The Minister for Lands: You are telling us!

Mr. DONEY: I maintain that it will give another place at the same time a feeling of security and independence that it does not possess now in the face of these annual attacks by the Minister. What is more, it will certainly give another place freedom from all the indignities and pinpricks and gibes that come now so very freely from the Minister and from certain other members who adopt his form of attack. The atmosphere of which I am endeavouring to inform the House is certainly not the type of atmosphere in which subservience is bred. I do not want the Minister to misunderstand me. I readily admit that normally he is not given to offensive speech; rather the contrary. Generally he is a man for whom every member in this House has very kindly thoughts, but it is very obvious to those who heard the Minister's speech upon his pet topic that there are occasions when he falls sadly from grace.

The Minister for Lands: You know that even the worm will turn.

Mr. DONEY: The Minister stated that another place treats the Bills sent from the Assembly contemptuously. The Minister, by nodding, intimates to me that he adheres to that opinion. He says that members of another place belong to the gerontocracy. That, I admit, is a more or less innocuous sort of statement, but all the same, unless it is denied, the Minister might get the idea that he was quite justified in using it. He also said that the Legislative Council was treating the people as people were treated 200 years ago, namely, as an uneducated and illiterate mass. I do not know that the Minister will insist—though I imagine he will—that he speaks the truth when he

descends to what might aptly be described as meaningless nonsense of that sort—words that have not the tiniest tinge of truth in them.

According to "Hansard" of 1944, at page 403, the Minister made another statement that again is quite false in that it has no factual foundation whatever. He said—

It does not matter what legislation we send to that Chamber or how progressive it is, the Council takes the attitude that it must be defeated.

The Minister knows as well as I do that that statement is not correct.

Mr. Cross: Of course it is.

Mr. DONEY: The Council does not adopt that attitude. The mere fact that the member for Canning is so assertive does not alter the fact. I say without hesitation that a statement of that kind is entirely false, and that in future the Minister should exercise a little more care.

The Minister for Lands: I think the word "mutilated" would have been better.

Mr. DONEY: I believe that, if the Minister took a little advice from his moderate friend, the Minister for Lands, he might get on a little better.

The Minister for Justice: I would certainly be prepared to take his advice.

Mr. DONEY: Assuming that the Minister's remarks can aptly be termed nonsense, nevertheless it is very offensive nonsense. I have always regarded it as customary for Governments, following the holding of a referendum, to give legal effect to the expressed desire of the people. Indeed, as members must agree, there can hardly be any other purpose in a referendum. So I ask the Minister: What sensible reason can be given for seeking, as he does by the proposed referendum, two entirely incompatible decisions at one and the same time? By-and-bye I hope the Minister will answer that question.

Mr. Cross: The questions to be submitted are alternative.

Mr. DONEY: It is possible that a referendum may result in a "yes" answer being given to both the questions submitted to the people. What would happen then?

The Minister for Justice: One question is an alternative to the other.

Mr. DONEY: It is futile for the Minister to offer a reason like that. First of all, he seeks in answer to one question to have the Upper House murdered, and having secured that result, then proposes to give it a dose of medicine to cure it. That may not be his intention, but it is certainly the logical interpretation of the wording of the questions. On the assumption that the more important count is placed No. 1 on the ballot paper, the logical hope and, of course, the intentions of the Government are first to abolish the Upper House and then, as I explained to the Minister a little while ago, to set about improving it. I think the Minister said that if two "Yesses" were the result of the referendum, the actual decision as to which of those two answers would be effectuated would be passed on to the Government. Is it correct that the Government would shoulder the responsibility for deciding which answer should be given effect to?

The Minister for Justice: I did say that.

The Minister for Works: Who is making this speech?

The Minister for Justice: I always admit anything I do or say.

Mr. DONEY: That is how the Minister expressed it?

The Minister for Justice: Yes.

Mr. DONEY: When any question is referred to the people by way of a referendum, the idea is that the decision should be theirs, but here they are to be asked to give a decision and thereafter that decision is to be really a function of Government. Is that so?

The Premier: You should ask all questions through the Speaker.

The Minister for Lands: You should give notice of most of them.

The Minister for Works: Have you run out of questions yet?

Mr. DONEY: No, my position is not as bad as that. Running right through the Minister's speech is the pretence that the people of Western Australia are as worried and anxious as can be over the Upper House position. Well, that is wrong. As a matter of fact, it is just plain nonsense. I tell the Minister that the people of this State do not worry "tuppence" about the Upper House.

The Premier: Then you should not be afraid of having a referendum.

Mr. DONEY: There is no reason why the people should worry on that score. I have been through six elections on my own account; I must have spoken on many hundreds of political platforms in this State, and I am telling the truth when I say that, so far as my recollection goes—I may be erring, but I do not think I am—I have never once been asked the question whether the Upper House should be abolished or any question at all tending to a derogatory view of the work of that Chamber. Today, the only man within my knowledge who chooses publicly to worry about the other House is the Minister. If he did not mention it, I do not think anyone else would. I honestly believe that is so. To hear him speak, a visitor to this State would imagine that the people of Western Australia are perpetually worried and angry as can be about the knaveries of another place.

The Minister for Justice: Then why are you so alarmed?

Mr. DONEY: I assure the Minister that I am not one tiny bit alarmed, but I do point out that he is the only one who is flogging this dead horse. I do not know whether he derives amusement from it or not. I hardly think that the Minister is biased in that direction. His action must arise from the fact that he has been given instructions to do this thing. I may be wrong, but I think the member for East Perth indicated that the Trades Hall had nothing whatever to do with the initiation of this legislation. I have reason to believe—I do not mind being corrected if I happen to be wrong—that on quite a few occasions at the annual conferences of the A.L.P. requests have been sent forward to the Government of the day, when that Government happened to be of a political colour of the gentlemen there now, to bring down legislation of the kind now before us. I do know that in 1938, at the instance, I think, of my friend the member for East Perth, a request was submitted to the conference for legislation to deal with the matter with which we are dealing now. I seem to remember from reading that report, which was given by a friend opposite, that three members now present were very strongly opposed to that move.

Mr. SPEAKER: Order! It seems to me the hon. member is discussing Labour conferences and not the Bill.

Mr. DONEY: I am discussing Labour conferences that have some bearing on the Bill now before us. I am anxious to show that it is not from some independent decision of this Government that we are now discussing this matter. The whole thing is built on the very flimsy foundation I have been referring to.

The Minister for Works: Why not discuss the Bill on its merits?

Mr. DONEY: Why does the Minister need to interest himself? He can go to sleep quite easily if he chooses to.

The Minister for Works: It is difficult to keep awake.

Mr. DONEY: It cannot for a moment be said that there is a majority opinion on the Government side to have these changes made.

Several members interjected.

Mr. SPEAKER: Order!

Mr. DONEY: If there had been any movement among the people outside to bring this matter to a decision, that would be an entirely different thing; but there is, as you, Mr. Speaker, will be the first to realise, not the tiniest indication that the people are in any way upset. It must not be thought, either, that right throughout the world the Socialistic Party, the Labour Party and so forth, are wholly in favour of the aims of this Bill. I read a little while ago a book entitled, "Democracy Up to Date" by Sir Stafford Cripps. I do not think that anyone here will gainsay the quality of this man. In that book he said—

The broad principle of our democratic government today is that the House of Commons should control all financial matters, and that the two Houses, that is to say, the Lords and the Commons, should jointly control all other legislation.

He continued—

This principle, so far as it concerns financial legislation, is satisfactory provided the Commons reasonably represents the majority of the people at any given time.

Sir Stafford Cripps also traverses in that book the problems that beset the British Houses of Parliament, followed, I might say, by his views of what is the best way to solve the problems that he discusses.

The Minister for Lands: The Legislative Council has more power than the House of Lords.

Mr. DONEY: The Minister for Lands and other members can reflect upon that quotation. When endeavouring to find a solution of these problems Sir Stafford Cripps did not mention any tinkering with the House of Lords.

The Minister for Lands: It has been tinkered with.

Mr. DONEY: Sir Stafford Cripps said that the House of Lords should remain and do precisely the same work as it is doing now. I did not anticipate that there would be any objection at all to my giving the opinions of a man of the same political colour as the Minister who is interjecting.

The Minister for Lands: He is redder than I am, as a matter of fact.

Mr. DONEY: There is also given in that book for anyone to read if he wishes to do so, the opinion of Mr. Sidney Webb, who—and this is worthy of being recalled by the hon. gentleman opposite—has since accepted a peerage.

The Minister for Lands: That is all right. He is now in the House of Lords.

Mr. DONEY: Mr. Webb, a distinguished member of the Fabian Society and one who has frequently been described as the brains of advanced socialism, had this to say—I have not his actual words written down—but the reference I would make indicates that his idea of complete government is that the Upper House should never be divorced from the Lower House. During the debate on this Bill last week a speaker brought in the name of the great dictator Cromwell, the man who, incidentally, slung Parliament out "On its neck," as it were. The point to which I wish to call the attention of members is that democracy, after a brief interlude, and unanimously, returned to the bicameral system.

Mr. Cross: It was obviously the people who appointed them. The Commonwealth had no say in that.

Mr. SPEAKER: Order!

Mr. DONEY: Obviously, those members were elected by whatever means happened to be in use in those times. The member for Canning is right when he says that the

common people had no voice whatever in the election, but the point is that both Cromwell himself and the Parliaments with which he was associated decided that government could not be satisfactorily carried on without the assistance of a House of review. The member for Pilbara, in a very interesting survey of the political systems of England from the time of Simon de Montefort, found no support whatever for the views that he had enunciated a little earlier in his speech as to the delinquencies of another Chamber. I had imagined that he was searching back through history with the object of finding some support for the idea that Upper Houses, were, as my friend from East Perth remarked, useless.

The Minister for Lands: Of course, the House of Lords has been reformed since 1911.

Mr. DONEY: I know all about that. If the Minister will tell me something I do not know, I will be much obliged to him.

The Minister for Lands: You would be a wise man if I could do that.

Mr. DONEY: What the Minister said has been remarked upon a score of times since the commencement of the debate.

The Minister for Justice: We submitted legislation to emulate the British Parliament.

Mr. DONEY: The Minister could not possibly submit legislation effectively to emulate what has been done over there because he starts from an entirely different basis.

The Minister for Lands: With a different mob to deal with!

Mr. DONEY: I would ask the Minister where there is a healthier democracy than that existing at this moment in the Old Country? Have they not, despite being saddled, as the Minister would put it, with a second Chamber; have they not, and their sister democracy, overseas, the United States, come through—in far better fettle, in a far healthier condition than any other country involved—two of the greatest wars in history? The member for Nedlands, who followed the member for Pilbara, also traced the history of the structure of Governments in England in a speech that gave pleasure, I imagine, to every member here—or at least interest to

members on the other side of the House and both interest and pleasure to members on the side on which I sit. He went back to an age which, if I recall correctly, was far antecedent to the time of Simon de Montefort; back indeed to England's first Parliament, and earlier than that, because I recall that he crossed over to the Continent and examined the structure of Governments there. I think he was in search during his travels, as it were, for antagonism to the bicameral system of government on the part of the people. He was able to mention—again my memory may be at fault, but I think not—two instances in which there was a change-over to a single-chamber Government but in each case the system was of very brief duration indeed. However,—and this is the point—in each instance, after a very brief experience of single-chamber Government, the people effected a swing back unanimously to the bicameral system.

Hon. J. C. Willcock: Give us a chance to have the same experience here.

Mr. DONEY: History, it must be said, never did have much regard for those who have a mania for tinkering with the national constitution and especially with those strange folk who, like the Minister opposite, would rip the Constitution to pieces without bothering their heads one tiny little bit as to what new conditions would thereafter ensue.

The Minister for Justice: It is a terrible thing to listen to tradition!

Mr. DONEY: I may be exaggerating a little bit here, but, as I see it, the Minister is very anxious to go down in history as the man who either killed or cured the Upper House. I do not think it matters a great deal to him which it is. However, I will leave the matter at that, with the unnecessary intimation that I shall vote against the second reading.

HON. W. D. JOHNSON (Guildford-Midland [9.35]: In all my many years in Parliament I have never known a Bill that circumscribed debate more than this Bill does. This is a measure that deals with a major problem or question. It does not call upon the Government to take any action at all. It simply directs that Parliament shall be handed over to the Electoral Department. Machinery is provided for Parliament to go

back to the people, its makers, and consult them on a question upon which there is a big difference of opinion. To deny the right of the people to give expression to their opinion is a very serious and very delicate attitude for a member of Parliament to adopt. It is because of that delicacy that members have wandered all around the Bill. Never in my experience has relevancy been disregarded to a greater extent.

Mr. SPEAKER: Order! The hon. member must not reflect on the Chair.

Hon. W. D. JOHNSON: I do not want to reflect on the Chair, but I do reflect on this House.

Mr. SPEAKER: I ask the hon. member not to reflect on the Chair. It is a distinct reflection.

Hon. W. D. JOHNSON: It is a pity we cannot devote ourselves to the subject-matter of the Bill. I ask members to imagine the readers of "Hansard"—and there are numerous readers who will follow this debate and weigh it through page after page to discover what it is all about. Generally speaking, the issue is not in the speeches delivered; and the reason is not hard to determine. It is because members know they dare not give a direct decision against consulting the people, seeing that they are the people's representatives. If the Bill is mutilated, that is a direct declaration of fear. If it is defeated, it is a declaration of defiance. What member is prepared to say that he fears the result of consulting the people and that because of that fear he will not support the Bill?

The Minister for Works: The member for Williams-Narrogin!

Hon. W. D. JOHNSON: What member will say that he is not prepared to trust the people to give a direction to Parliament? The man who seeks to defeat the Bill says in effect, "I am here. You put me here and I am going to do as I like; and even though I may be doubtful whether I really represent your views or reflect your opinions, I am not prepared to give you a voice in the determination of what course I should follow." This is just a question as to whether Parliament is going to consult the people. We want Parliament to be handed over to the Electoral Department. That is what this Bill says, and it says nothing else. It is true that ultimately we will have Bills dealing

with the subject-matter of this debate, but we have not got them yet. Neither can we determine what kind of Bill we will have until the people have given us their opinion and their direction. There are two questions; and there will be one kind of Bill if one question is answered in the affirmative, and another kind of Bill if the other question is so answered. But those issues have never been before this House. There is no issue before the House of that kind. I would not mind if we could get this referendum and if, when the appropriate Bill was introduced, members said, "Well, I made my speech on the previous Bill—

Mr. SPEAKER: Order! Of course the hon. member is reflecting on the Chair.

Hon. W. D. JOHNSON: I do not desire to do that. My desire is to try to get—

Mr. SPEAKER: The Speaker decides whether remarks are relevant or not and not the member for Guildford-Midland.

Hon. W. D. JOHNSON: I do not want the issue to be clouded. I want the people to understand the issue; that it is just a question as to whether they are going to be consulted or denied the opportunity to express their opinion. That is the issue, and nothing else. All the debate that has taken place around it must not be regarded by the people as being the issue. As a matter of fact, the debate will enable members to go back to their constituencies and not touch on the Bill at all. Like the member for Williams-Narrogin, they can quote the speech of the member for East Perth and say, "I disagree with that." The hon. member did not say he disagreed with the Bill.

Mr. Doney: I will tell you that now.

Hon. W. D. JOHNSON: He disagreed with the opinions expressed by the member for East Perth. The member for Pilbara gave us modern history; the member for Nedlands gave us ancient history. One almost got back to Adam and Eve; the other brought us almost up to Jimmy Cornell. That is not what we have in the Bill. I trust that members will appreciate the outstanding importance of the measure. We have improved education and have established a university within recent years.

Mr. SPEAKER: Order! The hon. member must not discuss universities at this stage.

Hon. W. D. JOHNSON: I am not.

Mr. SPEAKER: Order! I ask the hon. member not to discuss universities or education under the Bill.

Hon. W. D. JOHNSON: I am not going to. I wish to say that we have education—

Mr. SPEAKER: Order! I ask the hon. member not to discuss universities or education under the Bill.

Hon. W. D. JOHNSON: Surely I can say that it is reasonable for us to consult the people as a result of the higher education they have received of recent years. When Parliament was constituted, as it is now constituted, it was before we had the educational institutions that devote special attention to preparing the public mind to keeping up to date in regard to the constitution of Parliaments.

Mr. SPEAKER: Order! I must ask the hon. member to confine himself to the Bill. He complained of irrelevancy.

Hon. W. D. JOHNSON: Now that we have adult education and a university to assist us to understand political problems, surely it is reasonable for us—

Mr. SPEAKER: Order! It is not reasonable for the member for Guildford-Midland to be talking about adult education on this Bill.

Hon. W. D. JOHNSON: It is reasonable for us to say to the people, "Now that we have given you education and Parliament has helped you to understand its problems, we want you to assist us to decide how Parliament, in the future, shall be constituted." It is true that in this Bill there is no question as to the constitution of Parliaments. We do not want to go into that question, neither are we called upon to go into the question of the construction of the Legislative Council. We do not want to know of what Legislative Councils were composed in years gone by. Neither do we want to go into the question of the relative compositions of Legislative Councils in other countries. Those things are not in the Bill. But we do say that the world is under reconstruction today. The question of creating a special tribunal to look after human rights is being dealt with at this moment. Therefore we say that the whole world is in the melting-pot and that nations are reconstructing their Parliamentary systems.

We fought a war that educated us in these matters and now, as a result of our accumulated knowledge and the experience gained during a very trying period, we simply say that this is an opportune time to go to the people and give them an opportunity of directing us as to how Parliaments shall be constituted. I regret if I have offended. It is not very difficult for me to offend, but I do not deliberately try to do so. I have tried to make the issue to be submitted to the people clearly understandable, as far as my ability will allow. I do not usually give illustrations that are not illustrative of the point I want to make. In conclusion I want to say that the Bill is a definite challenge to Parliament to hand Parliament over to the Electoral Department to go back to the people. The question, after all, is, "Is Parliament to go back to those who make and unmake Parliaments?" Are we to give them an opportunity to direct us in this day of modern reconstruction and to say what we will or will not have in future in Western Australia?

MR. ABBOTT (North Perth) [9.46]: This question is not a very easy one because, under the Constitution, there is no provision for adopting what is proposed to be adopted. If we had suggested from this side of the House that a referendum should be held on the Milk Bill, I can well imagine the Minister for Agriculture would have said that it was the Government's responsibility to deal with such matters, and that it was elected by the people for that purpose. Who is to select the questions that are going to the people in this fashion? That is something I would like the Minister for Justice to deal with later. It is difficult, when we ask individual questions, to get an expression of opinion. There are many questions that cannot easily be answered Yes or No. One very well known example is "Have you ceased to beat your wife?" If the Minister for Justice were to ask me to answer that simply Yes or No, I would at once be in a quandary.

Mr. SPEAKER: Order! What has the fact of a man beating his wife got to do with the Bill?

Mr. ABBOTT: I merely state, as did the member for Guildford-Midland, by illustration, how difficult it is to answer some questions. If that question were put to the

people by way of referendum, it would be very difficult for them to answer. The questions proposed to be asked do not give the people an adequate opportunity of expressing what they want done with the Legislative Council.

The Minister for Works: Could you answer them?

Mr. ABBOTT: No, not properly and adequately. I believe that the Legislative Council requires certain adjustments and I would like to see them made, but these questions do not cover the position. I think it would be a difficult question for the Government to answer. To answer "Yes" or "No" to these questions does not give an opportunity of expressing an opinion. Why did not the Government bring down a Bill on the lines of that of last session? The questions now before us do not compare at all with the matter in the Bill brought down previously. My main objection to this Bill, is that it does not give the people an opportunity to express their opinion reasonably and properly. Much has been said about the will of the people, but that expression is very illusory. It is well known that the Government supports a situation where certain minorities are given reasonable opportunity to express opinions in this House. It supports the fact that people resident on the Goldfields have a much greater voting effect, numerically, than the people of the metropolitan area, and again, as regards the minorities in the country—

Mr. SPEAKER: Order! I do not think we will deal with a Redistribution of Seats Bill at present.

Mr. ABBOTT: I am only suggesting that it has some relevancy to the will of the people.

The Premier: It is the "won't" of the people that you are afraid of.

Mr. ABBOTT: Would it not be wise for us to be balanced in our acceptance of the expression of the will of the people? To say that the will of the Goldfields people has three times the vote of the city people, and the will of the country people twice the vote—

Mr. Cross: That would not apply in this referendum.

Mr. ABBOTT: No, but why should it not? We want to get at what is the will

of the people in a consistent manner. Should we not take it that the will of the people should be expressed rationally and on the same basis on all occasions, and not accept the will of the people as being one thing on one occasion and something else on another? That is one aspect to which the Minister for Justice has not given due consideration in the drafting of this Bill.

The Minister for Justice: We are not afraid of the will of the people.

Mr. ABBOTT: It is not that the Government is not afraid of the will of the people, but it likes to have it expressed in a different manner in different situations. It is the inconsistency of which I complain. My greatest objection to the Bill is that it does not give the people an opportunity to express clearly what their wishes are relative to the form that the Upper House should take. For that reason I oppose the Bill.

MR. MANN (Beverley) [9.55]: I doubt the sincerity of the Government on this Bill, and I am sorry for the Minister who introduced it because, knowing him as he is and knowing the fears of the Government, I feel he had to bring this Bill down. He brought it down in an easy manner and tried to impress the House with its importance. It originated from the last election, when the member for Geraldton was meandering around the country, and came to Geraldton on the eve of polling day. His idea was, "We have to put something up to the people of Western Australia in the forthcoming election." If the Bill were brought down in all sincerity, no doubt this side of the House would support it.

Several members interjected.

Mr. MANN: If ever a Government had a long run in office, it is this Government. When the member for Boulder was Premier, did he not say, "Thank Heaven for the Legislative Council?"

The Minister for Lands: He was sitting where you are when he said that.

Mr. SPEAKER: What has what the member for Boulder said to do with this Bill?

Mr. MANN: There are some members on the other side of the House who are very emphatic and the member for East Perth—I do not doubt his sincerity—would wipe

out every form of Government possible, except this House, and if by some change we of the Opposition sat on the other side of the House he would wish to wipe us out, also.

The Minister for Lands: It would be a horrible thing if he were to do that.

Mr. MANN: The present Labour Government of this State has had a long reign, and today we are facing a Commonwealth election, which must come into this Bill, also.

Mr. SPEAKER: Order! I ask the member for Beverley not to mention the Commonwealth election at the present time.

Mr. MANN: I visualise the possibility, in 12 months time, of that election having a definite effect on that side of the House, and so the idea of the Government now is to put up, as a battle cry, the abolition of the Upper House. When the Legislative Council is abolished it will be a case of, "God help Western Australia." It is immaterial whether the Opposition remains on this side of the House, or whether we are on the Government side. Whichever party was on that side could grow in strength the whole time. There would be no Redistribution of Seats Bill. Let this House put itself in order and bring about a redistribution of seats before asking for the abolition of the Council.

Mr. SPEAKER: Order! I ask the member for Beverley to keep to the Bill.

Mr. MANN: It is characteristic of members opposite on the back benches and cross benches that they cannot take it.

The Minister for Lands: That is what Paddy Lynch used to say.

Mr. MANN: They cannot take it. They squirm and twist. I hope the Bill is not carried in the Council. I think there should be an alteration in the Council, and no doubt a conference between the two Houses could arrive at some decision. Simply to put up blankly to another place that the Government wishes to abolish it is to ensure the Bill being defeated there. It is looking for defeat.

The Minister for Lands: We have heard that before.

Mr. MANN: The Government is looking for the defeat of the Bill, and an elec-

tioning issue at the same time. How many important measures have been knocked back by another place?

The Minister for Lands: There have been very few that have escaped mutilation by that Chamber over the years.

Mr. MANN: Mutilation is a different thing. The Upper House has the right to criticise, just as we have. When I think of the member for Guildford-Midland rising to his feet to talk to this House as if he owned it, Mr. Speaker, I appreciate your action in chastising him.

Mr. SPEAKER: Order!

Mr. MANN: He would lay down what we should do. He brings to my mind Dr. Jekyll and Mr. Hyde—

Mr. SPEAKER: Order! The hon. member must not reflect on another member.

Mr. MANN: I know what the Bill means, and I want to see progress in this State. If the member for Canning had his way with the Bill, what a delightful situation that would be. I want to see progress. The Government knows it has no chance of having the Bill passed in the Council.

The Minister for Lands: This is the most sincere speech we have heard tonight!

Mr. MANN: If the Government would accept amendments as a result of which there would be an approach to the Council to secure necessary alterations, some good would be achieved.

The Minister for Lands: We prefer to approach the people.

Mr. MANN: This is not an honest approach.

The Minister for Lands: It is.

Mr. MANN: Most decidedly it is not.

Mr. Cross: Do you want another gunpowder plot?

The Minister for Lands: We want action, not a plot.

Mr. MANN: The debate on the Bill has been most interesting, particularly on the historical side. The member for Canning, when he delved into ancient history concerning—

The Minister for Works: The baron people.

Mr. MANN: Yes. To listen to the expression of that hon. member's ideas and his intentions regarding the vote suggested that they were just characteristic of the hon. member himself. I have always appreciated the dignity of this House. We ought to be dignified in our attitude here, but the member for Canning at least must know—

Mr. SPEAKER: Order! The member for Canning is not under discussion.

Mr. MANN: No, but I was replying to an interjection of his.

Mr. SPEAKER: The hon. member will proceed. There is no necessity to reply to what the hon. member said.

Mr. MANN: The Government is not sincere with regard to this Bill.

Mr. SPEAKER: Order!

The Minister for Works: That is untrue.

The Premier: It is a lie.

Mr. MANN: I am not reflecting upon Ministers.

Members: Yes, you are.

Mr. MANN: I am not.

The Minister for Lands: You said you doubted the sincerity of Ministers.

Mr. SPEAKER: Order! The hon. member will proceed.

Mr. MANN: Then I shall apologise. I appreciate that the Minister is a most honest person indeed, but I say candidly that the Government is not sincere on this measure.

The Minister for Works: Again that is not true.

The Premier: No, it is a lie.

The Minister for Works: It is deliberately untrue.

Mr. MANN: Now I am called a liar!

Mr. SPEAKER: Order! The hon. member will continue his speech or resume his seat.

The Minister for Lands: What are you going to do about it?

Mr. SPEAKER: Order!

Mr. MANN: Let us adopt a sensible view regarding this matter. How can we overcome the difficulty? The Government can go straight ahead with the Bill, and it will be defeated.

The Minister for Lands: What make you say that?

The Premier: If it is honestly dealt with it will not be defeated.

Mr. MANN: I think it will undoubtedly be defeated if the Government proceed along these lines.

The Premier: Then it will not be dealt with honestly.

Mr. MANN: Why does not the Government approach the matter in another way? The Government wants the present Bill dealt with along certain lines and it says with a certain amount of justice, that the Council has taken certain action. If that is so, why bring down a Bill like that under discussion? Why not withdraw the Bill tonight and submit another one for a conference between the two Houses to overcome some of the difficulties that exist? If that were done, we could pave the way to a solution of the problem. To proceed along the present lines means that the Bill will not be passed. If the Government intend to proceed with it, we will see what will happen. I tell the Government that the people of the State do not care a damn about politics. They are sick and tired of politics in Australia and in this State as well.

The Premier: To listen to you there is no doubt about that.

Mr. SPEAKER: Order! The hon. member is getting right away from the Bill.

Mr. MANN: The people, who have the right to vote, are not at all concerned whether the Bill is defeated or otherwise. The ruling that you have given tonight, Mr. Speaker, makes it hard for members to express what they feel about the matter. Will I be in order, if I remain on my feet for 2½ hours so that I can go back into ancient history like the member for—

Mr. J. Hegney: Nedlands did.

Mr. MANN: —Pilbara and others did?

Mr. SPEAKER: Order! The hon. member will proceed and I will tell him when he is out of order.

Mr. MANN: May I be permitted to delve into ancient history or must I be tied down to a few remarks?

Mr. SPEAKER: Order! The hon. member has not been tied down to a few remarks. He will proceed with his speech.

Mr. Cross: He does not know what to say.

Mr. SPEAKER: Order!

The Minister for Lands: The hon. member should sit down.

Mr. SPEAKER: Does the member for Beverley intend to proceed?

Mr. MANN: Yes. I shall make one more appeal to the Government. Let it withdraw the Bill.

The Minister for Lands: Get out!

Mr. MANN: Then the Government must face the issue. The Government has the necessary majority to pass the Bill. If it wants the Bill then, irrespective of what we say, the Government itself will kill it. It will be bludgeoned through this House.

The Minister for Lands: Will you not help us?

Mr. MANN: I would if the Bill would achieve anything, but in its present terms it has no hope of being passed.

The Minister for Lands: Do not look so murderous!

Mr. MANN: If the Bill is tossed out in the Legislative Council, it will be the Government's funeral—not ours. Ministers will not approach the matter from the angle we suggest. No doubt the Government has the necessary authority to do this, but I certainly hope the Bill will be defeated.

MR. McDONALD (West Perth) [10.6]: I do not propose to speak at any great length on the Bill. It is for a referendum in order to refer certain specific questions to the people. I think every member of this House will agree that a referendum is the proper method by which to obtain the will of the people on proper occasions. What we have to consider is: Is this a proper occasion? Are the questions that are contained in the Bill and are proposed to be referred to the people, questions that should be the subject of a referendum of the people? I shall not speak for long because this debate, to my mind, has the appearance of complete unreality. I am not reflecting upon hon. members; I am simply saying that this issue does not touch the

people at all, in my opinion. Last year and again this year we have spent hours of time debating this particular question.

Hon. W. D. Johnson: It is about time we asked for directions.

Mr. McDONALD: It is time we did something ourselves. The questions the people want solved are those they put us here to deal with. They relate to things they need—housing, clothing, development, agriculture, water supplies, education. These are things that are needed by the people today and as to which they turn their eyes to this Parliament, expecting action and results. So I say that this is not a real issue. It is not a matter upon which the people expect Parliament to spend its time. It is not a matter on which the people want to spend their time themselves. They want members to turn their energy and mind to things that are worthwhile, matters of real importance to the country and themselves.

There has been a certain amount of talk about the relations between the two Houses and about decisions of this House not being accepted in their entirety by members of the Legislative Council, even though rarely, I think, have those actions or measures decided upon by this House not been accepted at all by the Legislative Council. But it cannot be denied reasonably and fairly looking at this State that on the whole it has made progress; that on the whole it has adopted progressive legislation; that on the whole the people can regard it as having had a representative and reasonably democratic Parliament. I think it is instructive to go back to the early history of our constitutional procedure. Of course, to compare the conditions of those days with the conditions under which we work in Parliament today, well, they do not bear any comparison at all. That is why I do not propose to spend very much time in speaking on this subject.

Last year I travelled 10,000 miles in this State and I think I could count on the fingers of one hand the number of people who initiated any question about the Legislative Council. For the reason I have mentioned, they regard this State as having made reasonable progress; they regard this State as being reasonably comparable with other States and other countries in progressive legislation, particularly industrial legislation. Members on both sides of the House, not only recently but from time to

time over the years, have taken pride, not only in this State but also in other countries, on the development of the humanitarian legislation in this State. So we cannot in all fairness disparage the parliamentary institutions which this State has had in the past and possesses today. That is why, to my mind, the whole subject in these days, when so many people are short of things and so many people are worried about the future, has an air of complete unreality.

It is not even supported by any issue. Take the three years since the policy speech delivered by the member for Geraldton in 1943: In the first year of the new Parliament, the House was invited to consider a measure which was then presented to us as the real issue regarding the Legislative Council, that is, the issue based on the English Parliament Act by which we could resolve the differences between the two Houses so that the will of this House could be supreme over that of the Legislative Council after a certain number of passages of the Bill concerned. That measure was presented to us after the policy speech of the member for Geraldton as the issue before the people, as something the people wanted, as something the Government wanted, as the proper procedure to reform the constitutional position in this State. Well, I supported that Bill, I regret that it was not passed. I consider it was a proper Bill to bring in, with the inclusion of some minor amendments such as were proposed from the Opposition side of the House. I venture the view that if that Bill were brought in today it would receive a favourable passage, not only in this House, but also in the Legislative Council, provided we incorporated the minor amendments suggested on the previous occasion by the Opposition. I cannot speak definitely as to that and I cannot express the views of members of the Legislative Council, but that is my belief.

The Minister for Justice: The members of the Council did not allow that Bill to pass even the second reading.

Mr. McDONALD: We all change our views, and the Council members might change theirs. I should hope they would change their views if a similar Bill were again presented to them. In the next year the matter was presented in a different form. In 1945 the Minister dropped the deadlock Bill—I use that term for the sake of a short

expression—and brought in a measure to amend the Electoral Act and to adopt adult suffrage for the Legislative Council. That Bill did not pass. It was a change from the Bill presented in the first session of the Parliament. I think a Bill similar to the one now before us was presented in 1945.

The Minister for Justice: The 1945 Bill was exactly the same as this one.

Mr. McDONALD: Yes, and again this year we have a Bill providing for a referendum. If there is an issue which is agitating the people, which is a proper subject for a referendum, which justifies the expenditure involved, and demands that the people alone can solve it, I ask: What is the issue? There cannot be varying interpretations. If that issue existed and had been existing for all those years, it would have been crystal clear, and the Minister would have come down in 1944 with a Bill to deal with that issue and there could never have been any other Bill on that issue.

I remember an ingenious writer, if I may use this as an illustration, who wrote a book entitled "1066 and All That." The story referred to Mr. Gladstone who, it was said, spent the greater part of his life in trying to solve the Irish question, and when at last he found a solution, he discovered that the Irish had changed the question. We here seem to be in a very much the same position, and that is why I consider that this matter is something for Parliament itself to deal with. The people elect and pay the members of this Parliament to transact their business for them. Under the Constitution, we have power to make constitutional amendments, and people in general do not like to be concerned about constitutional matters. They have to be so concerned in the case of the Commonwealth Constitution, and that is a case where there should always be an authoritative, impartial convention to guide the people as to whether or not they should approve of an amendment. But here we have the power ourselves to deal with this matter, and my belief is that the people expect us to discharge our duties and deal with it in this House.

No constitution remains infallible for all time. Conditions and circumstances change and alterations become necessary or desirable. I myself believe that there could be desirable alterations in the franchise for the Legislative Council. I am in agreement to

a large extent with the position put by the member for Geraldton in his policy speech. I have it here; I quoted it last year. He asked for a mandate. I am not going to discuss that point. I did so last year and said that in my opinion a mandate had not been given. I find that the Minister in his speech, if my recollection is right, has not referred to the matter of the mandate this year; but in the speech of the member for Geraldton at the end of 1943 he said—and his words are in inverted commas in the Press report and so I presume they are verbatim representations of what he said—

In order that there shall be no ambiguity about our proposals, I wish to say that the Government is seeking approval for legislation to widen the franchise for the Legislative Council, so that ultimately adult suffrage will be the only qualification necessary. I make a request to the people of Western Australia to give us a mandate to carry out this policy.

That was his interpretation of the kind of mandate he wanted to widen the franchise of the Legislative Council, and he said that ultimately—at some date which he did not express, it might be years—adult franchise might be the only qualification required. The member for Geraldton, I may say with every recognition of his wisdom, saw reform—if the word can be so used—of the Legislative Council as something to be achieved by degrees, by steps, so as to preserve the continuity of our Parliamentary institution. For that reason, if there is to be any referendum I suggest it should be on the question which the Premier of that day put to the people as the matter on which he desired a mandate, namely, the question of whether the people are in favour of widening the franchise of the Legislative Council so that ultimately the only franchise might be adult franchise. Although it may be partly relevant, I am not going into particular details.

I am not going to develop the argument, which is a very just argument, that if one lesson is to be learnt from the history of the last 25 years it is that the powers of government should be distributed and not centralised; if there is one lesson history has taught us in the last 25 years it is that when power does become centralised then the danger to the people steadily increases, and that the old system which had been adopted in their wisdom by the people who

framed constitutions in bygone days, by which power was distributed between two Chambers, or in the Federal system between a Commonwealth Government and State Governments, I think it can be said with every truth that history has demonstrated the wisdom of the foundations they laid, and that we should be very careful indeed before we depart from the principles which have been so amply proved.

Just a word about another question which has been raised in this debate and that is the matter of the number of votes that are cast. The Minister said that the voting for the Legislative Council—I presume at the last election—had been 49 per cent. Something over 49 per cent. only of the people who are on the roll for the Legislative Council had cast their votes. Of course it is, as we know not compulsory voting. But only last week in the House of Commons, in the constituency of Bridgeton, there was a vacancy caused by the death of Mr. Maxton, and on looking up the figures I find that at the by-election 46 per cent. of the electors of the House of Commons constituency at Bridgeton—46 per cent. only of those on the roll—recorded their votes. I would no more suggest that the House of Commons deserves abolition because only 46 per cent. recorded their votes last week than I would suggest that the Legislative Council deserves abolition because only 49 per cent. recorded their votes on the last election.

The Minister for Justice: That meaning was never intended. It only showed the true position.

Mr. McDONALD: I presume it was an argument for this Bill. In the session before last a Select Committee of the Legislative Council brought down a report in which it was shown that the number of people entitled to be enrolled as electors for the Legislative Council was—I quote from memory—160,000, which is very nearly half the total number recorded for the Legislative Assembly; but, not being compulsory and there being no £2 fine, those only seek registration as electors and exercise their franchise who feel the sense of responsibility that they should do so.

The Minister for Justice: And, in consequence, less than one-fifth can veto anything we set up.

Mr. McDONALD: The power of veto to which the Minister referred is something which I mentioned just now and said was a different issue. It was the first issue he brought before the House and it is an issue on which I did support him, but with suitable minor amendments, and on which I am prepared to support him today. What I say is this: This matter is one for the House itself to solve. It has the power to do so. It is wrapped up with the constitutional amendment of the whole Parliament of this State and the people expect us to deal with it ourselves and to deal with it in the whole and not piecemeal; and, if I may say so, to deal with our own Chamber just as promptly as we deal with any defects in the constitution of the other Chamber. It is a matter for ourselves, a matter we are expected to deal with, a matter in which the people are not interested, a matter which is artificial, I say, a manufactured issue which does not exist in the minds of the people, and it is a matter which I feel the people consider we are devoting time to that in these days should be devoted to far more urgent questions which far more vitally affect their happiness and their future.

Question put.

Mr. SPEAKER: Although there is no earthly reason why an absolute majority is required to pass this measure, in view of what happened in another place last year it seems that the measure will not get before that Chamber unless it is accompanied with a certificate stating that it has been carried by an absolute majority. I have therefore decided to count the House.

Bells rung.

Division resulted as follows:—

Ayes	..	..	..	28
Noes	..	..	..	15
Majority for	..	..	..	13

AYES

Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Pantou
Mr. Fox	Mr. Rodoreda
Mr. Graham	Mr. Smith
Mr. Hawke	Mr. Styants
Mr. J. Hegney	Mr. Telfer
Mr. W. Hegney	Mr. Tonkin
Mr. Hoar	Mr. Trint
Mr. Holman	Mr. Willcock
Mr. Johnson	Mr. Wise
Mr. Kelly	Mr. Withers
Mr. Leahy	Mr. Wilson
Mr. Marshall	
Mr. Millington	

(Teller.)

NOES.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. North
Mr. Doney	Mr. Perkins
Mr. Hill	Mr. Read
Mr. Keenan	Mr. Watts
Mr. Leslie	Mr. Willmott
Mr. Mann	Mr. Seward
Mr. McDonald	

(Teller.)

Mr. SPEAKER: I declare the question duly passed.

Question thus passed.

Bill read a second time.

In Committee.

Mr. Rodoreda in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Interpretation:

Mr. LESLIE: The interpretation of "electors" in this Bill is not in accord with the interpretation laid down in the Electoral Act. I conclude that the purpose of this interpretation is to provide for certain other departures in the Bill from the provisions of the Electoral Act; and for the sake of uniformity and enabling this referendum to be carried out with as little misunderstanding and explanation as possible, so far as the people are concerned, I think that the provisions of the Electoral Act should apply as far as possible. I move an amendment—

That in the definition of "electors" the words "means the persons who on the day when they exercise a right to vote under this Act at the referendum would be entitled to vote under the provisions of either of the Electoral Acts at an election of a member of the Legislative Assembly for the district in which or in respect of which they exercise such vote if such election were held on the said day," be struck out, with a view to inserting the words "means the persons whose names appear on a roll as electors."

The MINISTER FOR JUSTICE: The member for Mt. Marshall desires to make the definition of electors in this Bill the same as that in the Electoral Act, 1907-1940. If that were done he would find that some of the Army personnel now serving in Japan and Borneo and other places would not have a vote, because those who are unenrolled do not come within that definition. I am sure the hon. member does not want to disfranchise soldiers, especially those unenrolled. I cannot approve of the amendment.

Mr. LESLIE: The Minister does not touch my sympathies in his appeal on be-

half of those serving in the Armed Forces. I have in mind that they will be provided for under an amendment to the Electoral Act in the case of the forthcoming elections. It is proposed to amend the Electoral Act to give them a vote. That has been done in the past.

The Minister for Justice: That was under a wartime measure.

Mr. LESLIE: I do not think there would be any difficulty in providing an amendment to include them in the definition. The number of men on service is quite unknown to me and, I take it, is unknown to the members of the Government. Even if there were only one, I agree that he would be entitled to have a vote. If he can be given a vote, well and good. What is important is that the referendum should be carried out as uniformly as possible, and for that reason I must stick to the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 3 and 4—agreed to.

Clause 5—Issue of writ for referendum:

Mr. LESLIE: This is a clause which provides that the Chief Electoral Officer, when directed by the Governor, shall issue a writ for the taking of the vote on the questions that may be agreed upon in this Bill. In my second reading speech, I pointed out that in accordance with fair play and democratic principles, and to give the people an opportunity to understand the real issues that are before them, provision is made in the Commonwealth Constitution for a case to be prepared in favour of a "yes" vote, and a case in favour of a "no" vote, on questions submitted to a referendum. I believe it is especially essential in an instance of this kind, where the issues are so very involved, that similar cases should be prepared and supplied to the electors for their judgment. I know only too well that it is not competent for a private member in this Chamber to move that the Government should undertake the preparation of such cases as is provided for in the Commonwealth Constitution, because it would involve the Government in expense and private members have not the power to impose a charge on Treasury funds. However, this is a matter in which the people should be

provided with clear-cut particulars of the case for and against for their guidance in exercising a vote. I move an amendment—

That at the end of Subclause (1) the following proviso be added:—"Provided that such writ shall not be issued unless and until the Governor is in receipt of a certificate in writing signed by not less than one-fifth of the members who, in the Legislative Assembly, voted respectively for and against the passage of the Bill for this Act, such certificate to certify that pamphlets authorised by at least such number of members in each case containing the arguments in favour of and against the prescribed questions and also the questions themselves have been by them prepared and printed, and after the issue of the writ will be circulated to each elector (as nearly as practicable) by post."

The onus would then be on the Chief Electoral Officer, before the issue of the writ, to receive a certificate stating that a case for and against the question in the referendum had been prepared and printed and was ready to go to the electors with the issue of the writ. Because of its fairness I submit the amendment. I hope the Minister will accept it as a Government responsibility, or at least in this form.

The CHAIRMAN: Before putting the amendment I must say that I am doubtful whether it is within my province to accept it. The amendment certainly states that the cost of preparing and printing these pamphlets will be borne by a certain percentage of members, but there is nothing in the amendment to suggest that the members will bear the cost of postage. If the amendment is passed with that point left uncertain it would, in my opinion, devolve upon the Government to look after the cost of postage. On the score that the amendment imposes a charge upon the revenue of the Crown I would be inclined to rule it out.

Another point involved in this amendment is that one-fifth of the members who voted against this, or for it, must be prepared to pay the cost of preparing, printing and posting the certificates. Now, 15 votes were recorded against this. That means that at least three members of the Opposition would have to be prepared to pay the cost involved in the amendment. It is within the province of any member to refuse to make up the number of three. Therefore this amendment negatives the second reading of the Bill. It would mean, if it were passed, that any members could refuse to make up

the requisite one-fifth to provide the certificates to the Governor, who, in that event, could not issue a certificate. For this reason, apart from the other, I feel that I must rule out the amendment. I do so on the ground that it negatives the Bill, which states that a referendum must be taken, as passed at the second reading. The amendment then leaves the matter within the province of three members of the Assembly to refuse to give a certificate. I must rule it out of order.

Dissent from Chairman's Ruling.

Mr. Leslie: I regretfully have to disagree with your ruling.

The Chairman: Will the hon. member formally move in that direction?

Mr. Leslie: Yes, I must dissent from your ruling.

[The Speaker resumed the Chair.]

The Chairman having stated the dissent.

Mr. Leslie: I disagree with the Chairman's ruling because I contend that this clause does not negative the second reading of the Bill which has been carried. It is also not within the Chairman's prerogative to pre-suppose at this stage any action which any member might adopt in connection with this Bill at some future date. The amendment does not impose a charge on the revenue, nor is it intended to impose any such charge. At this stage we cannot say what effect this proviso, if added, would have, and it certainly would not be right for us to say that because of its inclusion it will indirectly or eventually impose a charge upon the Government by pre-supposing that the members responsible will not carry out the obligations imposed on them by the amendment.

Mr. Speaker: I must uphold the Chairman's ruling, as I think it was perfectly correct. If the hon. member were successful in carrying his amendment, it would most likely negative the Bill.

Mr. Watts: How do you rule on the other question, Mr. Speaker, that it imposes a charge on the revenue?

Mr. Speaker: I am upholding the Chairman's ruling on the first question.

Mr. Watts: Cannot we have a ruling on the second question, which was definitely raised by the Chairman?

Mr. Speaker: Not at present. I am upholding the Chairman's ruling that if the amendment were carried it would negative the Bill.

Committee Resumed.

Amendment ruled out.

Mr. LESLIE: Subclause (5) of Clause 5 provides that a day not later than the 30th day of March, 1947, shall be appointed for the holding of the referendum. It is quite possible that at about that time a State general election will be held, and we would prefer that the issues at that election should not be clouded by bringing in a question so involved as that of the referendum, especially as the electors are not to have the case explained clearly to them. Therefore I move an amendment—

That in Subclause (5) the words "later than the thirtieth day of March" be struck out.

I do that with a view to providing that the referendum shall take place not earlier than the 1st day of June. An election must be held not later than the end of April. That means that the election will be completed before we commence a campaign on the questions in the referendum. The words "not earlier than the 1st day of June" will allow ample time between the election and the referendum for a suitable case to be prepared for the referendum by the Government without cluttering up the issues of either the election or the referendum.

The MINISTER FOR JUSTICE: I cannot see any reason why the words referred to by the member for Mt. Marshall should be struck out.

Mr. Watts: Then you are particularly dense this evening.

The MINISTER FOR JUSTICE: If they were struck out it would be the end of June before we could have the referendum. I think the Government has the right to decide the day that will suit it, and not the Opposition, which wants to take away the date stated in the Bill and substitute a date of its own. As a matter of policy, I emphatically oppose the amendment.

Mr. LESLIE: It is not a question of the Opposition wishing to impose its will on the Government. There is sufficient latitude for the Government to select its own

day, between this and election time, and we presume that it will be fully occupied with legislative matters. If the Government desires to have the referendum well before the election, to ensure that the two do not coincide, let the Minister suggest an alternative.

The Minister for Justice: The clause as it stands gives plenty of latitude.

Mr. LESLIE: As the clause stands it is possible that the election and the referendum will coincide. I ask the Committee to carry the amendment.

Mr. McDONALD: The matter will be simply solved and everybody's feelings put at rest if the Minister assures us that the referendum will be held on a day other than the polling day for the State general election.

Mr. WATTS: The suggestion of the member for West Perth is most reasonable. The member for Mt. Marshall is obviously seeking to prevent the referendum questions cluttering up the issues that must be raised at the State general election. He does not wish to dictate to anyone. As the member for West Perth suggests, the whole problem could be solved by the Minister telling us here and now that the referendum, if we do not carry the amendment, will not be held at the same time as the State general election.

The PREMIER: This matter has not been considered in any way by Cabinet and the Minister is not in a position to give that assurance, but as Leader of the Government I say it would be our desire, in anticipating what might be the decision of the Government, not to cloud this issue with any other. In direct answer to the hon. member's question I would therefore say that it would be the Government's intention not to have the referendum on the same day as the general election.

Mr. LESLIE: I accept that as an assurance and, as it meets the objection I have in mind, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Mr. SEWARD: I have a proviso to be added at the end of the clause. I accept the word of the Premier, who said he was speaking personally, because the matter has not been considered by the Government and he cannot commit it definitely, but there have

been occasions in the past when things have not turned out exactly as we hoped. I think the Minister might accept my proviso, which sets out in words what the Premier has said.

The Minister for Justice: I think you might accept the Premier's word.

Mr. SEWARD: The proviso merely sets it down, so that it is then definite.

The Minister for Lands: Surely the assurance of the Government, through the Premier, is enough.

Mr. SEWARD: One cannot tell what might happen in the meantime. I move an amendment—

That at the end of the clause the following proviso be added:—"Provided that such vote is not taken on a date on which a State General Election is held."

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

Clause 6—Questions to be submitted to electors:

Mr. LESLIE: I move an amendment—

That paragraph (a) be struck out.

The clause contains the two questions that are to be submitted to the electors. Much has been said about the abolition of the Legislative Council. During his second reading speech the Minister said he was not necessarily in favour of its abolition and that opinion on his side of the House might be divided on the question. He further said that his object was to secure a re-adjustment of the relationship between the two Chambers. If that be so, there should be no necessity to submit the first question, which seeks to ascertain from the people whether they are in favour of the abolition of the Legislative Council as a constituent part of the Parliament of the State. That is the position if we concede the point that his object is to secure a readjustment of the relationship between the two Houses and not the abolition of the Upper House. If that is his objective, he should not include the first question and so clutter up the issue. If the question regarding the abolition of the Council is included, it will become the main issue, and the Minister's objective will be defeated.

The MINISTER FOR JUSTICE: I am surprised that the amendment should be moved because if it is carried it will defeat the purpose of the Bill.

Mr. Watts: Then this is a new purpose!

Mr. Seward: We were told that the purpose was to secure a readjustment of the difficulties between the two Houses.

The MINISTER FOR JUSTICE: A similar measure was previously considered in another place, but it was thrown out before the second reading was agreed to. I cannot possibly agree to the amendment, the acceptance of which would alter the whole purpose of the Bill. It would prevent an answer being given to the first question. Then the hon. member proposes to include another question.

The CHAIRMAN: The Minister cannot deal with that at this stage.

The MINISTER FOR JUSTICE: As the amendment would defeat the main purpose of the Bill and would imply its defeat, I oppose it.

Mr. McDONALD: The Minister would be well advised to delete paragraph (a) because, if both questions are included, it is conceivable that a highly farcical position could arise. The idea of a referendum is to get a clear direction from the people on some matter for the guidance of Parliament. If the two questions are included and the vote is 10 to 9 on both, what will Parliament do?

The Minister for Justice: The second question is an alternative. If the first question is agreed to, the second will not count.

Mr. McDONALD: The second question is an alternative to the first, and the first an alternative to the second. There is nothing in the Bill to say that, should an equal vote be cast for both, the first question will count and the other will not. In fact, if there is a substantially equal vote on both questions the Government and Parliament will be in a complete dilemma, and the people will be entitled to laugh heartily at the situation in which we have placed ourselves through lack of foresight regarding that possibility. The Minister would be acting prudently if he referred one question at a time to the people on one subject.

Mr. WATTS: The Minister, in the course of his second reading speech some days ago, said, as the member for Mt. Marshall observed, that he wanted this legislation passed to secure an adjustment of the relationship between the Legislative Council and the Legislative Assembly. His idea of ad-

Hitler, who regarded those who held opposition is apparently in the main along the line of thought adopted by one Adolph Hitler, who regarded those who held opposite views to his as requiring liquidation. The Minister says that if the first question is deleted it will mean the defeat of the Bill. I have never believed, in any circumstances, in the abolition of the Legislative Council, and I do not now, nor do I propose to agree to a question incorporating that point of view being referred to the electors, because it is not in the least desirable. I was very much impressed by the arguments of the member for West Perth.

Let us imagine that the two questions submitted to the electors are carried by a majority of 5,000. What guidance could Parliament gather from that? It is quite possible that 155,000 people would say they wanted the abolition of the Legislative Council and that they wanted adult franchise for the Council, while 150,000 people said by their votes that they did not want the Council abolished nor did they want adult franchise for that House. It is quite possible that that will happen. To adopt adult franchise for the Council obviously does not mean the abolition of that House because adult franchise could not be provided for something that did not exist. We could easily reach that result and make Parliament absolutely ridiculous. If the Minister requires the readjustment of relationship between the Legislative Council and the Legislative Assembly, as he said he did, what he should do is to include the second question, together with that to be suggested by the member for Mt. Marshall, and then he would have something not diametrically in opposition for submission to the electors.

Now we are told that if we delete this paragraph, the object of the Bill will be defeated. Why were we not told that a fortnight or three weeks ago? The Minister should give the matter further consideration. If he is definite in his refusal to consider any question other than those in the Bill, he should agree to the deletion of one so that the electors may vote on something they can understand and, when they have voted, we shall have something on which we can act. Otherwise, we might find ourselves in a far worse muddle than we are in at present.

The MINISTER FOR JUSTICE: I have legal advice to the effect that the

questions are alternative. If the first question were carried, the second question would not be considered.

Mr. Watts: Have you been advised what would happen if both questions were carried?

The MINISTER FOR JUSTICE: There will be no complication. The amendment would have the effect of clouding the issue whereas the questions set out in the Bill are quite clear.

Mr. McDONALD: The legal advice quoted by the Minister is interesting, but the ballot paper will not inform the electors that the questions will be first and second alternatives. A second referendum might be necessary to find out what the people meant by their answers on the first referendum.

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

Ayes	..	..	..	14
Noes	..	..	..	28

Majority against 14

AYES.

Mr. Abbott	Mr. North
Mr. Brand	Mr. Perkins
Mr. Hill	Mr. Seward
Mr. Keenan	Mr. Watts
Mr. Leslie	Mr. Willmott
Mr. Mann	Mr. Doney
Mr. McDonald	
Mr. McLarty	

(Teller.)

NOES.

Mr. Collier	Mr. Millington
Mr. Coverley	Mr. Needham
Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Pantom
Mr. Graham	Mr. Read
Mr. Hawke	Mr. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Telfer
Mr. Hoar	Mr. Tonkin
Mr. Holman	Mr. Triat
Mr. Johnson	Mr. Willcock
Mr. Kelly	Mr. Wise
Mr. Leahy	Mr. Withers
Mr. Marshall	Mr. Wilson

(Teller.)

Amendment thus negated.

Mr. McDONALD: I move an amendment—

That in paragraph (b) the words "the same as the franchise for the election of members of the Legislative Assembly" be struck out and the following words inserted in lieu:—"widened so that ultimately adult franchise will be the only qualification necessary."

If the matter is to be referred to the people, the logical question is the one the Government desired to make an issue at the last general election.

The MINISTER FOR JUSTICE: I cannot accept the amendment. The issue set out in the paragraph is quite clear and is something we have been trying to obtain for 40 years.

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

Ayes	..	..	..	14
Noes	..	..	..	28

Majority against .. 14

AYES.

Mr. Abbott	Mr. McLarty
Mr. Brand	Mr. North
Mr. Hill	Mr. Perkins
Mr. Keenan	Mr. Seward
Mr. Leslie	Mr. Watts
Mr. Mann	Mr. Willmott
Mr. McDonald	Mr. Doney

(Teller.)

NOES.

Mr. Collier	Mr. Millington
Mr. Coverley	Mr. Needham
Mr. Cross	Mr. Nulsen
Mr. Fox	Mr. Pantom
Mr. Graham	Mr. Read
Mr. Hawke	Mr. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Telfer
Mr. Hoar	Mr. Tonkin
Mr. Holman	Mr. Triat
Mr. Johnson	Mr. Willcock
Mr. Kelly	Mr. Wise
Mr. Leahy	Mr. Withers
Mr. Marshall	Mr. Wilson

(Teller.)

Amendment thus negated.

Mr. LESLIE: I move an amendment—

That a new subclause be inserted as follows:—“(c) Are you in favour of an amendment to the Constitution providing that Bills appropriating revenue or imposing taxation shall become law when passed only by the Legislative Assembly and providing that the will of the Legislative Assembly shall prevail in respect of all other public bills when any such bills has been passed thrice by the Legislative Assembly provided a general election of the Legislative Assembly has intervened between the passage of such bill on the second and third occasions?”

I was intrigued to hear what would happen if a majority of the electors answered both questions in the affirmative, and I am intrigued to know what will happen if the electors vote for both questions in the negative. In the latter case, it would mean that no alteration would be made at all, so we would have gone to the expense of holding a referendum having an entirely negative result.

The CHAIRMAN: I do not think the hon. member should discuss that matter, because it is not included in the Bill.

Mr. LESLIE: I submit that the two questions which it is proposed to submit to the electors will be indecisive in their result.

The Minister for Lands: Do you propose to put your amendment on the ballot paper?

Mr. LESLIE: Certainly. It is as clear as daylight.

The Minister for Justice: It is as clear as mud!

The Minister for Lands: Talk about the intelligence of the elector!

Mr. LESLIE: It is quite clear.

The Minister for Lands: Is it?

Mr. LESLIE: The insertion of the amendment on the ballot paper will make the issue clearer than the two questions proposed by the Bill.

The CHAIRMAN: I must advise the hon. member that I have to rule the amendment out of order. The member for West Perth moved a similar amendment to the Bill that was before Parliament last year. I ruled that amendment out of order for the reason that it was outside the Order of Leave and the subject-matter of the Bill. I will quote what I said on the Bill last year—

I rule it out of order as being outside the subject-matter of the Bill. Standing Order 291 states—

Any amendment may be made to a clause provided the same be relevant to the subject-matter of the Bill.

Standing Order 2 states—

“Subject-matter of a Bill” means the provisions of the Bill as printed, read a second time and referred to the Committee.

This is a Bill to put two distinct and separate questions to the electors. I could accept the amendment, moved by the member for West Perth, dealing with the extension of adult franchise, because that was in accordance with the subject-matter of the Bill; but I must rule the present amendment out of order because it deals with the relationship between the two Houses—mostly on the deadlock question—and is definitely outside the subject-matter of the Bill.

Dissent from Chairman's Ruling.

Mr. Leslie: I regret that I must dissent from your ruling.

[*The Speaker resumed the Chair.*]

The Chairman having stated the dissent,

Mr. Leslie: I have disagreed with the Chairman's ruling because I consider that the scope of the Bill and its intention and purpose are defined in the Title. The Title is to submit certain questions in relation to the Legislative Council as a constituent part of the Parliament of the State. I submit that the only point at issue is the definition of “certain questions” and it might hinge on the word “certain.” The meaning of “certain” according to the Oxford English Dictionary is “determined, fixed, or not variable.” The subject-matter of no Bill brought before this Parliament can be said to be certain. It is subject to the will of Parliament and the terms in which Bills are framed are subject to variation, although the word “certain” may be used frequently. The word “certain” is therefore not intended to imply that the contents of a Bill are determined, fixed and not variable.

The purpose of this Bill is to submit to the electors questions which this Parliament must decide upon. The only questions we can submit under this Bill are concerned with the Legislative Council as a constituent part of the Parliament of the State. So long as the questions we propose to include are concerned with the Legislative Council as a constituent part of the Parliament of the State they are admissible. They come within the scope of the Bill because its purpose is to deal with the Legislative Council and its constitution as relating to this House and the relationship of the two Houses together. The Bill does not define the number of questions which are to be submitted. In any event, it is within the prerogative of this Parliament to alter the number of questions that can be submitted. It is not within the power of anybody to say that the questions shall be presented in one form and in no other form, and that Parliament shall not have power to alter them. Parliament has power to include anything in a Bill so long as it is within the subject-matter and scope of the Bill; and I contend that the scope of this measure is any matter which relates to the Legislative Council as a constituent part of the Parliament of this State. For those reasons I have disagreed with the Chairman's ruling.

Mr. Rodoreda: As members know, the Title of a Bill has very little bearing on its subject matter. In fact, it is provided in our

Standing Orders that if the Title of a Bill does not encompass an amendment that may be made during the passage of the Bill, the Title may be altered to include such amendment, provided it is within the subject-matter of the Bill and the Order of Leave to introduce the Bill. The subject-matter of this Bill concerns the submission of questions to the people through a referendum dealing solely with the abolition of the Legislative Council and the franchise for the Council. There is nothing whatever in any clause of the measure dealing with the relationship between the two Houses, so that the amendment introduces matter foreign to the subject-matter of the Bill. For that reason I had no option but to rule the amendment out of order.

The member for Mt. Marshall, in his second reading speech, made remarks which support my ruling. He said that he could find nothing whatever in this Bill dealing with the relationship between the two Houses. Those were his own words; and the Leader of the Opposition, by interjection, said, "No, because it is not there." I therefore claim that out of his own mouth the member for Mt. Marshall has upheld my case.

Mr. Speaker: I have no hesitation in upholding the ruling of the Chairman of Committees. The amendment is outside the scope of the Bill.

Committee Resumed.

Amendment ruled out.

Clause put and passed.

Progress reported.

House adjourned at 11.39 p.m.

Legislative Council.

Wednesday, 4th September, 1946.

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

QUESTIONS. MILK.

(a) *As to Re-licensing of Frank Petricevich.*

Hon. J. G. HISLOP asked the Chief Secretary:

1, Has Mr. Frank Petricevich been re-issued with a license to sell milk? If so, will the Minister obtain from the Milk Board all facts relative to the revoking of his license, the prosecution and the subsequent granting of a new license to Mr. Petricevich, and lay them on the Table of the House?

2, If a license has not been re-issued to Mr. Petricevich who is purchasing the milk he is now producing, and for what purpose is it used?

The HONORARY MINISTER replied:

1, No.

2, The Milk Board has been unable to obtain evidence that Mr. Petricevich is selling milk.

(b) *As to Tests and Examinations.*

Hon. J. G. HISLOP asked the Chief Secretary:

1, Will the Minister lay upon the Table of the House copies of the results of all bacteriological and other tests carried out on milk samples during the last 12 months by the Public Health Department, and obtain similar reports from the Perth City Council and lay them also on the Table?

2, What number of examinations of milk involving the use of the phosphatase test