

**BILL—ROAD CLOSURE.***Second Reading.*

Debate resumed from the previous day.

**THE MINISTER FOR MINES** (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [10.56]: Mr. Loton desired to know why certain roads in Narrogin were to be closed. In my opening remarks when moving the second reading I gave the reason.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and *passed*.

*House adjourned at 10.50 p.m.*

**Legislative Assembly.**

Thursday, 11th December, 1947.

**CONTENTS.**

	Page
<b>Questions:</b> Banking, nationalisation—(a) as to cost of State's intervention; (b) as to Commonwealth funds for defending action	2682
<b>Bills:</b> Associations Incorporation Act Amendment, 1r.	2683
Building Operations and Building Materials Control Act Amendment and Continuance, 2r., Com.	2683
Milk Act Amendment (No. 3), 1r.	2696
Commonwealth Powers Act, 1945, Amendment (No. 2), 1r.	2696
Milk Act Amendment (No. 2), 2r., ruled out	2696
Constitution Acts Amendment (No. 5), 2r., defeated	2697
Acts Amendment (Allowances and Salaries Adjustment), Message, 2r., Com., (point of order) report	2701 2720
Industry (Advances), Council's amendment	2720
Bread Act Amendment, 2r., Com., report	2721
Factories and Shops Act Amendment (No. 2), 2r., remaining stages	2724
Country Areas Water Supply, returned	2725
Agricultural Areas, Great Southern Towns, and Goldfields Water Supply, returned	2725
Road Closure, returned	2725
Companies Act Amendment (No. 2), 2r., Com., report	2726
Censorship of Films, 2r.	2729
Child Welfare, Council's message	2731
Iron and Steel Industry, Council's amendments	2732

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

**QUESTIONS.****BANKING, NATIONALISATION.**

(a) *As to Cost of State's Intervention.*

Mr. **GRAHAM** (on notice) asked the Premier:

(1) In connection with his recent visit to the Eastern States, was the State responsible for his fares or any other expenses associated with the trip?

(2) If so, what was the total amount involved?

(3) On what grounds is the State intervening in the appeal to the High Court against the Commonwealth Banking legislation, in view of the fact that the legislation does not in any way interfere with State banking?

(4) Does he not consider that the private banks or any individuals who feel so disposed should be fighting the case, rather than that the public's money should be expended on this matter?

(5) What does he anticipate will be the total cost to the State if the Government proceeds with its opposition to the legislation before the High Court?

(6) As banking is a Federal matter, on what authority has his Government taken action?

The **PREMIER** replied:

(1) Yes. In addition to the banking question, opportunity was taken to deal with other Government business, including Commonwealth and State financial relationships, discussions with the State Liaison Officer in Melbourne, and a conference with directors of Courtaulds regarding the proposal to establish their industry in Western Australia,

Irrespective of this, I regard the banking issue as of such vital importance to the State of Western Australia that I have no hesitation whatever in considering the amount expended as a legitimate charge against State funds.

(2) Total expenditure for self and Secretary, Premier's Office:—Fares, £93 16s.; other expenses, £18 9s.; total, £112 5s.

(3) As to the State's appeal against the Commonwealth banking legislation, the grounds are as follows:—(a) That the Banking Act, 1947, is beyond the power of the Parliament of the Commonwealth and is

contrary to the Constitution of the Commonwealth, and is void. (b) That sections 13, 14, 17, 18, 19, 24, 46 and 56 of the said Act and each of them constitute breaches by the defendant Commonwealth of the rights of the plaintiff State and of the obligations of the Commonwealth under the financial agreement set forth in the schedule in the Appendix to the Financial Agreement (Amendment) Act, 1944, of Western Australia, and are inconsistent with the terms of the said agreement, and are void. (c) That the giving by the said Treasurer of any notice or notices under the Banking Act, 1947, or the taking of any other steps under the said Act to abolish the private trading banks or to acquire the business thereof will be contrary to the terms of the said financial agreement and will constitute a breach of the contract on the part of the Commonwealth.

(4) It is in the interests of the State that the State should take action to ensure that the rights of the State are safeguarded and defended.

(5) This will depend upon the length and result of the proceedings, but it is expected that the cost to the State should not exceed five hundred pounds, and may be less than half that figure.

(6) The Parliament of the State has protested against the banking legislation of the Commonwealth Government and it is the duty of any State Government to be heard in any constitutional proceedings which are likely to affect the rights or powers or constitutional position of the State.

*(b) As to Commonwealth Funds for  
Defending Action.*

Mr. LESLIE (without notice) asked the Premier:

Is he able to inform the House whether it is the intention of the Commonwealth Government in defending the action that is being taken against it by three States to use the people's money, or money provided by individual Labour members, or the funds of the Labour Party?

The PREMIER replied:

As far as I am aware it is the intention of the Commonwealth Government to use Commonwealth money.

**BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.**

Introduced by the Attorney General and read a first time.

**BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.**

*Second Reading.*

Debate resumed from the previous day.

**HON. F. J. S. WISE** (Gascoyne) [4.38]: This Bill is to amend an Act passed in this Chamber in 1945. In that year conditions were rapidly developing to a chaotic state because of the tremendous demands for materials of all kinds that have any association with building. It was at that stage that the Commonwealth Government desired to pass back to the States control, if the States cared to take such control, over building materials. In my view it was very unfortunate that not very long before that period the Commonwealth had raised the exemption for buildings up to £1,500, no permit being required for the erection of buildings up to that value. Overnight, control over materials was released and it was very necessary for the States to take over that authority, no matter how unpleasant the task happened to be.

It will be remembered that the Act is now on the statute-book as a result of a Bill introduced by me. My Government was fully seized of the unpleasant nature of the task we were accepting. In no department of the State had any officers a more unpleasant job than that of those who had the responsibility of approving of materials releases. Although that body, through the years, has been seriously criticised as to its administration, and some people may have appeared to receive favours, while others appeared to be prejudiced, it has had a difficult task—a task difficult both for the Government and the officers concerned—in administering the Act. I recall—I do not refer to them in an unkind way—debates that took place on that Bill, when I introduced it. Some members opposite would not like me to repeat what they said on that occasion regarding controls. Suffice it to say that the position was made harder

for the Government than it might have been, owing to the partisan attitude of some people who said that controls of that kind were entirely unnecessary, and that the sooner we were free from them the sooner would progress be made.

The question was made something of an election issue which, in my view, was unfortunate because, as members on both sides of the House know, the Government of that day was ready and anxious to bear its part of the responsibility for this unpleasant part of Government administration. Since November, 1945, when the Bill—which subsequently became the Act—was introduced, there has been one amendment made, and now the Premier desires another amendment to the Building Operations and Building Materials Control Act, to provide for one or two serious alterations to it. In the appropriate clause of the Bill, it will be found that the definitions in the parent Act are to be amended to make them more embracing when read in conjunction with Part IV of the Act. The difference that will make to the present methods of control is that, although there will be no necessity to obtain a release for second-hand material, it will be necessary to obtain a license in order to erect the structure that is to be built from that material.

Such action might render the task of the Commission easier, but I think it will give rise to further concern in districts where buildings available for demolition and re-erection are likely to be rebuilt on different sites and made habitable, thereby improving the housing situation. I believe it is necessary for the Government to be sure that the application of the words "building materials" to Part IV of the Act will not limit the possibility of such structures being built in some districts and made suitable for habitation. I agree with the Premier that persons without permits, using second-hand materials, do at times build structures out of all proportion to the original structures from which the second-hand materials were obtained. It means that, prior to the new structure being completed and made suitable for habitation, larger quantities of new timber are required than was pretended in the initial stages, with the result that genuine home and other building construction is prejudiced to that extent.

No license is at present required for the use of second-hand material. Under the Bill that I introduced in 1945, second-hand material was expressly exempted, but my reading of the present Bill is that the clause which ties building materials to Part IV of the Act will make it necessary for people to obtain licenses to erect structures with second-hand materials. The Government should tread warily in this regard, in case it does further restrict the building of habitable dwellings. Last evening I asked the Premier, by interjection, whether he thought the control of second-hand materials was a matter vital to the Housing Commission. I do not think he understood what I was aiming at. I wanted to know whether the amount of new timber involved in certain structures, in conjunction with second-hand material, was vital to the programme of the Housing Commission in the materials supply section.

If more than £50 worth of new timber—that was the figure mentioned by the Premier—is required to buttress second-hand timber in the building of a new structure, perhaps the authority to be taken under this Bill is necessary. However, I think the Premier would be diffident about making the proposed change if it were likely to restrict the building of houses by limiting the purposes to which second-hand material could be put. I have no objection to the part of the Bill which gives the Housing Commission authority over structures in course of erection, and no strong objection to the attempt to bring to book those who wilfully and flagrantly evade the provisions of the Act, but there will be cases where persons break the law quite innocently, and are caught. If the appropriate proviso gives the magistrate—who will be a police or resident magistrate—authority to waive the minimum fine prescribed and inflict any lesser fine that is likely to meet the requirements of justice in such cases, I will be satisfied. That is something on which a very close watch must be kept.

I should like to see a minimum fine of £50 provided for people who wilfully evade the approvals given to them. Many persons who have been fined quite a nominal sum have built, apart from the plans approved, additions to their homes and new structures costing hundreds of pounds. If they have money and care not for the interests of

other people or for their use of materials prejudicing other people, they can laugh at the fine now provided in the Act. As the member for South Fremantle once said in this House, such people should have the threat of the whole structure being confiscated, because their selfish attitude is one of the greatest problems any control authority can have. They are prepared to buy at any price and quite irrespective of authority, simply to meet their own selfish purposes.

The Minister for Works: Some people could laugh at a fine of £50, too.

Hon. F. J. S. WISE: If a person builds a place costing £200 per square and wants two or three more rooms and can pay any price to get them, he can laugh at a fine and finish his home. Such people should be severely dealt with and I am glad that provision is being made for raising the maximum fine. The other amendments are quite minor. The one I am concerned with—and I should like some further information on it if the Premier replies—is the one that adds after the words “building materials” in the definition the words “when used under Part IV. of this Act.” This will mean that no second-hand material may be used unless a license is received for the building of the proposed structure.

HON. J. B. SLEEMAN (Fremantle) [4.53]: I should not like this Bill to be passed without saying a word or two on it because I consider the time has arrived when some relief should be given from control. At the beginning of the year we heard much—

Mr. Mann: What about your change of view?

Hon. J. B. SLEEMAN: The hon. member has changed his coat many times. He has turned three somersaults in the last three days.

Mr. SPEAKER: Order!

Hon. J. B. SLEEMAN: I consider that the control should not be increased to extend to second-hand material. I take it that in future any second-hand material of a value exceeding £50 will be subject to a permit. If that is so, I cannot agree to the proposal. Let me explain what our friends on the Government side thought a few

months ago. They were going to lift controls but, instead of lifting them, they appear to be intent on increasing them. I notice that the Chief Secretary is looking interested. I do not know whether he agrees with my remarks or not, but I am sure the Honorary Minister approves of these controls being lifted. Might I remind her of what she said a little while ago. In November of last year, the Honorary Minister referred to a man who was able to get a permit, but could not get one covering a garage. I need not dwell on that, but the member for Guildford-Midland asked her whether she would permit him to have a garage as against a house for the eight persons living in one room. She replied—

No, I would not. However, if we had de-control of building materials, it would not matter whether the garage was erected or not. It is this control that is stopping the progress of Australia. The member for Perth talked about continuing the control for another year. I recall that in England, after the last war, it was said that controls would last only for a short time, but they continued for 13 years after the war—not so far as buildings were concerned, but over rents. I consider that, until these controls are removed, we are retarding the progress of Australia. I, therefore, am wholeheartedly against the Bill.

The member for Perth asked her whether she would lift the control over building materials and she replied that she would. The member for Perth suggested that she would be making a big mistake, and the hon. member replied that she did not think so. Thus, this time last year she was opposed to any controls at all. Yet today we find her in favour of imposing more controls on the people, even on those using secondhand material.

The Honorary Minister: I have not said so.

Hon. J. B. SLEEMAN: I will take a stab in the dark and say she will support the Bill. The member for Katanning, now Deputy Premier, had this to say—

I do not derive any satisfaction in having to come to the conclusion that this measure must be passed, that it is necessary to extend the existing controls for a further period, whether it be 12 months or less I do not mind. The control has to be extended for such time as is necessary to make the position better than it is now, because I am convinced that, if we were to discontinue control, as the Commonwealth Government did for a short period in 1945, we would experience at least as much difficulty, and probably more, than we have at the present time. What I do regret, however,

is that we have to consider that matter, that we have to agree to that after his long lapse of time since the cessation of hostility, and that after the lapse of twelve months since the passage of the parent Act, the position has not improved sufficiently to enable us to relax the control, if only partially.

Hon. F. J. S. Wise: The Minister for Education today would still regret it.

Hon. J. B. SLEEMAN: The member for Katanning continued—

For one cause or another, so far as I can gather from the current state of affairs and the Premier's remarks, virtually no improvement has taken place in the position.

The Premier, when in the Eastern States last June, was reported as having made this statement—

Western Australia had the lowest building costs in Australia.

I should say that was due to the work of the previous Government in keeping costs down, but that is not what the Premier said. He said—

This was due mainly to two things.

In June he had been in office only a few weeks.

The Government had stricter control over the issue of building permits and the release of materials than in other States.

I suppose he thought at that time somewhat as did the fly on the wheel of the motor for when the wheel went round it remarked, "Look at the dust we are kicking up." Evidently the Premier thought he was responsible for the low building costs in this State. He took office in April and in June made the statement that the Government had stricter control than had the other States and that that was the reason for the lower cost of houses in this State. I must confess that I cannot understand the Premier's attitude at all. The Deputy Premier also had something to say.

Mr. Marshall: Another fly?

Hon. J. B. SLEEMAN: He said—

We will appoint a woman member to the Housing Commission and on other commissions where women may be regarded as being similarly interested. The Housing Commission will resume home building for purchase at the lowest rates of interest. Ample funds are available for this purpose. Permits to build will be issued where only two persons are to be housed, where hardship is shown.

There are not too many two-unit families getting houses at the present time.

Urgent steps will be taken to increase the supply of materials and for prompt transport of goods from the Eastern States where necessary so that the permit system can be done away with.

Hon. F. J. S. Wise: They are making no progress.

Hon. J. B. SLEEMAN: The Deputy Premier wants the permit system abolished. He was going to increase the transport of goods from the Eastern States with that end in view. The Honorary Minister, we understand, was responsible for some goods being received from the Eastern States and she will be trying to increase the quantity. She told us definitely that she was against the permit system, so the time has arrived for her to cross to this side of the House and vote against the Government that is seeking to inflict greater control on the people than previously.

Mr. Mann: Are you going to divide the House?

Hon. J. B. SLEEMAN: I will do that if the hon. member will come over here and vote according to his conscience, instead of listening to the Whip, who was chasing him around last night and telling him not to do this or that. I hope the portion of the Bill imposing stricter control on the people will not be agreed to. The other portion of the Bill I consider to be necessary. Let us get rid of controls as soon as we can.

MR. STYANTS (Kalgoorlie) [5.0]: While I approve of the retention of the present controls over the release of building materials, I cannot support the proposal in the Bill to extend such control to second-hand materials. I realise that if the present controls are discontinued, the man of moderate means will have but little chance to get a home, because so much money is in circulation that he would be unable to pay the price to which building materials would soar. The proposal to control second-hand materials particularly affects the Goldfields. Many houses have been brought down from Wiluna to the Eastern Goldfields and re-erected there. I cannot for the life of me understand why the board should have the right to control secondhand materials and refuse to grant a license to use them in a dwelling. Why should the board have power to say to a man, "You

cannot dismantle your home in Wiluna and take the material to Kalgoorlie and re-erect it there without obtaining a permit from the board"?

If in the re-erection of such a home a substantial quantity of new material would be required, the board should have the right to decide whether it should issue a permit for the purpose. But all kinds of excuses are made by the Housing Commission for refusing to grant permits for the re-erection of buildings with secondhand materials in cases where only a very small quantity of new materials is required. In a portion of the Murchison goldfields, houses are erected which in many instances do not have wooden floors. When those houses are dismantled and brought to the Eastern Goldfields, it is exceedingly difficult to convince the State Housing Commission that it is necessary to obtain a permit to purchase timber for a floor. I know of more than one such instance where the State Housing Commission has refused to issue a permit for the re-erection of secondhand material on the ground of the labour that would be involved. I sincerely hope the House will not agree to this portion of the Bill.

The Premier: What portion?

Mr. STYANTS: The portion dealing with the re-erection of homes with secondhand materials. My contention is that there should be no restriction whatever on a person desiring to re-erect a home with secondhand materials, if the re-erection involves but a small quantity of new material. If, however, the re-erection involves the use of a substantial quantity of new materials, then the State Housing Commission should have some say. The provision in the Bill for a severer penalty for persons who either exceed the amount of their permit, or who build without a permit, I am fully in accord with, but I would prefer, instead of increasing the monetary penalty, a penalty of the automatic confiscation of the material used in excess of the permit, or the material used without a permit. I believe that would be a much more severe penalty.

The Premier: There are many difficulties to be got over with respect to confiscation. There are mortgages and other matters to be considered.

Mr. STYANTS: The Act provides for the confiscation of materials, but not for

automatic confiscation. The Act provides a penalty of six months' imprisonment, a fine of up to £100, or confiscation of materials involved. If a man had a permit to build a five-roomed house and built seven rooms, I would support a provision that the materials over and above the value of the permit—the materials in the two additional rooms—should be confiscated.

Hon. N. Keenan: Would you pull the rooms down?

Mr. STYANTS: Yes. I know that that does not appeal to the member for Nedlands as a moneyed man.

Hon. N. Keenan: It does not appeal to me because it is nonsense.

Mr. STYANTS: We shall see whether it is nonsense or not. What would the hon. member say if he wanted a home and found that some person who had obtained a permit to build a comfortable house of five rooms built instead a house of seven rooms, especially if that person were fined a paltry amount of £20?

Hon. N. Keenan: Increase the penalty.

The Premier: The maximum penalty is £200 under the Bill.

Mr. STYANTS: I know of a case where three additional rooms were built, and £200 would have been no penalty at all to the owner.

Hon. N. Keenan: Would you allow me to select the rooms to be pulled down?

Mr. STYANTS: No. A person submits his plans to the State Housing Commission showing the type of house he wants, the number of rooms and the size of the rooms. If he built anything in addition, then the extra materials should be automatically confiscated. Some people advocate that in such a case the whole building should be confiscated; but I suggest that only the material in excess of the amount of the permit should be confiscated. Wealthy people who get a permit to build a dwelling to cost a certain amount sometimes add to the building and, as I said, a penalty of £200 is no hardship to them at all. If they knew they were going to lose not only the extra material, but also the value of the labour involved in the erection of the additional room, that would be not only a deterrent but also a real penalty.

I approve of the provision in the Bill giving the magistrate discretion to mitigate the minimum penalty of £25, as I believe many people are prosecuted for breaches of the Act committed through ignorance. But that is not always the case. I have in mind a person who was granted a permit to erect a building, I believe at Kwinana. It was to cost about £850 and would require about 6,000 bricks. Having obtained the permit, he proceeded to erect two buildings requiring 18,000 bricks. The cost, instead of being £850, was over £1,400. The legal gentleman presiding in the court on the hearing of that case was almost sympathetic with the person because he had to fine him. He said he was sorry, but he had to fine him, and he fined him about £25.

Mr. Graham: He was fined £8.

Mr. STYANTS: I know the fine was a nominal one. That person was both selfish and greedy. In addition to getting a comfortable home for himself and his family he got another dwelling for letting purposes to make money out of it. It is doubtful whether a magistrate will inflict the maximum penalty. The minimum is £25.

The Premier: The minimum penalty provided in this Bill is £50.

Mr. STYANTS: In that case, the magistrate would probably fine an offender £60, if the maximum is fixed at £200. I do not think the magistrate would inflict the maximum penalty of £200, which might be some protection for those people who are so badly housed at the present time and are so sadly in need of better accommodation.

**MR. GRAHAM** (East Perth) [5.13]: Notwithstanding my submission last evening that it was highly improper for the House to discuss a matter so closely related to the State Housing Commission while the Royal Commission was inquiring into allegations made against the Housing Commission, you, Sir, ruled that the Bill was in order. The Premier argued that it was and the House accepted that situation. Therefore, whilst it is to some extent distasteful to me to comment on the Bill, the Bill is being debated and I intend to make my contribution. It seems to be the unanimous opinion of the House that some form of control of building operations is necessary. The allocations made have been so unfair in

such a large number of cases that we might give consideration to an alteration of the present system. I have discussed this point with persons associated with the building trade who, incidentally, are more than disgusted with what is happening and has happened in the past. I find it exceedingly difficult to express myself adequately on this question, because I do not want to infringe more than is necessary on the matter of making accusations. I do say, however, that there is general dissatisfaction with the method that has been employed in regard to the persons who have received permits for building materials, and the type of work that has been allowed.

For these reasons I submit the time has arrived when we can well give serious thought to a proposition to alter the present basis of building controls. I would suggest, without tying myself to arbitrary proportions, that we might determine something along these lines: That 50 per cent. of the building materials available be used for the construction of tenancy houses which are, or are supposed to be, allocated to persons on the basis of hardship and needs; 30 per cent. to be made available to those who desire to build homes on their own account, but with a proviso that no mansions shall be constructed at present; that 15 per cent. be made available for industrial and commercial enterprises; and that the remaining 5 per cent. come under a heading that we might term "miscellaneous." Included in the proposition—which would be reviewed annually—would be a complete ban upon certain types of buildings such as racing stables, new hotels, concrete fish ponds and other such luxuries.

At the present moment the position is, by and large, a shambles. Certain favoured persons have, notwithstanding the controls, been able to proceed with building operations without, apparently, any restriction. The matter would gradually find its own level. My suggestion would certainly overcome the feeling on the part of many people that there is an unfairness attaching to the procedure now followed. The position would be safeguarded because those in direct need, but without financial resources, would be catered for under the large allocation for tenancy homes. Those who wished to build for themselves would be protected

to a certain extent because the provisions in regard to the maximum amount which could be expended could be rigidly enforced.

I have mentioned that provision would be made for industrial establishments. I realise it is too late now to give more than passing consideration to this suggestion, but seeing that it is intended by the Bill that the present procedure shall continue for only another 12 months, I feel that the Government might investigate my suggestion with a view to seeing whether it would be possible to incorporate it in the amending legislation which will come before the House when the present Act expires at the end of next year. I make the suggestion because of the dissatisfaction expressed from one end of the State to the other. In some cases it is, perhaps, unwarranted, but the feeling exists. I am sure there would be a great deal of co-operation from those who supply building materials—hardware merchants and so on—in seeing that if at any particular time there was not sufficient material to supply all the applicants, those of a particularly deserving nature would receive first consideration.

If that would introduce complications, then if everybody knew that in accordance with the time of lodgment of applications they would be granted a permit, together with the safeguards I have outlined, I am certain that not only would the people generally feel far happier about the situation, but the whole of the building trade would be placed on a much more satisfactory basis. I regret if I have reflected further upon the State Housing Commission, but I have made mention of it in passing for the purpose of making my point perfectly clear in connection with this matter. I would not have been prepared to make these suggestions 12 months ago. At that time I was more or less content that the present system should continue. The information of which I have become possessed—particularly over the last six months, and without anticipating what will be borne out by certain findings later—has led me to the conclusion that some radical alteration is long overdue.

**HON. E. H. H. HALL** (Geraldton) [5.24]: Reference has been made to buildings on the Murchison Goldfields being

pulled down and re-erected elsewhere. Whilst many of them have gone to the Eastern Goldfields, quite a few have come to my electorate. I ask the Premier, when replying to the debate, to answer the criticism made in connection with second-hand building material. I shall find it very difficult to give to the Housing Commission any control over second-hand material. I also want to ask the Premier whether he will be good enough to say why it is that the materials section of the Housing Commission does not open till 10 a.m. each day. One morning I saw a number of people waiting outside the office in Barrack-street. On inquiring what was the trouble I was informed that the office did not open until 10 a.m. When I asked an officer of the Commission why that was so he said to me, "We have no chance of dealing with the vast amount of correspondence except between the time of commencement in the morning and 10 a.m." I do not know what time the office closes to the public, but I do say that expense should not be considered in overcoming this position. To keep these people waiting until 10 a.m. is not very desirable.

**Mr. May:** They cannot do it on the present staff.

**Hon. E. H. H. HALL:** If the hon. member would curb his youthful impetuosity, I will come to that point. If it is a question of more staff, in the name of all that is reasonable let us get more!

**The Premier:** Where?

**Hon. E. H. H. HALL:** If it is a question of finding more accommodation, then let us find it, somewhere, somehow.

**Hon. F. J. S. Wise:** It is so easy!

**Hon. E. H. H. HALL:** The Premier asks, where will we get more staff? Well, where there is a will there is a way. Last Saturday a man with good credentials applied for a position. I am not willing to allow the Housing Commission to control second-hand materials, and I trust the Premier will see that the office is open before 10 a.m.

**MR. WILD** (Swan) [5.28]: I join with the member for Kalgoorlie in being rather sceptical about having controls for second-hand building materials. In the country, road boards and municipalities are more



humane in their attitude towards the people who have to live on Mum's back verandah or in tents, and by instituting this control we would make their problem more difficult. At present, for a person to get a permit from the Housing Commission for anything is like trying to borrow a tenner when he is dead broke. I must defend the Housing Commission by saying that for good administration it is necessary, firstly, to have a well-paid staff, and, secondly, good amenities or facilities for working. The other day I had the opportunity of looking through the materials section with the chairman of the Housing Commission, and I think one can only say that the officers there are trying to work like rats in a trap. I would be surprised to know that men give efficient service in such circumstances. I disagree with the necessity for a permit for second-hand materials.

Hon. F. J. S. Wise: No, the permit is for a license to build premises.

Mr. WILD: Yes, to build with second-hand materials. In this connection I do feel we would be jeopardising the prospects of the small fellow who, in the country, is prepared to do a little for himself by going to disposals sales and purchasing such things as Army huts. They are quite prepared for the time being, in view of the difficult housing situation, to live in them. But it means the whole of such operations will be retarded if people have to wait until they can secure their permits. If they have to wait for a license to erect a building with the second-hand material they already possess for a period as long as some of the poor beggars have to wait today, their anticipations will remain unfulfilled for a very long time.

I realise that in obtaining a license to put up a building with £50 worth of second-hand material, it leaves the gate wide open for a man to build a house of much larger dimensions. Possibly he commences a structure requiring £100 to £150 worth of second-hand material and then finds that to complete the building, he will require new material—and there is the difficulty. We should, however, be very careful about hampering a man who is trying to help himself. I agree that the continuance of the regulations is necessary and therefore I support the Bill, but I join with others

who feel rather sceptical and urge the Premier to give further consideration to that particular section of the measure. With regard to the penalties, I feel that a maximum fine of £200 is insufficient. Possibly, for the time being, we will have to give it a trial and see whether the magistrates will stand behind us and impose these penalties when prosecutions are launched against people for putting up two or three extra rooms that are not covered by permits, as we know so many are doing.

A man will secure a permit to erect a building for £1,000 or £1,500 and he will exceed that expenditure by £200 or £300 and yet is fined a paltry £5! I suggest that in the meantime his house will have appreciated by at least £25, so the fine does not matter twopence to him. Although we cannot confiscate the material already used in the house because it would be foolish to pull the structure down, the Act contains a provision enabling the authorities to confiscate material lying on the ground, and I feel an order should be made confiscating any such material immediately. I would also like to see a minimum penalty of £50, and a system adopted similar to that of the Taxation Department whereby an additional penalty could be imposed of two or four times the cost of material covered by the permit. That would bring a lot of people up with a jolt.

I am prepared to give this legislation a trial to see what effect it will have. In a few months when Parliament again meets, should this legislation prove unsuccessful, I shall endeavour to secure an amendment to the Act to make the penalties much more severe because under existing circumstances I believe that people are simply laughing at the law. Moreover, they are getting away with it. For the time being, I shall support the Bill with the exception of the provision relating to licenses for second-hand material.

HON. J. T. TONKIN (North-East Fremantle) [5.34]: There is an aspect respecting which I should like some further information from the Premier because it has not been dealt with so far. If the Bill becomes law, the person possessing second-hand material will have to apply for his building permit. Will any such application have to go into the common pool and the

applicant take his chance with the thousands of others now awaiting their permits? If so, I shall vote against the Bill. There may be persons with no children who have sufficient second-hand material to enable them to erect small dwellings. If they were to apply for a permit they would not get one, or at least very few of them would be fortunate in that direction. Therefore we would deny the people who have the material the right to build because we make it obligatory for them to have a permit. I sympathise with the objective the Premier has in mind, but in doing what he suggests he may impose great hardships upon some very worthy people. Unless the Premier can assure me on the point I have raised, I shall vote against the second reading of the Bill.

**MR. MARSHALL** (Murchison) [5.36]: It is amusing as well as interesting to observe the attitude of members sitting on the ministerial side of the House. If we throw our minds back to the vicious attacks made upon the Labour Government regarding the attitude it adopted when the Commonwealth released its control over building materials, it is astonishing to realise that those self-same individuals, now they are sitting on the ministerial side of the House, are simply following the example of their predecessors in office, and doing so unblushingly. Many of them sit silently by even when taunted and urged to make some declaration to explain their inconsistency—and they simply smile it off.

Hon. J. B. Sleeman: Look at the Minister for Works!

**Mr. MARSHALL**: Not only were attacks made against the Ministers of the day but promises were given to the people during the election campaign that these controls would be removed. They were positively sure that they could be discarded and they accused the Labour Government of being the mere puppets of the Commonwealth. Now those who castigated Labour Ministers are in power, and nothing is altered. They realise that there is no alternative but to follow in the wake of those who preceded them in office. The Honorary Minister was one of those constantly in attack.

Hon. J. B. Sleeman: She was brutal in her attack.

**Mr. MARSHALL**: In those days we heard members opposite twitting us and saying, "Make your Government do its duty to the people. It cannot remain in office without your support. It is your duty to the people of the country." What does the Honorary Minister propose to do with regard to her duty? We may well ask that when we remember the strictures that she advocated.

The Honorary Minister: Just wait a while!

**Mr. MARSHALL**: In view of her pronouncements in days gone by, we should expect her to take action; but she is one of those who are most docile today. She has no protest to utter against the actions of the Government of which she is a part, but smilingly and complacently passes them over.

The Honorary Minister: I do not speak without thinking, like you people do.

**Mr. MARSHALL**: We find her sitting on the Treasury bench acting contrary to the attitude we would expect her to adopt.

**Mr. Hoar**: It is almost unbelievable.

**Mr. MARSHALL**: We would expect from the present Government reforms and changes, but there is none noticeable to the people. There is no change of policy, no improvement whatever.

**Mr. Needham**: There has been quantity in legislation.

**Mr. MARSHALL**: Quantity but not quality. The present Government is simply following in the wake of Labour Ministers. We should not aim at coercing the people of Western Australia and we should not hamper their desire to erect or renovate their homes. Yet those who were vigorous in attack in the past are docile puppets of the Government of the day, and there is no improvement in the situation. I have a lot of sympathy with the members of the Housing Commission and realise the enormous task they have to perform as well as the delicate nature of the work confronting them. It must be particularly trying to conscientious and sympathetic individuals who have to sit in jurisdiction and listen to the tales of woe told to them so frequently day by day, and yet be unable in any degree to offer hope of relief. I had an experience of that sort while a Minister of the Crown.

Immediately the war was over, within 24 hours some people wanted the new order put into operation. I was ready and willing to give them what they wanted but I was in a hopeless position because I had not the wherewithal—labour or material—to grant the reforms that deputation sought. I appreciate the difficult position confronting the Housing Commission seeing that the members of that body are unable to relieve the situation. They have a very difficult job to perform and it must be heart-breaking to the officers if they have any human feelings at all—I think everyone of them has—when they are required constantly to tell people that no matter how deplorable their conditions may be, there is no prospect of relief for some time to come.

I want to deal with the point raised by the member for Geraldton. We all realise that the accommodation for departmental staffs is particularly limited. Much inconvenience and delay are caused in consequence. When we realise that part of the Housing Commission's staff is located in the rooms formerly occupied by the State Insurance Office in the Treasury Buildings members will appreciate how impossible it must be for the officers to transact their business daily with hundreds of people. The service rendered must be less efficient than the officers themselves would desire to give to the public. Will the Premier tell me whether it is not possible that the Commission can be relieved of some of its obligations?

Under the parent Act it is almost impracticable to interfere with an existing structure to any degree whatever, either as to the material itself, alterations or even some insignificant renovations that might be required. If any material is wanted a permit must first be obtained from the Commission. If members will look at the Act they will find the definition of building materials. This definition embodies almost every class of material required, and a permit must be secured no matter what the type of material may be or what quantity is required. The term "building operation," as set out in the Act includes—

The erection of, any alteration of, any addition to, or the construction, reconstruction, rebuilding, re-erection, demolition, removal, renovation, repair, plastering, panelling, lining,

decoration, painting, colouring, whitewashing or papering of, any structure (whether carried on at the site or elsewhere and whether above or below the surface).

Even down into the grave, you cannot do anything without a permit or until someone has considered an application for you to have the right to do it. There is a redundancy of wording in the definition that could well be taken out. The provision in the Act is deceptive and throws certain obligations on the Commission. People are under the impression that they can purchase £50 worth of building materials and have a free hand to do what they like with it. Nothing of the kind! They still have to apply for a release permit before they can get that material. This is not playing the game fairly.

Mr. Styants: And the £50 includes wages.

Mr. MARSHALL: That is so. Having regard to the cost of labour today the amount of material accorded under that provision would be infinitesimal. And a person cannot obtain that concession without first going to the Commission. The parent Act imposes upon the Commission a volume of work which it should not be required to perform. I would not mind the provision being there to check up on those who desire to buy material to see what they do with it, but why has every little thing to be subject to an application either for a permit or for a release of materials, or both as sometimes occurs?

The member for Kalgoorlie spoke about the demolition or reconstruction of homes on the Goldfields for erection elsewhere. The Housing Commission does not favourably look upon applications for homes on the Goldfields. It does not like the security. I suppose it feels that the tenure is of doubtful character. In the case of insurance companies, they are reluctant to insure houses on the Fields whether they are justified or not. I suggest that where the Commission does not favourably view the re-erection of homes, the object could be achieved by taking out of the Act any responsibility on the part of the Commission to interfere with demolitions. Take a case I know of at Wiluna! This was an instance of a house it was desired to take to pieces at Wiluna and re-erect at Kalgoorlie. No extra material was required.

I also had the case of a resident at Wiluna who transferred his business to Big Bell. He anticipated bringing some of his relatives from England. Under medical advice his wife had to leave the Goldfields. He desired to demolish his property at Wiluna and re-erect it at Geraldton so that his wife by doctor's orders could live there and so that he could also provide for his relatives when they arrived from England. He did not require even a nail from the Commission, but he could not get a permit to re-erect the building at Geraldton. I am not particularly concerned whether a person wants a home for himself or otherwise. I put it to the Premier that if a person finds he can purchase a home in some declining Goldfields town and remove it to another centre where the housing problem is acute, even if he has a place of his own as well why should he not be allowed to re-erect the Goldfields house? Someone would be accommodated in the re-erected home.

No-one would buy a property at Wiluna and re-erect it at Gosnells or some other place where there was a big demand for houses merely for the sake of looking at it. Someone would be housed by virtue of that building being re-erected, some unfortunate individual would have a home even if he only rented it. I cannot appreciate this desire to frustrate and restrict people in matters of this kind. I suggest that when a proposition is put up to the Commission by people who desire to erect a home, and have in their possession the major portion of the materials required, such a proposition should be allowed to go through. That would be one way in which to assist in solving the housing problem and it would not involve drawing upon any new materials at all.

The Premier: I think permits have been freely given in that connection.

Mr. MARSHALL: No. Under the present Act the control still remains. A permit must be obtained in connection with any building that is demolished. I have already quoted the Act to the Premier. It is not even possible to renovate a home without a permit. I do not see why the Commission should have to dot every "i" and cross every "t" in the administration of the Act, but if it desires to do so it has the necessary power.

The Premier: The Commission has permitted the re-erection of homes, and has adopted a generous attitude.

Mr. MARSHALL: At Geraldton the reconstruction to which I have referred was held up for five or six weeks. I then pointed out to the Commission that unless the building was demolished and re-erected at Geraldton the family would shortly be arriving from England and would have nowhere to live. It was much better that the house should be erected ready for them than that they should arrive here and find no home. I do not know that the Premier is right in suggesting that the Commission is not very thorough in its supervision concerning the re-erection of homes where the major portion of materials is already provided.

A great deal of work has been put upon the Commission that it could be relieved of if the Act were amended. If that were done it would have more time in which to deal expeditiously with other requirements of the community. With regard to the penalty for excessive building, we have had instances of what the controls really mean. Following the indexation, regimentation, and coercion during the war and since, it can safely be assumed that those who were otherwise truthful and honest and would wish to remain so have stooped to blackmarketing, to making false returns, and to doing things that in other circumstances would be repulsive to them. This indicates that the sooner we get relief from this regimentation the better. My proposal has been along those lines. We should not be so exact and so thorough in our supervision and administration.

We should not be constantly forcing people to fill in a form, for when they have filled in one they are advised to fill in another, and when they have filled in two they are told to fill in a third until their lives have become a positive burden. People have thus become dishonest, untruthful, and deceitful. We have reached a point in our moral code when I look to the future with a great deal of sadness. The Premier ought to have a thorough review of the situation. I hope above all things, that before we meet again the Premier and Deputy Premier will be able to give effect to their undertaking to the people with regard to housing during the last election.

**MR. FOX** (South-Fremantle) [5.58]: In view of the sentiments expressed by the member for Murchison and the member for Kalgoorlie I do not think there should be any interference with secondhand building that has been carried out by the co-operative company in Kalgoorlie and Boulder. If there are any people in the State who deserve decent housing conditions it is those on the Goldfields. Many of them are without any amenities whatsoever, whereas in the metropolitan area people have many comforts and so forth. On the Goldfields where the climate is hot and bad conditions have to be tolerated they are more than ever entitled to the best treatment possible. I wonder where all this secondhand material is that we have heard about. I do not see much of it. The only considerable quantity of secondhand material is that which comes under the control of the Disposals Commission, such as Army camps and the like. The Housing Commission has priority in the purchase of such buildings if it desires.

I do not think the control of secondhand material is necessary. It might be required in the metropolitan area if there were a great quantity of such material, but I do not think such control should be exercised in connection with a house which was being pulled down in Wiluna and re-erected in Kalgoorlie. When members of the Government Party were on the hustings, they said a certain number of houses would be set aside for two-unit families. The Government is falling down lamentably on that promise. I made an application two or three weeks ago on behalf of a two-unit family, the members of which are nearing 60 years of age, and have lived in the one house for 20 years. It is not nice for people in those circumstances to be served with an eviction order and then to be told that no homes are being made available for two-unit families, because there are more pressing cases. I realise there are more pressing cases when it is a matter of arithmetic; when it is a question of two as against three or four. But I think the Government should stand up to the promise it gave and make some dwellings available to these people. It is a tragedy for such folk to be homeless.

These men have worked in an industry the nature of which has made it difficult for them to obtain homes of their own. It is all very well for people who are in

constant jobs; but before the war broke out there were hundreds of people who did not have anything like full-time employment and did not earn on an average as much as £2 a week throughout the year. It was impossible for such people to provide themselves with homes. Then, as a result of the depression, many folk lost the homes they had because they were unable to keep up their payments. I am very worried about the couple I have mentioned and about other two-unit families, especially young people who have been married for five years and have no families and therefore cannot secure homes. We are bringing people from foreign nations to build up our population and yet will not give our own young married couples an opportunity to possess a home and raise a family. It is a scandal.

I know the position is very difficult but when people have been married for five years and have had to live in rooms, are they to be blamed for not having families? And it is necessary for them to have two or three children before they can obtain a home. The Government should honour the promise it made on the hustings and give some of these people an opportunity to secure homes. I do not know whether the Government has granted any permits to these people but if they have I should like to know the names of those who have obtained them. Some have been waiting for homes for five years. With regard to penalties for building in excess of the amount allowed under a permit, the Government is only playing with the position unless it imposes a substantial penalty. A person who is able to break the law and build a house worth £1,500 or £1,600 will not have much difficulty in paying a couple of hundred pounds for a fine. If he goes on the black market he can make £600, and we know that blackmarketing is done.

If a man builds a house without a permit he should forfeit the whole lot. The Government should have power to take over the land on which the house is situated and pay the person the value of it and then take over the building. That would not be too great a penalty. I know a man who built a house on a permit belonging to another person, who did not want to use the permit, and I believe he was fined £5 or £10. What a farce that was! I know that the penalties provided under the Fisheries

Act were very severe and the magistrate did not have the opportunity to say what they should be. The penalties under this measure should be equally severe.

I know that the conditions under which employees are working are pretty bad but I would not like to say that if they had better conditions people would get houses quicker. Many people were issued with a No. 1 priority months ago but have not yet received a permit to build; nor will they receive such permits until January or February. I do not feel inclined to vote for the second reading if the measure is likely to interfere with the Co-operative Society in Kalgoorlie.

**THE PREMIER** (Hon. D. R. McLarty—Murray-Wellington—in reply) [6.6]: From what I can gather from the debate, the majority of members who have spoken are favourable to the Bill but are concerned about the effect it will have upon second-hand building material. I do not want to introduce any legislation that will restrict the use of second-hand material. The Leader of the Opposition raised an important point when he said he considered this measure would do that. I think that the point which concerns the Housing Commission or which has exercised their minds in the past is that where second-hand material has been used, it has been made an excuse for using new building material to a far greater extent than was permitted, and the fact that second-hand material was used has made it exceedingly difficult for the Commission to launch a prosecution successfully against those who had committed an offence.

Hon. F. J. S. Wise: Can you develop that point?

**The PREMIER**: Once a building has been erected it is difficult to say what is second-hand and what is new material.

Hon. A. H. Panton: They would use a percentage of new material.

**The PREMIER**: Yes, that has been done; but when a prosecution has been launched, it has been difficult for the Housing Commission to say what amount they considered had been used.

Mr. Marshall: Your point has nothing to do with the demolition of a home in one place and its re-erection in another.

**The PREMIER**: No. I want to assure the hon. member that I do not desire to introduce legislation that is going to prevent cases such as he has mentioned; where a home has been pulled down and the owner wants to re-erect it elsewhere. I think that in that respect the Commission has been very generous. Where buildings have had to be pulled down, the Commission, as far as I know, has given permission for other material to be used—I mean new material—to provide for the completion of the re-erection.

Mr. Yates: The time wasted in procuring the permission may run into weeks.

Mr. Fox: They are not anxious to do it, though.

**The PREMIER**: I think the hon. member is wrong in that respect. Wherever there has been a partly completed house of second-hand material and some new material has been required, I think permission has been readily given.

Mr. Fox: It could be better, though I have not much complaint.

**The PREMIER**: With regard to the remarks of the Leader of Opposition, the point he wants clarified does seem to be obscure. If we can carry the second reading today, I will make arrangements for the Bill to be considered in Committee tomorrow. A point was raised by the member for North-East Fremantle, too. I think he also was concerned about the restriction on the use of second-hand material.

Hon. J. T. Tonkin: I was concerned about applicants for permits being included in the total number of applications and, in many cases, there being little likelihood of their succeeding, especially members of two-unit families.

**The PREMIER**: I do not want to prevent people using secondhand material, but I am sure the hon. member will agree that the unlimited use of such material, which creates a demand for the use of new building material, must have an effect on building generally. The provision in this Bill was to cope with that position, which might very easily arise.

Hon. J. T. Tonkin: My difficulty is that I am not satisfied that the Bill will result in more houses being built. I am afraid

it will result in fewer being erected, because of the added restriction.

The PREMIER: I think it is necessary that the Housing Commission should know what secondhand material is being used, because if there is a great amount of such material being used in buildings of all descriptions, it must have an effect on the amount of material available for buildings generally.

Hon. F. J. S. Wise: There is the local authority sanction tied up with that, too.

The PREMIER: Yes.

Mr. Marshall: The Housing Commission must know what material is being used.

The PREMIER: That is what I am trying to provide by this Bill. I want the matter referred to by the Leader of the Opposition clarified, and do not propose to take the Bill far into Committee today, but will have it re-drafted tomorrow.

Hon. F. J. S. Wise: If the second reading is carried, we could proceed to Clause 3 and stop there.

The PREMIER: Yes. The member for Geraldton complained about our staff accommodation and so, I think, did the member for Murchison. Provision is being made at present for the erection of a new building for the Commission.

Hon. F. J. S. Wise: Not with secondhand materials?

The PREMIER: No. I do not think the Leader of the Opposition would insist upon that. I believe he realises the need for this building, and it is to be erected in Planc-street.

Hon. F. J. S. Wise: That was a great bargain, that area I bought for you!

The PREMIER: We are grateful to the Leader of the Opposition for any work he did. In reply to the complaint of the member for Geraldton, while the materials section does not open until 10 o'clock in the morning, I assure him that the officers of the department are not just twiddling their thumbs.

Hon. E. H. H. Hall: I know that.

The PREMIER: There is work to be attended to before the office can open—important work. The officers have to know what is ahead of them; and I do not think

the public are suffering any great inconvenience because the office does not open until 10 o'clock. On the other hand, if we forced the officers to open up at 9 o'clock, before they had been able to see the mail and attend to the accumulation of work from the previous day, it would make the position of the Commission generally more difficult.

Question put and passed.

Bill read a second time.

*Sitting suspended from 6.15 to 7.30 p.m.*

### *In Committee.*

Mr. Perkins in the Chair; the Premier in charge of the Bill.

Clauses 1 and 2—agreed to.

Progress reported.

### **BILLS (2)—FIRST READING.**

1, Milk Act Amendment (No. 3).

2, Commonwealth Powers Act, 1945, Amendment (No. 2).

Received from the Council.

### **BILL—MILK ACT AMENDMENT (No. 2.)**

#### *Second Reading—Ruled Out.*

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Mr. SPEAKER: My attention was drawn to this measure as the result of inquiries made by one or two members. The Clerks have advised me on points in regard to the original Act on which this Bill is based. The original Act in Section 60 provides for every licensed dairyman and licensed milk vendor to contribute at the rate of one farthing per gallon for all milk sold for certain purposes. Paragraph (c) of Subsection (1) reads —

The Treasurer, out of moneys appropriated by Parliament for the purpose, shall contribute to the Compensation Fund an amount equal to the aggregate amount of the contributions made from time to time by the other contributors under paragraphs (a) and (b) of this subsection.

The purpose of the Bill is to increase the rates paid by those two classes of persons, and it does not, and as a Council measure could not, make provision for the increased

contribution by the Treasurer that would automatically be involved, or that the Treasurer could be called upon to make according to the increased rate. I therefore do not see, at the moment, that I can do other than rule the Bill out of order. I would like to know whether the Minister has anything to add.

**THE MINISTER FOR AGRICULTURE:** The Bill before the House last night increased the contribution by the producer from one farthing to one halfpenny. That would not build up a very strong fund, but there is well over £15,000 at present in the fund, subscribed by producers. I believe there is sufficient money in the fund to meet all obligations. The fund has been called on heavily in recent months, as most of the metropolitan herds have been T.B. tested and the owners of condemned cattle have been compensated. However, the worst of that phase is now over. When the Bill was introduced in another place the Government, on examining the position, believed there was sufficient money in the fund to cover all the compensation that will be necessary. There should therefore be no need to call on the Treasurer for assistance.

**HON. J. T. TONKIN:** This is a remarkable situation, with four lawyers in the Cabinet. The Bill is out of order and the argument of the Minister for Agriculture has no substance. The amending Bill seeks to provide that persons in categories A and B shall increase their contributions to the Compensation Fund. Under the Act that automatically requires the Government to increase its contribution, no matter what sum of money there is in the fund.

**The Minister for Agriculture:** I do not deny that.

**HON. J. T. TONKIN:** Section 60 of the Act provides that the Government's contribution to the fund shall be equal to the aggregate of the contributions of persons in categories A and B. As the Bill requires additional contributions from those categories of persons, additional contributions are required from the Government, thus imposing a burden on the Crown. A Bill imposing a burden on the Crown cannot be introduced without a Message from the Lieut.-Governor, and can in no circumstances be introduced in the Legislative

Council, where this Bill originated. This is another example of a Bill being improperly introduced, a practice of which we have had too much during this session.

**MR. SPEAKER:** Following what I said previously, and the remarks of the member for North-East Fremantle, I rule the Bill out of order. I realise the point of the remarks of the Minister, that the fund may be satisfactory in a practical sense but, under existing legislation, the Treasury would be forced to contribute, so I therefore rule the Bill out of order.

Bill ruled out.

### **BILL—CONSTITUTION ACTS AMENDMENT (No. 5).**

*Second Reading—Defeated.*

Debate resumed from the 3rd December.

**HON. F. J. S. WISE (Gascoyne) [7.40]:** I am opposed to the Bill, the purpose of which is to provide for an additional Minister. It is not the intention of the Government to add to its members. It intends, by passing this Bill, to grant full Ministerial rank to the present Honorary Minister in the Legislative Council. If a Bill were introduced to increase the number of Ministers, and the additional Minister was to be in the Legislative Assembly, perhaps I would support the measure. The argument of the Attorney General as to the necessity for the Bill was based mainly on two grounds; firstly, that the two Ministerial representatives in the Legislative Council have imposed upon them a severe burden and, secondly, that the measure is necessary because of the added burden placed on Ministers by the creation of additional instrumentalities in recent years. The measure does not add to the members of the Ministry at all, and it is not proposed to do that. At present we have one Minister and an Honorary Minister in the Legislative Council, and seven Ministers and one Honorary Minister in this Assembly. There are four Liberal Party Ministers and one Liberal Party Honorary Minister, and four Country Party Ministers and one Country Party Honorary Minister.

**The Premier:** It is a question of whether the Legislative Council warrants two full Ministers.



Hon. F. J. S. WISE: The question is whether an additional Minister is necessary. I will show that the matter is in the hands of the Premier, who could rectify the anomaly without a Bill of this sort, if it were a question of the work involved. The plea that the Honorary Minister in the Legislative Council by paying the full ministerial salary, it could appoint him full Minister and pay him the appropriate salary. His status is no different from that of any member of the Executive Council. He has every right and privilege enjoyed by any other Minister, except that he cannot be designated a Minister with portfolio.

Everything else, including the sharing of salaries—which is in the hands of the Government to arrange—for the payment of the Honorary Minister—can be adjusted without this Bill. There have been complaints in the halls of this legislature, at the manner in which Bills have been introduced in the Legislative Council by the full Minister—Bills such as the railway Bill taking two or three minutes to introduce and the tramway Bill the same time, and of members being advised by the Minister to read “Hansard” to find out what the measures are all about. That has almost a counterpart in this Chamber where Ministers have introduced Bills, some of which should not have been introduced at all, not explained them to the House and not understood them. The Premier, in allotting the portfolios, has made such an ill-balanced allocation that he must expect some of his Ministers to be overworked and others to be very happy in their present positions. It is obvious, even from the merest glance, that some of them are carrying a substantial load and others are not.

The Premier: I should think they can all find plenty of work.

Hon. F. J. S. WISE: If the portfolios were better allocated, we would not have complaints from one, although he has time to attend to a lot of duties outside of Parliament, the one for whom this provision is being made. The complaint is, in the words of the Attorney General, that he has a lot of work for which he is entitled to full min-

isterial rank. Let us take the position of Ministers in this Chamber. The Chief Secretaryship should not be here at all. All of us are aware of the talents and ability of the hon. gentleman who holds that position, and I think he has told us that he is not happy for the reason that he has not enough to do. I know through long years of experience just what is the nature of the tasks associated with the several portfolios. It is quite wrong, for example, that the Minister for Lands and Agriculture is not in fact the Minister for Lands and Agriculture and handling those portfolios himself. It is quite wrong for the portfolio of Mines and Health to be held by a Minister in the Legislative Council. If an adjustment were made and the present Chief Secretary were Minister for Mines and Health, we would be much happier and, I think, so would he.

The Chief Secretary: I am quite satisfied.

Mr. Reynolds: You do not look it.

Hon. F. J. S. WISE: It is not necessary to tell me how much work is associated with the position of Chief Secretary.

Hon. A. R. G. Hawke: The Chief Secretary is rusting out instead of working out.

Hon. F. J. S. WISE: I had on several occasions, for lengthy periods, responsibilities in addition to those conferred upon me in the positions in which I was sworn by the Lieut.-Governor. There is no question at all that the allocation that is overworking three Ministers is one that is neither fair to the Government nor to the community.

Mr. Marshall: Nor to the Opposition, either.

Hon. F. J. S. WISE: The Honorary Minister could, without my unduly complimenting or congratulating her, take further work and still allow the position of Mines and Health to revert to this Chamber, and the Chief Secretaryship in part could be taken over by the Honorary Minister or given to a Minister in another place.

The Premier: It is not the first time the Chief Secretaryship has been in this House.

Hon. F. J. S. WISE: I am not arguing that at all. I know quite well how the Premier has felt on several occasions at the handling of matters in this Chamber.

We have seen on his face, if his face depicts anything—

Hon. A. R. G. Hawke: It has depicted plenty.

Hon. F. J. S. WISE: —looks of dismay at the way certain matters have been handled. It has been said by Ministers that very many things that happened in South Australia meet with their entire approval and endorsement, but this is one matter on which the practice there differs very sharply from the practice in this State. South Australia has six Ministers. I am not saying that that is enough, but obviously with the example of that State—without the boards and without the delegation of authority that this Government is anxious to insist upon, taking further from Ministers work which they should do instead of taking it unto themselves—there is no warrant at all for this Bill. I am sure, too, that Dame Rumour is not always a lying jade, suggesting, as she has done, that the arrangement, which will give to the Country Party five full Ministers against four for the Liberal Party, is not altogether viewed with satisfaction on the Government side of the House.

Mr. Reynolds: I should not think it would be.

Hon. F. J. S. WISE: If we wished to be severe, we could make some very sharp comment on the manner in which certain business has been handled by certain Ministers in this Chamber. I am anxious to be tolerant and to assist those who have not had an opportunity of even being run into the work of their various offices. They should be given every opportunity provided they are showing not only aptitude but also anxiety and industry in their work. But can we say that? It is very important that Ministers in the handling of Government business should know every letter and every line of every Bill they introduce and know it by individual research, not by passing it on to someone else.

Those are the responsibilities that must be accepted and those are some of the responsibilities that so far have not been accepted. Without particularising and without being personal, I say that the Premier has it in his own hands to adjust these matters. If the public had been informed of all the happenings in this Chamber during the last few weeks, would it support

a move of this sort? Of course, the public is denied even a mention of such matters as happened in connection with the Coal Miners' Welfare Bill, which showed that when two Ministers were working on the same matter, one did not know what the other was doing. We have instances almost daily of Bills being improperly before the Chamber, and to avoid that is a Ministerial responsibility.

I hope that the Bill will not be persisted with. It has no bearing whatever on another Bill to be dealt with tonight. Many matters contained in that other Bill should not have been included until this measure had been finally dealt with. The Government, in presenting the two Bills—this one some days ago and the other one last night—should have had a decision on this measure before the other was dealt with. It was quite wrong to have the other Bill drafted as if this one was, in fact, law. I shall show on another debate this evening just how wrong that principle is. I oppose the Bill on several grounds, but the chief one is that the work, of which so many of us in this Chamber have a full realisation, enables us to appreciate the load some Ministers are carrying so that we have full sympathy with them and would not harass them in any way.

The Premier: I have full sympathy with them.

Hon. F. J. S. WISE: If the Premier will look at the position and judge for himself whether there is a constant and equal strain in taking up the load, he will find the answer for himself. That is the view not only of those experienced in Government, but also of impartial observers. I hope the Bill will not be persisted with, but if it be necessary to compensate the Honorary Minister in the Legislative Council, the matter is in the hands of the Government. What other purpose is there for the Bill if it is not to add numerically to the present team? An alteration of the Constitution Acts Amendment Act to provide for another Minister will not relieve the strain on those who are bearing it, unless there is a different allocation of portfolios.

**THE ATTORNEY GENERAL** (Hon. R. R. McDonald—West Perth—in reply) [7.53]: The Leader of the Opposition was quite correct in saying that any references

to this Bill need not concern another Bill that will engage attention later.

Hon. F. J. S. Wise: It should not be there.

The ATTORNEY GENERAL: That is a matter of opinion, but whether there or not there, it is not a material feature because obviously it could be corrected either way. The Leader of the Opposition has made some reference to the composition of the Ministry and also to the transaction of business that Ministers have brought forward. Allow me to say quite frankly what is obvious that Ministers, in this House at all events, have not previously held Cabinet rank. That is partly the fault of the hon. member, because, for 14 years, he and his Party had a monopoly of the Treasury Bench and the opportunities for gaining experience of Ministerial duties by members then in Opposition was denied to them.

Hon. F. J. S. Wise: I can read you, from your propaganda, all the talent you said you had waiting.

The ATTORNEY GENERAL: I think that is quite appropriate and quite correct, but I say with all emphasis, as I think I may as dispassionately and impartially as the Leader of the Opposition can speak, that the Ministry has in its first year, and as men who have not held Ministerial rank previously, made a very creditable showing. On that point I am not going to ask the Ministry itself to be the judge; that is a matter which will rest to some extent, or mainly, with the people, so we need not enter on a consideration of it at present. Regarding the portfolios, the original allotment is of course not final in any Ministry. The Ministry of the Leader of the Opposition, or the Ministries of which he was a member, were re-allocated from time to time as circumstances made it desirable, and I have no doubt the Premier will, if he thinks fit, do whatever is necessary in order to maintain the fullest efficiency of the members of the Cabinet. In doing so already he has been actuated by certain reasons, including prior experience, which seemed to him to justify what was done, and I think with very good reason, on his part.

I shall pass by the reference to respective allocations between the two Parties which contribute to the formation of the Ministry. I assure the Leader of the Opposition that

that factor is not going to be material in the consideration of this Bill by Governmental Parties. But what I do say is this: No arrangement is required to endure indefinitely simply because it is traditional. Originally we had six Ministers, as I mentioned in introducing the Bill, and the House thought fit to increase the number 22 years ago to eight. There are very few people who would deny that the complexities and difficulties of government have increased considerably in the last 22 years. It is a matter of opinion, but there are substantial grounds for suggesting that two Ministers in the Legislative Council should both have the status of principal executive officers of the Crown; that is to say, they should both have the status of Ministers carrying a full portfolio.

While it is true that the second Minister in the Legislative Council might be given a full portfolio by re-allocation that would mean a reduction of the principal executive officers in the Assembly from seven to six, I do not think that is desirable nor do I think it would meet with the support of most members of the House. I suggest in all the circumstances, in view of the wider responsibilities which seem continuously to fall on Governments, it is a reasonable proposition that there should be two full Ministers, or Ministers with full portfolios, in the Legislative Council when we have seven Ministers with full portfolios in the Legislative Assembly. The Leader of the Opposition spoke correctly of the work of Ministers. I remember in his time of office looking across at Ministers on the front bench and realising the strain they were under. I have seen them towards the end of the session looking very tired indeed.

Hon. A. H. Panton: How do we look now?

The ATTORNEY GENERAL: I am not looking at the member for Leederville, who was one of the strongest; but I venture to say that all of the Ministers who were associated with the Leader of the Opposition in Government carried a substantial burden. That is the case today and will continue to be so in the future. There are not any easy ministerial jobs.

Mr. Rodoreda: Will this Bill lessen the burden?

The ATTORNEY GENERAL: It will not, and the Leader of the Opposition was quite right in saying so. My remarks were addressed to his observations about the respective responsibilities which members of the Ministry carry. I maintain that the complexities of affairs today justify nine portfolios, and that the duties in the Legislative Council justify two portfolios being allotted to that Chamber, without reducing the number of the portfolios in the Legislative Assembly. So I would ask members to support the Bill, because we have had eight Ministers for the last 22 years and there is no reason, in the circumstances, why we should not meet the situation and have nine, including two full Ministers in the Legislative Council in the future. I hope the second reading will be carried.

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

Ayes .. .. .	19
Noes .. .. .	21
Majority against .. ..	2

## AYES.

Mr. Abbott  
Mr. Ackland  
Mrs. Cardell-Oliver  
Mr. Doney  
Mr. Graham  
Mr. Hill  
Mr. Leslie  
Mr. Mann  
Mr. McDonald  
Mr. McLarty

Mr. Reynolds  
Mr. Seward  
Mr. Sleeman  
Mr. Smith  
Mr. Styants  
Mr. Thorn  
Mr. Triest  
Mr. Watts  
Mr. Nimmo

(Teller.)

## NOES.

Mr. Brand  
Mr. Cornell  
Mr. Coverley  
Mr. Hall  
Mr. Hawke  
Mr. Hoguey  
Mr. Hoar  
Mr. Kelly  
Mr. Marshall  
Mr. May  
Mr. Murray

Mr. Nalder  
Mr. Needham  
Mr. Nulsen  
Mr. Panton  
Mr. Perkins  
Mr. Read  
Mr. Shearn  
Mr. Tonkin  
Mr. Wise  
Mr. Rodoreda

(Teller.)

## PAIRS.

AYES.  
Mr. Yates  
Mr. Wild  
Mr. Keenan  
Mr. Grayden

NOES.  
Mr. Leahy  
Mr. Johnson  
Mr. Collier  
Mr. Fox

Question thus negatived.

Bill defeated.

# **BILL—ACTS AMENDMENT (ALLOWANCES AND SALARIES ADJUSTMENT).**

## *Message.*

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

## *Second Reading.*

Debate resumed from the previous day.

HON. F. J. S. WISE (Gascoyne) [8.11]: As the Premier properly stated, this Bill is the outcome of an inquiry made into statutory salaries by a competent tribunal of standing and authority, as its members hold high positions in the public life and are well equipped to arrive at a correct decision after the fullest investigation they could make. The Premier in introducing the Bill quoted the terms of reference which were submitted to the tribunal, but he did not read the findings of the tribunal, nor the opinions expressed by it on the terms of reference and on the salaries. It is necessary that these should be recorded.

The Premier: I should have read them.

Hon. F. J. S. WISE: I do not intend to read the whole of the report, but if the Premier so desires, I will.

The Premier: I have tabled it.

Hon. F. J. S. WISE: I shall quote some extracts which are pertinent to the debate and which should be recorded alongside the Premier's statement and incorporated in mine. The tribunal said, *inter alia*—

Some statutory salaries have not been altered for nearly 50 years, and others not for 20 years although values, costs and similar attendant circumstances have changed enormously. An example is the difference between 42s., the Australian basic wage in 1907, and 105s., that today. Since 1939 there has been an increase in the rapidity of change. In the Federal Public Service an inquiry lately held with the purpose of restoring margins in salaries resulted in a decision to increase salaries by approximately 25 per cent, although in some cases, where amounts had not been varied for long periods, the percentage of increase ran to 40 per cent.

4. The committee is of the opinion that it is not practicable to restore former margins but that as a general principle there should be added to Statutory salaries the basic wage allowance which has been added to other salaries and by way of some measure of reclassification there should also be an increase of 10 per cent. vanishing at £2,000.

5. It is suggested that although salaries fixed by the Governor in Council are not within the arbit of our inquiry, consideration should be given to their adjustment in a similar way, subject to any special circumstances in a particular case.

6. As regards Ministers of the Crown, the committee is of opinion that they are very definitely underpaid. Additional factors affecting them are the increase in departments

of State over which they must exercise supervision and control, greatly augmented Governmental activities, the quadrupling of State revenues and the additional responsibilities cast on them.

7. The committee's opinion is that their salaries should be substantially increased.

8. The question of Parliamentary allowances is one difficult of estimation. It has been found impossible to adjust these on a comparable commercial basis. Consideration has been given to existing salaries, those payable elsewhere, time occupied and work done in carrying out Parliamentary duties, comparative remuneration of Parliamentary officials, inquiries elsewhere and the salaries paid to senior Public Servants with responsible duties although not actually in charge of departments.

9. Further factors taken into consideration have been the change in the character of Parliamentary representation, and payments, it being now a whole time job for which remuneration must be paid rather than a part time one in respect of which merely reimbursement of expenses is required, the increase in number of electors, the increase of State activities touching the citizen more closely and the greater consequential call on a member's time by the citizen. Another important factor is improvement in communications, particularly the use of the motor car in lieu of the railway and horse, which has not only made the Parliamentary pass practically valueless but has led the constituents of a member to expect personal attention in remote localities without much regard to questions of time, expense and convenience involved. These added services demand some measure of consideration.

10. We have been supplied with items in detail of the total expenditure of several representative members and are satisfied that they have inescapable commitments beyond those of the average citizen, and that their present remuneration has become insufficient to enable them to maintain a reasonable status in the community. We instance as these, travelling expenses, living away from home, electioneering, etc. Other items such as postage and telephones, clerical and office expenses, added entertainment, and similar expenditure might be added.

We are of the opinion that non-metropolitan members are more disadvantageously placed in respect of the totality of these matters than those representing metropolitan constituencies and should therefore receive some special allowance beyond the latter.

We are also of the opinion that members of the Council are at some advantage as compared with those of the Assembly having regard to the more limited hours of attendance in Parliament and greater length of tenure.

The portion of the report I have quoted forms the part, on which I think, the committee based its decisions, according to the evidence placed before it. It is now many months since committees of all Parties conferred as to the evidence to be tendered on

a common basis from both Houses of Parliament. The presentation of the evidence was based on actual facts and the experiences of members who had been in Parliament for years. The statement clearly shows that many men in this Parliament have, as private members, served the community for long periods, and are no better off today, financially, than when they entered Parliament. Some, according to the nature of their constituencies, are worse off.

The Minister for Education: Very definitely so.

Hon. F. J. S. WISE: That is true. I know of men who, after many years service as private members, entered the Ministry. When they first came into the House they owned their homes, but after years of careful living and giving thorough representation to their electors, had a mortgage. I am certain that the committee reached the proper conclusion on the facts presented to it. Since the tribunal is not only above reproach, but is of undoubted standing and ability, the community could, no matter what its decision, take it for granted that it was one believed in by each member of the committee as a proper assessment of the whole case.

It is with some regret that I find the Bill is not entirely in line with the committee's recommendations, which were that members of the Legislative Assembly should receive £1,000 per annum. The Bill provides that members of this Chamber are to receive £960 per annum. I think the reason advanced by the Premier was that he believed there should be equality in regard to the compensation or recompense paid as salaries or allowances in both Chambers. But that is not all the story. I am sorry I have not by me a copy of the case submitted to the tribunal. So far as I am concerned there is nothing to be hidden: all the facts presented should be made public, and I hope that any member of a committee of any Party who has in his possession a copy of the case will let the House know what was put forward. I would also like private members, who do not mind relating personal experiences, to give an indication of how difficult their circumstances have been as private members of this Parliament. I have no fault to find with the action of the Premier in amending the Agent Gen-

eral's Act, by this Bill, so as to give effect to the alteration in the Agent General's salary, although it was not in any way referred to the tribunal. But I think that this Bill should have been confined to one subject. Many objections can be raised against the practice of amending many Acts of Parliament by one Bill.

**The Attorney General:** It has been done fairly frequently lately.

**Hon. F. J. S. WISE:** I do not like the practice, and I would not like it to develop in this State. It would mean that because a Minister held the portfolios of Health and Education he could amend the Health Act and the Education Act by the one Bill. The measure before us seeks to amend four or five different Acts on the statute-book.

**The Minister for Education:** But all dealing with the one subject.

**Hon. F. J. S. WISE:** As I said, the Bill is confined to one subject so that possibly the practice is not objectionable in this instance. But even in this case it would have been better to amend each Act by a separate Bill. Having in consultation with the Leaders of the Parties opposite discussed, on behalf of members of this Chamber and of other public servants whose salaries are fixed statutorily, the matter of submitting a case to the tribunal, it is obvious I would be one to agree with its findings, whatever they were, and one who would have accepted the responsibility of presenting as quickly as possible to this Parliament a Bill to ratify the recommendations and see they were put into effect. So, without going into detail—because I hope there will be presented to this Chamber some detail of the case as presented so that its bona fides can be fully shown—I conclude by saying that I support the Bill.

**MR. ACKLAND** (Irwin-Moore) [8.28]: In speaking to this Bill I find myself in an extremely uncomfortable position. I believe that an advance in the salaries of Parliamentarians is perfectly justified, but at the same time there is a vital principle involved in the Bill. I understand that during the life of the last Parliament a committee was formed to go into the matter of putting up a case for an increase in salaries. None of the three leaders, made any reference in their policy speeches

to the fact that it was mutually agreed that whoever was in charge of the Government in the new Parliament would introduce the findings, whatever they were, of a commission that had been set up. I believe that was done with no deliberate intent. I am convinced it was not thought of during the election campaign. But as a candidate contesting an election, I agreed to represent the people of my electorate under certain conditions. Even so, I would have supported the second reading of this Bill with an amendment as to when it should become operative.

For many years I have advocated following entirely the decisions of arbitration courts. I believe the findings of the Arbitration Court should be observed compulsorily by both employer and employee. With the mutual understanding of all three Parties, that decision of the most competent Arbitration Court in the land has been upset. We have such men as the Chief Justice, the Public Service Commissioner and the President of the Arbitration Court coming to a decision upon what they thought was right and proper. Whether I believe in that decision as being right or wrong is beside the point. My opinion is that members of the Legislative Council are entitled to just as much as members of this Chamber.

**Hon. A. R. G. Hawke:** Why?

**Mr. ACKLAND:** If they do their job properly, they have just as much work to perform as have members of the Legislative Assembly. However, this Arbitration Court decided otherwise, and I think it will go down in history that Parliament, when its own interests were concerned, was not willing to abide by the findings under conditions which they would expect to be enforced upon others. I am sorry that the McLarty Government will be credited with the responsibility for this action, although it is not in reality responsible at all.

**Hon. A. R. G. Hawke:** Who is responsible?

**Mr. ACKLAND:** The responsibility attaches to all three Parties in this House. I am correct in stating that this decision was reached at a joint meeting of the Leaders of the three Parties so that the responsibility rests jointly with all three Parties.

Hon. A. H. Panton: No-one denies that.

Mr. ACKLAND: But in history it will go down that the composite Government, with Mr. McLarty as Premier, did this thing. Although I have been a member for only a few months I know as well as any other member that no representative of a constituency, especially country constituencies, can live on the present parliamentary allowance, and do his job properly. An increase in salary is justified and it is with real regret that because of the principle involved, I must oppose the second reading.

**MR. GRAHAM** (East Perth) [8.33]: Following on a discussion several years ago with a number of members—I was feeling the pinch myself—and again in July of last year, I had certain discussions with the then Premier, Hon. F. J. S. Wise. Subsequently I addressed to him a letter dated the 1st August, 1946, in which, among other things I stated—

It is submitted that it is basically unsound for members of Parliament to fix their own rates of remuneration and conditions, because—

- (a) The principle is wrong;
- (b) To my knowledge no true assessment has ever been made;
- (c) Members tend to be timid owing to public reaction in the matter of increases; or
- (d) Members could conceivably take the bit in their teeth and decide on a sum far in excess of what is warranted.

Accordingly a proposition is suggested that an independent authority should make a properly based determination after a thorough investigation.

That proposition was considered by the Government, following upon which there were consultations with leaders of other Parties. Finally a tribunal was appointed and for the purpose of submitting evidence to it a committee representative of both Houses and of all Parties of this Parliament was appointed to prepare a case. Amongst others, my Party was pleased to nominate me as one of the members, and subsequently that joint committee did me the honour of appointing me its chairman. Probably because I had had something to do with the inauguration of the idea it fell to my lot to gather evidence and draft a case. I felt exceedingly flattered when with scarcely any alteration the case as drafted by me was accepted by that committee and

submitted without any great delay to the tribunal that has been appointed.

I feel that for several reasons it is necessary that the case covering the salaries of members of Parliament should be permanently recorded and, secondly, that the public, which is unfortunately ever ready to be critical of its parliamentary representatives, should have some idea of the premises upon which the case was based. I have consulted all members of the committee that prepared the case, and they have agreed that it would be desirable to have a permanent record made and to give the public some indication of the difficulties under which members labour today, the extent of the calls made upon them, and in essence, the paltry amount that is received by them when one has regard to the all-important functions that they fulfil.

Accordingly, and whilst it will take a little time, it is my intention to read the case that was submitted, not in respect of Ministers or other officers of Parliament, but solely of the basic payment, namely, the allowances paid to members. It reads as follows:—

1. The submissions are made under three headings:—

- (a) Parliamentary salaries,
- (b) Expense allowances,
- (c) Ministerial, etc., allowances.

2. The following is advanced in support of the case for the assessment of full and sufficient Parliamentary salaries to be paid to all members of the W.A. Parliament, and whilst it is based primarily on the circumstances of Legislative Assembly members it is contended that there should be no differentiation between any members under this heading.

3. A claim, to be read in conjunction with this general case for salaries, is made for the determination of a scale of allowances to be paid to members additional to such salaries in order that they might be reimbursed as far as possible for necessary expenses incurred in the performance of their duties to their constituents, such expenses, it is contended, to be paid according to the classification of the electorates concerned, and similarly in this instance no differential treatment should be accorded to M's.L.C. as against M's.L.A. in respect to the same type of localities.

4. A further recommendation is sought in regard to emoluments to be paid to the Premier, Ministers, President of the Legislative Council, Speaker of the Legislative Assembly, Chairman of Committees, Leaders of the Opposition, Government and Opposition Whips, and any others who are called upon by either House to assume responsibilities additional to their ordinary duties as members of Parliament.

5. It is urged that Parliamentary salaries should henceforth be removed from the automatic adjustments now being made for cost of living as revealed by basic wage fluctuations.

6. In consideration of the above claims, it is pointed out that when the matter of an investigation and determination of payments to be made to members was first represented to the then Premier (Mr. Wise) in August, 1946, it was the intention that the new scales should operate as from the date of the new Parliament.

7. The amount payable to M.P.'s. in this State has never previously been assessed by an independent tribunal, any adjustments having been decided and effected by members themselves, as of course they have a right to do on this occasion also, as is generally acknowledged. Originally, Parliamentary office was regarded as an honorary service but subsequently small allowances were granted for the purpose of meeting expenses incidental to the performance of Parliamentary duties. The trend has been for this amount to be increased from time to time, as for instance in this State the first Act establishing the right to pay members was passed in 1900, making the allowance £200. In 1911, the amount was increased to £300; in 1919 to £400; in 1925 to £600, which is still the figure, except that in 1944 basic wage adjustments were added. With the exception of the depression years, when reductions were effected, all movements as will be seen have been upward.

8. Because of the increase in functions of government and the complexities of modern life, more and more calls are being made upon M.P.'s. and, whilst originally, members were almost exclusively legislators, today their activities in that direction not only cover a wider field but they are constant mediums between electors, organisations, local governing bodies, etc., on the one hand, and the Government, Departmental officers, etc., on the other.

9. One of the results of those activities is that not only is a Parliamentarian's life a full-time one in the ordinary sense, but there are scarcely any limits to the times when members' services and advice are sought on matters both personal and of public import, dealing with questions of the widest possible diversity.

10. These interminable calls naturally involve a serious sacrifice of home life. Because of the irregular hours that are involved and the constant worries imposed upon busy members, some impairment of health is frequently inflicted.

11. Whilst previously no serious attempt has been made to assess a true payment to be made to members, it is submitted that the time has long since arrived when they should be in receipt of Parliamentary salaries befitting the dignity and responsibility of the positions they occupy.

12. In addition, a scale of allowances sufficient to cover the reasonable expenses incurred in the performance of their duties should be paid as is the usual practice in the cases of

both governmental and private employees and as is specified in industrial awards. Unless these things are done, a great many citizens possessing the highest qualifications for the great task of public service will irrespective of their desire to serve be denied that opportunity for personal economic reasons. The amount at present being paid after meeting inescapable commitments is so inadequate that without other sources of income the sacrifice is too heavy to attract even many persons who are in receipt of only moderate incomes.

13. Parliamentary service in the interests of the people is one of the highest and noblest forms of public activity and it is utterly wrong that participation should involve monetary hardship or, in absolute fact, debar those who would have entirely to depend on their Parliamentary remuneration for a livelihood. Rather is it maintained that the greatest attraction and inducement should be offered so as to encourage and make possible the accession of the best talent in the community and to influence promising young citizens to submit themselves for election to Parliament.

14. It is significant that at the last State general election no less than 40 per cent. of the members of the Legislative Assembly were returned unopposed, and that, as shown in Appendix "A," the experience over the last 30 years for which figures are available has been for an average of 22.4 per cent. of the 50 seats to be uncontested. Party leaders especially could emphasise the difficulty often encountered in securing candidates, particularly suitable persons.

15. To illustrate the point in connection with the unattractiveness of Parliamentary emoluments, Appendix "B" sets out salaries received by the senior officers of the Perth City Council, which demonstrates just one group of persons who would be unlikely to seek Parliamentary honours on the score of payment alone, without taking into account considerations such as motor cars being available, superannuation, long service leave, regular hours, security, etc., which could be assessed as a substantial additional reward at present being received by them for their services, and without being confronted with a considerable outlay to be met from their own pockets to cover expenses incidental to the performance of their official duties.

16. The obligations, duties and requirements of members may be summarised as follows:—

- (a) Attending sittings of Parliament.
- (b) Constant reading, study and research.
- (c) Possessing a detailed knowledge of Acts, regulations, procedure, etc., in order to perform properly their duties to their constituents and the State generally.
- (c) Preparing authoritative material for speeches for—
  - (i) Parliament;
  - (ii) Lectures;
  - (iii) Functions and ceremonies.



- (e) Preparing Bills for presentation to Parliament involving intensive research into statistics and data from statutes of States, Commonwealth and overseas.
- (f) Receiving personal calls from constituents and consequent attention to their private and public problems.
- (g) Answering telephonic inquiries.
- (h) Attending to correspondence.
- (i) Acting as town agents for local governing bodies, organisations, etc.
- (j) Interviewing Ministers, departmental officers, etc.
- (k) Arranging and leading deputations.
- (l) Carrying out inspections.
- (m) Participating actively in the work of public organisations.
- (n) Attending functions.
- (o) Entertaining visitors.
- (p) Keeping personal contact with all parts of their electorate.
- (q) Travelling to various parts of this vast State in order to be familiar with local conditions.
- (r) Electioneering as a prelude to the next term of office.

17. It is obvious from the foregoing that it is the customary routine for members to engage in considerable night work at the end of a day's preoccupation. It can be said that their time is never their own and that they are subject to calls, day and night, at weekends, during what should be holiday periods, and whether in their homes or elsewhere.

18. Whilst the integrity and probity of members is scarcely ever questioned, they should at all times be paid on such a scale as to place them beyond outside and doubtful influences. It is maintained that they should be given such security as would enable them to enjoy absolute freedom of speech and action, and to remove from their minds the constant haunting worries and anxieties of personal financial problems.

19. Given in detail in Appendix "C", it will be seen that the period of membership of the Legislative Assembly taken over the last 47 years averages only 8.6 years, which reveals the uncertainty and insecurity which is the prospect of members. The full effect of this is appreciated when it is pointed out that a considerable number of members resign their former positions, upon election to Parliament, to which they are either unable to return or, at the best, might possibly resume but under serious disadvantages compared with the situation had they maintained continuity of service. The average duration of membership, whilst short, is still long enough to interfere with and do perhaps irreparable harm to any outside pursuit or business interest with which he was previously actively associated.

20. As a consequence of the foregoing, it can be said that the end is often heartrendingly cruel to men who have given a part of

their lives to the service of the State during which time they have conducted themselves honestly and conscientiously. In addition to which, during their period of office, members' private as well as their public activities, have possibly been subjected to the blaze of publicity and criticism which inevitably pursues public men and, incidentally, often deters the more sensitive from ever offering their services.

21. From the Acting Government Statistician figures have been secured—Appendix "D"—covering the income year 1943-44 which are the latest available and which disclose that in this State there were, at that time, 11,657 persons in receipt of incomes in excess of those received by members of Parliament who had to meet all their expenses on account of public business from the amount they were paid. Appendix "E," prepared by the Department of Labour, shows that there are, at the present time, more than 400 persons, being a charge on the State Treasury, whose incomes exceed the present gross amount paid to members.

22. Appendix "F" sets out the emoluments of the principal officers of Parliament House, as recently determined by the Public Service Commissioner. It will be noted that the Clerk of the Legislative Assembly is paid £912 per annum (and, unlike M.P.s, has no heavy out-of-pocket commitments), in addition to which he has a telephone installed at his residence for which the rent and calls are paid. He has an office to himself, he enjoys security of employment, works a five-day week, is permitted to arrive late and depart early on non-sitting days, enjoys long service leave and is entitled to superannuation. It will be seen too that all "Hansard" reporters are paid amounts in excess of the gross payment to members, these reporters receiving sums ranging from £812 up to £932.

23. The Committee is informed by the Parliamentary representatives of the Press that their weekly wages are as follows:—One in receipt of £15 5s.; two at £12 13s.; and three at £11 8s., in addition to which expenses are paid. The lastmentioned three reporters are stated to be young men of 23-24 years of age. It is further stated that it is customary for all of them to receive an average of £2 per week extra for certain articles, etc., they write for their employers in connection with their jobs. Thus it will be seen that even after putting aside for the moment all the very many obligations and duties of members as set out earlier, those who respectively are the servants, or who merely take notes of what is said in debate, are more highly paid than are the members themselves; those who have been chosen by the people to occupy high and responsible public positions, whose careers are a constant hazard and who do all the research preparatory to delivering a speech.

24. It will have been noticed that in N.S.W. a recent decision has been made to increase the Parliamentary allowance of all members of Parliament of that State to £1,375 per annum, plus a travelling allowance of £50 per annum which was instituted in 1938. Every

private member in N.S.W., therefore will receive £1,425 under the new arrangement. This is indicative of the new outlook so far as members' remuneration is concerned. The basis of this figure was determined in 1920 by Mr. Justice Edmunds, and was £875, as shown in report, Appendix "G," when, for purpose of comparison, the basic wage in this State was only £3 8s. 9d. according to the assessment made by the Assistant Registrar of the W.A. Court of Arbitration, Appendix "H," revealing, so far as the basic wage is reliable as an index, an upward movement of the cost of living of nearly 60 per cent. since that time.

25. Attention is drawn to the circumstances obtaining with regard to members of the Federal Parliament. First of all, it is recorded that whilst that Parliament exercises control over such matters as fiscal policy, foreign relations, defence, posts and telegraphs, very many social services, etc., nevertheless State Parliaments are responsible for education, establishment of industries, water supplies, power schemes, land settlement, agriculture, afforestation, mining, transport, health, police, industrial matters and other most important considerations, in respect to which they have absolute authority and accordingly occupy no position of inferiority. Furthermore, State members are always available to the people and as a consequence of being more in personal touch are called upon to deal with a great many Federal as well as State matters.

26. Members of the National Parliament are in receipt of an annual Parliamentary allowance of £1,500 in addition to which a daily allowance of £1 2s. 6d. is paid during the period the Federal Parliament is sitting. As is disclosed in Appendix "I," if the average of the last three complete years is taken as a basis, the yearly period covered by sessions is 134 days, which gives a resultant payment to members of approximately £150 annually, making their reward £1,650. (Here it might be mentioned that a member and his wife may reside at Hotel Kurrajong for a total payment of less than £4 10s. per week). In addition, a postage allowance of £96 annually is granted all members and, as these stamps are not marked, they are convertible. Local and trunk telephone calls may be made and telegrams despatched free of charge to members from either Parliament House or Federal Members' Rooms, and trunk calls are also free at any time when members are away from their homes.

27. Regarding travelling, the gold pass obtains for use on the railway system, but additional free transport by air is granted to and from Cribberra, whilst extra aerial journeys are allowed by special authority. Federal members' wives are permitted four free trips annually to the seat of Parliament, either by rail or plane. All members have a separate office, furniture and telephone provided for them and the services of a private secretary-typist who is paid in approximately £285 a year by the Commonwealth.

28. In the Federal Parliament, totalling 110 members, are President and Chairman of Committees of the Senate, a Speaker and

Chairman of Committees of the House of Representatives, 19. Ministers, two Opposition Leaders and four Whips, all of whom are a charge on the Treasury, giving an aggregate of 29 members who receive additional payments, or 26 per cent of the membership. In the W.A. State Parliament, there are the President and Chairman of Committees of the Legislative Council, the Speaker and Chairman of Committees of the Legislative Assembly, eight Ministers and one Opposition Leader, totalling 13 out of 80 members, or only 15 per cent. who are in receipt of additional moneys.

29. There are, too, in the Federal sphere, a number of Standing Parliamentary Committees, such as public works, broadcasting and so on, which provide additional opportunities to receive extra monetary payments, the rates, whilst varying, usually being £2 2s. per day whilst travelling or meeting. Apart from showing what Federal members in fact receive and are allowed, it is here sought to establish the point that the opportunities of receiving emoluments are considerably greater than apply here.

30. Apart from increased attention sought by electors, public bodies, etc., on account of the broadening of the sphere of governmental activity Appendix "J," supplied by the W.A. Chief Electoral Officer discloses the increase in the number of electors from 1905 onwards (this being the earliest from which reliable figures are available) and which reveals the extra number of persons with whom business is to be done and contact maintained by the same number of members as at earlier dates.

31. Whilst perhaps not within the ambit of the present inquiry, it should be stated that there is only one common room for members in which to work, with one telephone to this room; there is only one typist to do the work for Parliament House, and all 80 members; there is only one room in which electors might be interviewed, all meals and refreshments are paid for by members, whilst the newspaper room is part of a temporary galvanised iron structure erected about 45 years ago.

32. To conclude, it is re-stated that members occupy important public positions of dignity and responsibility; member's duties have increased and are extensive; the period of their membership is short and uncertain; allowances paid will not bear comparison with persons in many other occupations; the positions must be made more attractive in order to secure the best talent in the community—it would be deplorable for both the Parliamentary system and the community generally to have a state of affairs in these days which confined representation only to those who could afford to be part-time members; an inspiration to give even greater service would be a natural corollary to the granting of higher remuneration as the positions would be more valuable to the members themselves.

33. Further evidence will be given, if necessary, in addition to, or in elaboration of any of the points put forward.

There was then attached a claim in respect of allowances to cover the expenses of

members. This document is not lengthy, and reads as follows:—

**Expense Allowances for Members of the Western Australian Parliament.**

A statement presented by a committee of members of both Houses of the Western Australian Parliament.

In the matter of allowances to be paid members as a recoup for reasonable expenses incurred in the performance of their public duties, as an amount separate and distinct from Parliamentary salaries which are payments for work performed in the course of service to the State, it is intended to indicate a number of items comprising inescapable commitments and, at the same time, submit estimates under these different headings of what would be fair and adequate amounts to meet the average case and in accordance with the type of electorate concerned. These are set out in the Schedule attached.

It is realised that it would be impracticable for each member to submit accounts as a prerequisite to being allowed expenses, but an attempt is made to present what might be regarded as typical examples, although it is admitted that there would probably be instances where the actual commitments would be either greater or less in individual cases and under unusual circumstances.

1. Telephone.—This means of communication is indispensable for the conduct of modern business and members are obliged, in order to assist in their work, to have phones installed in their homes where the rental and call charges on account of public business are today met by members themselves. Where it is necessary for public servants to have phones at their private addresses, the rental and all local calls are paid by the departments concerned. Trunk line calls are also paid upon submission of vouchers. It is felt that at least a similar consideration should be extended to members and accordingly a flat annual amount is suggested.

2. Postages.—The present allocation of £7 10s. for metropolitan and £15 for country members for postage stamps to cover correspondence and telegrams over the year is found to be hopelessly inadequate. It might be mentioned that whereas North-West members have only a small number of constituents they are compelled to rely almost solely on telegrams and airmail postal charges. A proposed basis is set out as being reasonable in view of experience, and the fact that all Federal members each receive stamp allowances of £96 per annum.

3. Motor Cars.—Gold passes on the railways and tramways, although serving a most useful purpose when first issued, now have only a very limited use, having been largely superseded by motor transport as being more rapid and effective, and essential in order to cope with all the work of modern times. Consideration must therefore be given to the purchase, maintenance and depreciation of cars owned and used by members in the

course of their public duties, in addition to which there are the costs of licensing, insurance, petrol and oil. From time to time North-West members especially find it necessary to pay hire for vehicles. Having regard to actual experience and being guided by the agreement between the Public Service Commissioner and the Civil Service Association operating as from 17/9/1945, for privately owned motor cars used in public business, where for up to 8,000 miles annually the allowance for cars over 12 h.p. (which is the usual) is 5d. and 6d. per mile in the metropolitan area and country respectively, assessments regarded as appropriate have been made.

4. Intrastate Visits (Beyond members own electorates).—In order to be familiar with the industries, development, requirements and problems of the various parts of the State, it is essential for members to undertake periodical tours often many hundreds of miles from their homes which necessarily entail expense in travelling, hotel and incidentals. The Royal Commissioner in New South Wales, 27 years ago, determined the figure of £50 for this purpose and it is not proposed to suggest beyond this sum, notwithstanding the increase in costs since then.

5. Country members visiting remote portions of their electorates.—Whether Parliament is in Session or not, there are frequent occasions when representatives of large and scattered electorates have to pay necessary calls to distant centres and towns obliging them to incur expense for board and lodgings when they are unable to return to their homes. A modest provision is made for this commitment.

6. Equipment of Office.—As has been mentioned elsewhere, Federal members have private offices fully furnished provided free of charge to themselves, whereas the State members must find accommodation for themselves in their own homes. Apart from the question of room space, such items as writing desks, cabinets, book cases and general storage accommodation as are necessary in order to keep correspondence, files, references and other records, must be provided, and accordingly it is felt that members are entitled to some small recompense annually for the expense involved.

7. Assistance.—To cope with the work of 80 members there is only one typist available at Parliament House. Apart from delays which are unavoidable under the circumstances, which make it necessary to have work performed elsewhere, there are limitations on what may be done. For instance, it is not part of the typist's duties to make copies of lengthy folios, documents or files or to make extracts from debates, newspapers or books. There are no facilities for duplicating. As Federal members have the full time service of a secretary-typist each, who is a charge on the Treasury, it is considered it would not be out of place for a small allowance to be made to cover the cost of outside assistance which is required from time to time.

8. Donations, Etc.—Members, because of their positions, are elected as patrons of many organisations, they are called upon to present trophies, and they are expected to lend subscription lists for patriotic and charitable purposes. The N.S.W. Royal Commissioner granted an allowance of £20 per annum to each member to meet these expenses and a similar request is made here, except that, in the case of the four North-West electorates where the constituents are so few, the amount has been halved.

9. Entertainment.—It is inevitable that callers at members' homes and at Parliament House should be extended and expect the courtesy of afternoon teas, refreshments, etc., in respect to which an acknowledgment is sought.

10. Elections.—These involve payments which are made in advance for the prospect of a three-year period of Parliamentary office which may or may not eventuate. Whilst it is true that some members on occasions escape the expense, it is considered that these will be less frequent when Parliamentary allowances generally are more liberal than at present obtains. In N.S.W. the Royal Commissioner, under this heading, allowed £50 annually to each member, but the claim now submitted is for a considerably lesser amount.

11. Away-from-Home Allowances (to be paid only during the period when Parliament is in session).—These would apply only to those members whose electorates and homes are some distance from Perth and who accordingly whilst maintaining their own homes in the country are obliged during the time Parliament is sitting also to pay for lodgings in the city. Whilst it is true that they often return to their homes on non-sitting days, this factor is offset by their being compelled to come to Perth on frequent occasions when Parliament is in recess so as to interview Ministers, departmental officers, etc. Although the N.S.W. Royal Commissioner awarded 30s. a day for a period of 26 weeks, totalling £273, the proposition here is that the daily rate should be only £1 for a term of 20 weeks which is the average length of a Parliamentary session each year, thereby making the figure £140. (There would not be more than 15 members of the Legislative Assembly who would come within the ambit of this provision at the present time, although approximately 20 would probably be a fair average).

#### Schedule.

#### Estimated Annual Expenses.

Item.	Metro- politan.	Coun- try.	North- West.
1. Telephone .. ..	15	15	15
2. Postages .. ..	25	40	40
3. Motorcar .. ..	75	150	150
4. In-rustate visits ..	50	50	50
5. Country members touring their electorates ..	—	20	20
6. Equipment of office ..	5	5	5
7. Clerical assistance ..	15	15	15
8. Donations, etc. ..	20	20	10
9. Entertainment .. ..	10	10	10
10. Elections .. ..	25	30	40

Totals £240 £355 £355

11. Away-from-home allowance (some members only) .. £140

The total expenses under those headings, which were itemised, were estimated on a conservative and legitimate basis. For metropolitan members they total £240 annually, and for country and North-West members, £355 annually, with the advantage, in certain cases, of £140 annually as an away-from-home allowance. They are only a fraction of the amounts granted by the Royal Commissioner in New South Wales many years ago, when costs were far lower than they are today. I will not quote from the appendices attached to the statement submitted to the tribunal. I apologise to the Premier and members for having taken up so much of the time of the House, but I desired to have this case permanently recorded, so that it could possibly be used as a basis—perhaps in many years time—when some further adjustment is sought. I regret that the tribunal, in making its determination, did not grant separate amounts for salaries and expenses, because of the wrong impression gained by the public.

From what I have said it will be seen that the reward to members, when inescapable commitments are deducted, will range between £500 and £700 per annum. If that is regarded as a liberal salary for members of Parliament, I say it is low, but in any case there could then be no grounds for criticism or gibes on the part of the public, which I venture to say are unwarranted under the circumstances. When the various amounts are grouped there is a total of £960, and the niceties of the situation are unfortunately overlooked by the public. The tribunal has not been over-generous in its determination, because when the deductions are made in respect of unavoidable expenses, the position will obtain where "Hansard" reporters and the Clerks of Parliament will still be more highly paid than members of Parliament.

The tribunal, in other words, has said to the people of Western Australia that it is more desirable and valuable to the State that they become—I do not reflect in any respect on the officers concerned—or aspire to become "Hansard" reporters or officers of Parliament than that they should occupy seats in Parliament and seek to serve the people of the State. That is the deduction to be drawn. There is no need for me to recount the shocking conditions under which many members have had to

live, because our case has been presented, but for the edification of the public I will mention two cases for which I can vouch. There is a statement signed and attested by one member who accounts for his entire salary for the 12 months. It was possible for him to make a sum of £3 10s. only available weekly to his wife to maintain the home, clothe herself and finance everything else. That is a shocking and scandalous state of affairs. He was unable to make any better provision because of the paltry salary paid. This only goes to show that some corrective action should have been taken a considerable time ago.

I quote the case of another member—I have direct evidence—who for the past year or so, has regularly had to borrow money in order to meet his commitments. He has been able to obtain credit in anticipation of such a measure bringing about some improvement. Whilst it is true that that remedy has been in our own hands—I say this because there will be critics of this move—it is a reflection on the State that those who seek to serve in the Legislative halls, unless they have incomes from outside sources, should be in such a plight. I can verify those two instances in every respect.

Legislation is now before us designed to make some improvement. As was pointed out by the Leader of the Opposition, while the recommendations of the tribunal were that members of the Assembly should receive £1,000 and members of the Legislative Council £900, a compromise of £960 has been effected because of certain circumstances. I make no secret of the fact that I am nothing short of incensed at the situation responsible for that. I offer no criticism of the Premier or the Government, because, as everybody knows, this is entirely a non-party measure. We were informed—and I think the public might as well know this—that an undertaking was given by the leaders of the three political Parties many months ago, that, irrespective of which Party was returned to power after the elections, legislation would be introduced to give effect to the finding and report of the tribunal. Everybody knew that and was prepared to accept it. Yet we were recently advised that, if legislation in conformity with that undertaking and approved by all members at the time were submitted

to Parliament, a majority of the members of the Council, rather than have any differentiation in the rates of payment, would be prepared to defeat the Bill. The pitiable plight of a number of members of both Houses, who depend entirely upon their Parliamentary salaries compelled them in sheer desperation to accept this. As necessity was driving members, they were reluctantly compelled, because of the hard terms of the Council, to accept the situation, although with bad grace.

These are strong words, but members of this Chamber, who have been assessed by an independent tribunal as being entitled to £1,000 per annum for salary and expenses, have had to pay a price to the Council, in order to gain a portion of what we were awarded, £40 per annum out of our individual pockets. If we were prepared to bribe members of the Council, they were prepared to pass this legislation. These words are being spoken solemnly and deliberately, because a majority of those who threatened this action and compelled the Government to admit the position are the ones who have been clamorous in their criticism and condemnation of industrial workers when they have refused to abide by a decision of a properly constituted tribunal, to wit, the Arbitration Court. In our case, the tribunal was established by the consent of all parties, its decision was given, and those self-same members refused to accept the decision. It is a shocking state of affairs and I determined not to be silent on the point.

I express my appreciation to the Premier and his predecessor of the parts they have played. One regret is that this action was not taken sooner. It was my hope, as conveyed in a letter to the then Premier, that legislation would have been passed in time for the new rates to operate from the date of the election of the new Parliament. I feel that every member, because of all the circumstances, will accept the additional amount without any trepidation, and I hope that we shall not be confronted by one or a series of moralists lecturing us on the matter, and then, after the measure has been passed, stretching out their hands in no uncertain manner to receive the additional amount.

Let us be fair and honest about it. If there are certain members who have assets or other avenues of revenue, I hope they

will be decent and appreciate the dire position of those who are living, not as members of Parliament should, not as public citizens should, but on the merest breadline. This Bill seeks to alter that state of affairs and I have pleasure in supporting it. I make no apology for so doing to any member of the public, anywhere, and I feel that any member would be able to justify the provisions of the Bill.

**HON. N. KEENAN** (Nedlands) [9.24]:

I find myself opposed to a portion of the Bill and I had to ask myself whether the proper time and place to explain my views was at the second reading stage or when the Bill reached Committee. As the portion to which I find myself opposed, namely, Clause 5, is really the whole guts of the measure—if I may use a very rude word to illustrate my meaning—I thought I had better speak on the second reading.

I congratulate the member for East Perth on having made an excellent speech in support of the Bill and in putting forward every possible point that could be relied upon in the most forcible and, I candidly admit, careful way. He must have taken an immense amount of trouble to prepare the statement he has made. He must also have very carefully selected from the matter he inquired into what portion suited his case, which was quite right, and to leave out, of course, whatever portion did not suit his case. That is the proper way to make one's case. One cannot make a case with two sides of an argument because it will not persuade oneself or anybody else. One must make up one's mind, having accepted the duty of presenting a case, just which side is to be taken and then present it.

The member for East Perth has done that with great credit to himself, but I regret that he referred to the incident with another place. If the version put forward by him is correct, it amounts to a charge of common blackmail, and that is a charge which should not be made without being perfectly certain of the grounds and having every reason to believe that what one is relying on is absolutely accurate. I do not know of any facts that would vouch for the accuracy of his statement. I have heard rumours—we hear many rumours here—but have not heard anything so de-

finite as the member for East Perth has placed before us tonight. He has brought against another place a charge of absolutely blackmailing the Government and this House, because of an attitude taken or intended to be taken by members to this Bill. I also regret that portion of the hon. member's speech in which he forecast that there might be some criticism of the measure, and his endeavour to belittle any such criticism. He is entitled to do so, but it is to be regretted, because the rest of his speech was admirable, though that part was not.

I intend to criticise the measure, and desire to make my criticism as short as possible. The reasons why I intend to criticise the measure are roughly these. First of all there would appear to have been an agreement entered into between the Leaders of the three political Parties that constituted the last Parliament and again constitute this Parliament, with the addition of the two Independents. There appears to have been an agreement entered into between delegates or representatives of those three political Parties, and the agreement was entered into some time before the last general election. The Premier, in moving the second reading of the Bill, told us one of the conditions of the agreement, namely, that whichever Party was successful at the polls was to give effect to it.

Now there was a large number of members, of whom I was one, who knew nothing whatever about that agreement before the last election, nothing whatever. Certainly, had I known that there was an agreement, whether it was one I favoured or not, I would have informed the electors when I was seeking at their hands a return to Parliament. Unquestionably I would have done so, but I knew nothing whatever about it. I find also by inquiry that not another single Liberal candidate knew anything about it, and consequently not one of them spoke to the electors on the matter or asked the electors to return him with the knowledge that he intended, when returned, to do certain acts which that agreement dealt with. That is the position. The two facts which it seems to me must be immediately faced are, first, that no disclosure whatever was made to the electors at the general election in March of an agreement which was in existence at that time, and known to a certain number—certainly to the leaders

of the three Parties; secondly, there was no reason in the world why the disclosure should not have been made. I am told—it is only gossip—that some kind of arrangement was made whereby no disclosure would be made, and that the reason for that arrangement was that it might prejudice the chances of the political Party that made the disclosure. But that could not have been so, because all three would have made it.

Mr. Graham: You are wrongly informed.

Hon. N. KEENAN: I ask myself the reason why no disclosure was made when obviously it was the right and proper thing to do, and a jury was sitting in the jury box waiting for it. It was not a special occasion, involving cost, labour and time. It was the occasion of a general election and a great number of constituencies were being contested. There were three Leaders of three political Parties and yet there was no disclosure, not a hint; not a single elector in the country had any idea what was hatching.

Mr. Smith: The electors knew nothing about the Crown Suits Bill, either.

Hon. N. KEENAN: If the hon. member objected to the Crown Suits Bill on the ground that it was a piece of legislation which it was improper to bring forward without the special authority of the electors, I might have agreed with him.

Mr. Smith: I did not expect you to mention anything.

Hon. N. KEENAN: This is a matter in respect of which the electors had a right to be consulted. But what are the facts? Every single man who stood as a candidate at that election knew perfectly well the salary attached to the office he was seeking, and he offered himself on that occasion, representing himself to the electors as being willing to serve under those conditions. Yet, when he is elected, it is now suggested that he should exercise the authority given to him to vote himself a considerable increase in salary, and that within a few months of being elected.

Mr. Triat: Not vote himself the increase. That is incorrect.

Hon. N. KEENAN: No answer can be made to the point I am making. The electors did not know. The candidates were not only willing, but anxious to get elected to

the office at the known salary. Yet, within a few months of Parliament being assembled, we are asked to be parties to the arrangement whereby we will increase our salaries by a considerable sum. I do not care whether it makes me unpopular in this Assembly, but I am not going to be a party to a procedure of that kind; at any rate, not a party to it by casting a silent vote or by doing something which would not let those who, after all, look to us for guidance, know that this is not the right thing to do. There was nothing in the world to stop the three Parties from putting this matter before the electors.

Mr. Graham: What difference would that have made?

Hon. N. KEENAN: All the difference in the world, all the difference between disclosure and concealment and there is a very wide difference between disclosure and concealment. I wish to say only a few words, because I admit the member for East Perth has made out a strong case on the merits of this proposal. He quoted New South Wales and quoted New South Wales extensively; but there are other parts of Australia besides New South Wales, which at present has an unenviable reputation on account of using its authority for its own benefit in its Parliament. In Victoria, for instance, the salary of a member of the Assembly is only £500 a year. Before I quote these figures, let me tell the House that at the present time the members of this Assembly are the second highest paid members in the whole of Australia.

Mr. Leslie: We should be the highest.

Hon. N. KEENAN: Then why not at once propose that we should get £2,000 a year? Then we would be certain of being the highest; there would be no doubt about it. That just shows the morality of this House. A member has only to put his hand deeper into the public purse and draw what he wants. Let me tell the House what the salaries in the other States are. New South Wales stands by itself. I venture to say that the finger of scorn throughout Australia has been pointing at New South Wales for many months past over the manner in which it has used the opportunity in its House to vote emoluments for members. So New South Wales is the highest, £875.

Mr. Triat: The figure is out of date.

Hon. N. KEENAN: I got these figures from the Clerk of the House.

Mr. Triat: They are not correct.

Hon. N. KEENAN: The salary in Victoria is £500, in Western Australia £704—the second highest; in South Australia £600; Tasmania, of course, I do not take into account, but the salary there is £400. As I said a moment ago, the member for East Perth made out a very strong case for a rise in our salaries, but it is not a case depending on comparison with other parts of Australia. It is a case all on its own. If we attempted to make a comparison we would find nothing whatever to support it. It has been said that in the other States there are some other benefits besides the actual pay which members receive, and that therefore the salary, plus the benefits, is considerably higher, or at any rate somewhat higher, than our salary of £704. But South Australia receives no benefits whatever, and although the population of South Australia is greater than the population of Western Australia there are fewer members of Parliament in South Australia.

Mr. Graham: But this is not a case of what you and I think. It is a case of what the tribunal has determined.

Hon. N. KEENAN: The tribunal! I listened as carefully as I could to the speech of the member for East Perth.

Mr. Hoar: Have you ever tried to live on your Parliamentary salary?

Hon. N. KEENAN: I am trying to listen to everybody. I am trying to listen to suggestions here, suggestions there, suggestions everywhere. In fact, I am rather like the charge of the Light Brigade at Balaclava; I have guns to the right of me and guns to the left of me, but it is doubtful how many guns are in my favour. They all seem to be against me.

Mr. Hoar: Have you ever tried to live on your Parliamentary salary?

Hon. N. KEENAN: I have lived on far less.

Hon. A. R. G. Hawke: When?

Mr. May: It must have been a long time ago.

Hon. N. KEENAN: Does the hon. member think that I have become hungrier as I grow older?

Member: More affluent.

Hon. N. KEENAN: The Parliamentary salary is £13 10s. a week, but that is not the point. The point is that there is not a single member in this Chamber who did not fight for all he was worth to get the £13 10s., and also, of course, a position of credit and honour which is associated with being a member of Parliament. Now here, in the first session of this new Parliament, members say they want more. That does not appeal to me. I recognise that I am a very lone voice in this matter.

Hon. A. H. Panton: What are you going to do with your increase?

Hon. N. KEENAN: That is exactly the question to ask. I suppose the member for Leederville, at some time or other in his life, employed some person.

Hon. A. H. Panton: No, unfortunately I have always been employed.

Hon. N. KEENAN: I suppose at some time or other he has had somebody to do work for him.

Hon. A. H. Panton: Never.

Hon. N. KEENAN: Did he do it all himself?

Hon. A. H. Panton: Yes.

Hon. N. KEENAN: Then he is the marvel of the age.

Hon. A. H. Panton: There is no doubt about that.

Hon. N. KEENAN: The question is whether, in the first instance, the procedure which has been adopted and which led to the electors not knowing anything whatever about this matter, does not damn the whole proceeding, and whether we ought not, if we pass this measure, to delay its operation until after the next election.

Members: Oh, no!

Hon. N. KEENAN: That suggestion would not be received with any favour by members.

Hon. A. H. Panton: It would not.

Hon. N. KEENAN: On the contrary, retrospective legislation is proposed. The member for Murchison and I have frequently fought over retrospective legislation, but I do not think we shall be doing any fighting tonight. I have made what I consider to be a personal protest and I simply leave the matter in the hands of what I know is a very hostile House to me.



Hon. A. H. Panton: No. We think just as much of you.

Hon. N. KEENAN: I am sorry to say the House will not recognise what I look upon as most important, and that is the moral side of this question. There is not a member present who did not on his election enter into a contract with his electors to serve them at a certain salary.

Mr. Graham: Will you return the extra payment?

Hon. N. KEENAN: In the sense that I spend three times the amount in my electorate—

Mr. Graham: Will you return the extra amount?

Hon. N. KEENAN: If the member for East Perth will pay my expenses, I will return the whole of the salary.

Members: Oh!

Mr. SPEAKER: Order!

Hon. N. KEENAN: It is impossible to deal with a gentleman who wants you to give him back something. The question is not one of emolument, but whether this is the right way of dealing with the matter. I am certain it is not, and because of that I hope the Bill will not be proceeded with.

MR. LESLIE (Mt. Marshall) [9.46]: I am surprised that the member for Nedlands confessed he was unaware that, prior to the last election, discussions had taken place between the leaders of the three Parties with the object of appointing an independent tribunal to have adjusted what was considered at the time to be an unsatisfactory position in connection with fixed salaries and allowances, including Parliamentary allowances. I am only a humble member of my Party, but I was aware of it. I assure the hon. member there was no agreement not to disclose this matter to the electors. I suggest to him that he realise the fact that this was then merely at the stage of discussion, in embryo. Had we gone to the electors at that time and declared to them our intention of taking this action he might well today have been able to protest at our action at that stage.

If we had made an announcement prior to the appointment of the tribunal he could have suggested that we did so with a view to influencing its decision towards an in-

crease. We, as members of Parliament, believed that an increase was justified, but we had to convince the tribunal. The agreement between the Leaders was that the decision of the tribunal, whatever it was, would be implemented. The decision might have meant an increase or a decrease, and the agreement was that it would be implemented. I anticipated an increase, but had we taken the action suggested by the member for Nedlands we would have laid ourselves open to a charge of influencing the tribunal. So far as entering into a contract with the electors is concerned, I sought election knowing what what the salary was, but not what the costs of the job were.

I undertook to serve the people to the best of my ability for the remuneration then provided. If the member for Nedlands, and the member for Irwin-Moore, follow their argument to its logical conclusion they will find it means that if a person takes a job at a stated salary he could not seek an increase until he resigned, when he could make application for his job again with an increased salary.

Hon. F. J. S. Wise: Nonsense!

Mr. LESLIE: That is what is suggested. If I were a contractor and employed a carpenter there would be nothing to prevent him from going to the Arbitration Court a week after commencing his employment, and asking for an increase in wage, and accepting it if it were granted. Any person who renders service should have the right to seek reasonable recompense. I have no hesitation in approving the Government's action in this matter. I would have considered it ill-advised to have gone to the electors and said that it was our intention to appoint an independent tribunal with a view to increasing our salaries because, we would, in effect, have been telling the tribunal that we expected it to award an increase. I do not suggest that members who are concerned at the thought of accepting this increase without a prior mandate from the electors, are not sincere, but I do say if they examine the proposition they will find there is no justification for a guilty conscience.

The member for East Perth read out the case that was presented, and it undoubtedly tried the patience of members. But I agree that it should be recorded in "Hansard."

The committee prepared a case to go before judicial men and the member for Nedlands will agree that a half-prepared case in which facts and details are not considered, will not satisfy such a body of men, and two of the members of this committee are accustomed to giving judgment according to evidence. I do not mind confessing that one of the statements submitted to the tribunal was prepared by me. I also inform the House that I gave a certified statement of accounts showing the expenses in connection with my job, amounting to £408 a year. That does not include anything for me, purely expenses in carrying out my Parliamentary duties.

If the electorate of the member for Nedlands were placed in mine I would have to get a powerful magnifying glass to see it. While he can literally cover the whole of his electorate by riding in two or three trams and trolley-buses, that privilege is denied to many other members. Travelling around my electorate involves a considerable amount of cost. The hon. member also referred to comparisons made between Western Australia and the other States. The thought enters my mind—and I question the accuracy of the figures submitted—that it is a pity we did not submit those figures to the tribunal.

Hon. F. J. S. Wise: That was done.

Mr. LESLIE: If we are to receive £1,000 a year to do the job in Western Australia, then, on a comparison of the area comprised in the respective States members of the Victorian Parliament could well do their job for £150, on this comparative basis. I did what I could to assist in bringing about a just recognition of members' services. We are at least entitled to a reasonable living wage over and above the costs of carrying out our job. I have pleasure in supporting the Bill.

**HON. J. B. SLEEMAN** (Fremantle) [9.56]: I probably would not have spoken on this measure had it not been for the remarks of the member for Nedlands. It was generally understood amongst the three Parties before the last election that, no matter who was in charge of the Treasury bench after the election, a special tribunal would be appointed to go into the wages and salaries of members of the Legislative Assembly and Legislative Coun-

cil. It was not suggested that we would do as other Parliaments have done and fix our own salaries. If the hon. member did not know of that suggestion he is the best example of a Rip Van Winkle in this country that I know of. I would say that he is the only member who did not know what was proposed. He, of course, can very well object to the increase, but some members merely eke out an existence on their salaries. The member for Nedlands has an electorate which costs very little to administer. He represents the moneyed class. There is very little work entailed in looking after his electorate. The small amount we are to get is merely pin money to him. He lives, I suppose, in one of the most magnificent mansions in Perth—a £35,000 residence! Compare that with the humble homes owned by some Labour members on the crossbenches. The hon. member has two beautiful cars in which he can travel about and enjoy himself.

Mr. Reynolds: What about his £20,000 farm at York?

Hon. J. B. SLEEMAN: Yes. When he gets tired of running around in his motor-car in Nedlands he can take a trip to his country resident at York. Is it fair for a member with all that money and those privileges to say to the poorer members here who have to live on their Parliamentary salaries that they should not get this increase? Were I in the position of the member for Nedlands, I would say nothing about it. If it is passed, will he take it?

Hon. A. R. G. Hawke: That is the question.

Hon. J. B. SLEEMAN: When the Bill is being dealt with in Committee, let him make a statement on that point.

Hon. A. R. G. Hawke: Yes, that is what we want to know.

Hon. J. B. SLEEMAN: If he does not, then I propose to move for the inclusion of a clause setting out that any member who does not take the money within the first three months will not be able to get it at all. We do not want history repeating itself and some member waiting until right up till the next election, persisting in saying that he would not take the increased allowance, and then turning round and claiming his back money. That is what some have done in the Australian Parliament. What is the member for Nedlands going to

do? Will he accept it or will he tell us definitely that he will not take it now or at any future time? I notice that his great Australian Leader, Mr. Menzies, made a statement in the House of Representatives the other day that although he had not taken the increased parliamentary allowance for a long time, he thought he was justified in accepting it now.

Is the member for Nedlands going to follow along the lines of Bob Menzies, or will he say that he will not touch a penny of the increase? Personally, I will have no hesitation whatever in accepting it. We are entitled to take what the independent tribunal has recommended. We have not set out to fix our salaries for ourselves. There are no more competent men in the State than the three gentlemen who were appointed to the tribunal. I certainly hope the Bill will be passed and that before the vote is taken the member for Nedlands will declare himself and tell members whether or not he will accept the increased salary.

**Mr. Marshall:** The member for Nedlands only criticised the matter from the standpoint of members of Parliament. He did not say a word about the Supreme Court Judges and his other friends.

**Hon. J. B. SLEEMAN:** They are entitled to a rise as well.

**Mr. Marshall:** But he did not criticise them.

**Hon. J. B. SLEEMAN:** The member for Nedlands possesses not only the beautiful mansions I have referred to, his fine motor-cars and his splendid farm outside York but at one time he owned one of the most famous yachts in Western Australia. It would take four or five years of our salary to buy such a craft. Certainly the member for Nedlands has nothing to complain about at his time of life, but nevertheless he must answer the question as to whether or not he will accept the increase.

**HON. E. H. H. HALL** (Geraldton) [10.3]: Members are able to express their views regarding this measure and I hope that after 20 years of political life in Western Australia I shall not refrain from doing so. If I did after listening to the speech of the member for Fremantle, it would be because I was afraid. If I were to be afraid

of the member for Fremantle or of any other member who indulged in the personal criticism we heard from him, that, of course, would be cowardice of the worst type. I do not think anyone in Western Australia or in the Commonwealth could complain if members of Parliament desired an increase in their remuneration, considering the manner in which the cost of living is constantly increasing. I cannot think that there would be any reasonable objection to members being granted an increased salary.

Another point is that we can congratulate ourselves upon having referred this matter to an impartial tribunal, the members of which enjoy the highest respect and esteem of everyone in the State. I agree entirely with the member for East Perth in his remarks about the members of another place. I do not want to be accused of turning down those with whom it was my pleasure to serve for many years, but in that House there are those who have maintained throughout the years that any decision arrived at by a tribunal, such as that which dealt with this matter, should be regarded as sacrosanct. Nevertheless when the tribunal arrived at its decision, it has been tampered with. Irrespective of what the member for Nedlands may say, we have had information given to us by a man whose word we can accept, that a most undignified attitude was adopted by members of another place.

Personally, I would have preferred this matter to have gone by the board rather than that it should be dealt with in the unseemly and undignified manner adopted by those members. We can congratulate ourselves that we have not fixed our own rates of pay and I certainly think it is to be regretted that the tribunal's decision has been interfered with. Without reflecting upon the position of others, I say that, as a country member who for 14 years travelled by train from Geraldton to Perth in order to carry out his parliamentary duties, the amount of £50 that represents the difference between the allowance granted to country members as compared with that of metropolitan and metropolitan-suburban members, is totally inadequate. Perhaps it was because I was a member of another place—if there are those who refuse to accept my assurance, they may please them-

selves in that regard; I have nothing to gain or lose in consequence—that I had no knowledge or any idea that any action was to be taken for the purpose of increasing the salaries of the members of Parliament.

I do not know about Liberal members, but there are others associated with the Country and Democratic League apart from myself who did not have any knowledge whatever of the move. Seeing that the subject is open for review, I think the more equitable way would have been to have dealt with it by other means. In another place there are members—I do not say this in any offensive way—whose time is mostly taken up in attending to their own businesses and their parliamentary duties are just a mere sideline. On the other hand, there are those of us who rely entirely upon our parliamentary remuneration. In the circumstances, I think the matter could have been dealt with in a more equitable manner. A sum could have been fixed as the parliamentary allowance and that could be determined by the tribunal. It should be sufficient to provide for the requirements of those who had no other income.

Those who had other income could regard their parliamentary allowance as so much that they could distribute among their electors or make use of it at election time, or for any other purpose. In fixing a salary which is subject to income tax it means that we are going to receive £900 a year with the one hand and to hand out £200 or so a year with the other hand to the Commissioner of Taxation. If we had a parliamentary allowance it would then, I take it, be free of income tax. Those people who had an independent income would pay tax on such income and those with a parliamentary allowance would be tax free, which would be a much more equitable way of dealing with the position. However, the matter has now been adjudicated upon by an independent tribunal, and although I do not want to object to the Bill, despite the fact that I think it could be dealt with in a more equitable manner, I shall support the second reading.

**MR. RODOREDA** (Roebourne) [10.10]: Like the member for Fremantle, I had not intended participating in the debate but I want to deal with the statement made by the member for Nedlands. To use the ver-

naacular, that hon. member has plenty of "guts," although I cannot applaud his speech in the least detail. We have heard that speech from him before.

**Hon. A. R. G. Hawke:** Several times.

**Mr. RODOREDA:** Every time this issue comes forward for discussion, the member for Nedlands has something similar to say. If members choose to read his speeches in "Hansard," they will see that when he opposed the salary increase granted on account of the rise in the cost of living, he delivered the same type of speech, almost word for word. In reply to the member for Fremantle's observations I can inform members that the member for Nedlands did not give the House any assurance in those days that he would not accept the increase of £75. I can answer the further question for the member for Fremantle—the member for Nedlands will accept this rise.

**Hon. J. B. Sleeman:** Thank you again!

**Mr. RODOREDA:** Has he not accepted the last one, and has he not been taking it ever since it was passed? He would not give any assurance that he would not accept it in those days nor will he do so on this occasion. The member for Nedlands seems to have misinterpreted the speech of the member for East Perth. He said that the latter had put up a good case and it must have involved a lot of preparation. It was not the member for East Perth's case. The case he read out was that furnished by a committee representing all Parties in this House for submission to the independent tribunal.

**Mr. Graham:** That is the point.

**Mr. RODOREDA:** It was the case put up by the representative of the member for Nedlands among others and was connived at by them all. He did not object to the case being put up and he agreed to its being submitted to the tribunal. He agreed with others to accept the findings of the committee in conjunction with the rest of his Party. The member for Nedlands cannot say he did not know what was abroad. He has one of the keenest brains—or had until recently—in this Parliament, and can it be suggested that he knew nothing about the approach to be made to an independent tribunal? He stated that some of his own Party did not know about it either. If that is so, the member for Nedlands has condemned himself and has fallen down on his

job because apparently he was not at the meetings of his Party when the committee was formed and the whole matter was discussed 12 months ago. He certainly did not do his job if he did not attend the Party meetings, and then came here and made a fuss. He would have us believe he knew nothing about it. That is too much for one to believe.

I suggest the member for Nedlands could not help knowing that this case was under discussion and that it had been under consideration for the last 12 months. It was talked about in the corridors. Pressman knew about it, and so did everyone who came within the precincts of Parliament House. It is certainly difficult to imagine that he did not know anything about it. However, the member for Nedlands in his speech set about discussing the merits of the case. That is beyond the scope of the Bill for the present. It embodies the findings of an independent tribunal, which findings we all agreed to accept. If there is any better way of fixing parliamentary allowances than the one adopted, I do not know of it. We were certainly entitled to put up the case that the member for East Perth put up to Parliament tonight.

Mr. Ackland: We should not meddle with it.

Mr. RODOREDA: I am sorry the hon. member reminded me of that point because I had intended to ignore it. It is all very well for the member for Irwin-Moore to say that he had made a contract with his electors when he stood for Parliament. He did not know what salary he would receive if elected. If he made a contract with his electors, why did he accept any more than the amount in the supposed contract? Let him answer that. He made a contract for £600, according to himself, and has accepted £700 for a few months. Where is his contract?

Hon. A. R. G. Hawke: And his conscience!

Mr. RODOREDA: It is all very well for moralists to get up and talk about their opinions and consciences on this sort of thing.

Mr. Graham: Where is his tongue?

Mr. RODOREDA: The member for Nedlands wants us to believe that nothing was done by the Legislative Council in regard to

this matter. He said the member for East Perth's statements were blackmail.

Hon. N. Keenan: No, I said the action of the Upper House was blackmail.

Mr. RODOREDA: The member for Nedlands has said it! The hon. member denied that that was the case; he said there were no facts. He said he had heard gossip and rumours, but not about the case to be put to this Commission. If it is not the case, the Leader of his own Party can easily deny it. On that score again I find it hard to believe the statement of the member for Nedlands. I have to agree with the member for Geraldton in respect of the findings of this tribunal. The tribunal having accepted the principle that country members are at greater expense in conducting their activities than are metropolitan members—of course, it is an inescapable conclusion!—I cannot understand how men of their calibre and standing could possibly fix the miserable sum of expenses at £50.

Hon. E. H. H. Hall: Neither can I.

Mr. RODOREDA: It is beyond my comprehension and I would sooner have seen a smaller salary fixed, with decent travelling expenses attached, according to the electorate a man had to look after. I am one of the few members of this Parliament who, in the last 15 years, has brought up the question of salaries and allowances. In 1935 I spoke on the question of allowances because I discovered I could not possibly conduct the business of being member for Roebourne unless I dipped into my own capital—and I did not have a great deal of that, either! In 1935 I had an assurance from the then Premier, Hon. P. Collier, who interrupted me in the middle of a speech and said, "You have put up a very good case. I will do something about it." Unfortunately, nothing was done, and nothing has been done all through the years until now this tribunal has fixed a rate for country members. But, having accepted that principle, why they should have fixed it at £50 when having inescapable and irrefutable evidence that the expenses of country members are at least four or five times that amount on the average, I cannot understand. I welcome this Bill. It is long overdue. All I regret is that the opposition that has been displayed towards it has come from people who would not be much affected if there were no salary at all.

**THE PREMIER** (Hon. D. R. McLarty—Murray-Wellington—in reply) [10.20]: I have already made a speech on this Bill in introducing it, and I do not propose to traverse the ground again. In fact, I do not know that I would have said anything at all but for the statement by the member for Nedlands that he had no knowledge of this Bill or this proposal, and that the Party was not told anything about it. When an agreement was reached that a tribunal should be set up to go into this matter of fixing salaries, I was one of the representatives of the Liberal Party which met and made this decision. I was not the leader of my Party at that time; the leader was the member for West Perth. But I assure the member for Nedlands that the matter was mentioned not only at one Party meeting but at others.

Hon. N. Keenan: After the elections.

**The PREMIER**: No. I was referring to the last Parliament. The member for West Perth himself mentioned the fact to a Party meeting, and he asked that meeting to elect representatives to meet representatives of other Parties, and the Party representatives were elected at that meeting. So I was very surprised when the hon. member said he knew nothing about it.

Mr. Perkins: Perhaps he was not at the meeting.

**The PREMIER**: I think that must be the explanation. But I feel sure he was the only member of the Party who did not know that this tribunal had been agreed upon.

Mr. Reynolds: He has always been an outcast, though.

**The PREMIER**: I do not doubt that what the member for Nedlands says is true, but it is not the fault of the Attorney General or myself that he did not know. In fact, I thought every member of Parliament knew it. I must say that the new members of Parliament belonging to the Liberal Party did not know, because they were not here. But all Parties agreed to adopt the findings of the tribunal and it was also agreed that whichever Party formed the Government after the election would introduce this Bill. That was definitely decided. So, as far as I am concerned, I was in honour bound to bring down this legislation. It was also decided, when the different Party representatives met, that we would not agree to any rise in Parliamentary salaries as long

as wage-pegging existed. The Leader of the Opposition will remember that agreement. The member for Geraldton says he was not aware that this decision had been arrived at in regard to the appointment of a tribunal and the carrying into effect of its recommendations. But I know that the members of the Country and Democratic League also met and appointed delegates to attend the conference of appointees from the different Parties. So I wish to disclaim as vigorously as I can that there was any agreement in regard to secrecy about this matter.

Hon. A. R. G. Hawke: None whatever!

**The PREMIER**: The member for Nedlands qualified his statement by saying that gossip or rumour had said this. Well, if it was gossip, it was idle gossip, because I can give an absolute assurance to the public of this country that no suggestion was ever made at any of these meetings that there should be secrecy.

Hon. A. R. G. Hawke: The member for Nedlands should have told us where this gossip came from.

**The PREMIER**: It is no use anybody thinking a matter like this could be kept a deep secret, or a secret of any kind; because it has been talked about freely, in the House and outside, and a number of members have stated that their financial position is so acute that they are having difficulty in making ends meet, and that this matter has been of considerable interest to them. I only rose to put those facts before the House, because I felt I should do so. The member for Nedlands referred to the position in some of the other States. But they have provided a jolly good pensions scheme for themselves which we have not got!

Hon. N. Keenan: Not in South Australia.

**The PREMIER**: I think the hon. member will find they will be doing something about it in South Australia because there were a few anxious inquiries from me when I was over there. I think that even a pensions scheme is worthy of consideration so long as members do something about subscribing to it. I intend to go right through with this Bill tonight, if there is not too much obstruction, and I hope members will show their appreciation by working a fair amount of overtime so that we may get some business done.

Mr. Marshall: When are we starting a 40-hour week?

The PREMIER: That is all I have to say on the matter, though I felt I should clear up the points to which I have referred.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Perkins in the Chair; the Premier in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Construction:

The PREMIER: I move an amendment—

That in line 5 of Subclause (1) before the figure "4" the word "and" be inserted.

I would explain that later I shall move to strike out the words and figures "and of 1947" in lines 5 and 6. The insertion of the word "and" which I am moving will then be necessary to complete the sentence.

Amendment put and passed.

The PREMIER: I move an amendment—

That in lines 5 and 6 of Subclause (1) the words and figures "and of 1947" be struck out.

Amendment put and passed.

The PREMIER: I move an amendment—

That in lines 3 and 4 of paragraph (a) of Subclause (3) the words "twenty-five thousand and eight hundred and fifty" be struck out and the words "twenty-four thousand six hundred" inserted in lieu.

Amendment put and passed.

The PREMIER: I move an amendment—

That in line 15 of paragraph (c) of Subclause (3) the word "nine" be struck out and the word "eight" inserted in lieu.

Amendment put and passed.

The PREMIER: I move an amendment—

That in line 15 of paragraph (c) of Subclause (3) the figures "11,500" be struck out and the figures "10,250" inserted in lieu.

Amendment put and passed.

The PREMIER: I move an amendment—

That in line 16 of paragraph (c) of Subclause (3) the figures "25,850" be struck out and the figures "24,600" inserted in lieu.

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

Clause 5—Construction:

Hon. N. KEENAN: I wish to assure the member for Fremantle that I have not a yacht—it was sunk seven years ago. I

have not a house in the country, or a farm at York, or a house worth £38,000 in Perth.

*Point of Order.*

Hon. J. B. Sleeman: On a Point of Order, Mr. Chairman, if the member for Nedlands is entitled to mention these matters while this clause is before the Committee, I hope I will be allowed to reply to him.

The Chairman: I hope the member for Nedlands will not attempt to speak at length on this subject.

*Committee Resumed.*

Hon. N. KEENAN: I was endeavouring to correct mistakes on the part of the member for Fremantle. I would be delighted if his mistakes were facts.

Hon. J. B. Sleeman: Will you swear your house did not cost £38,000?

Hon. N. KEENAN: It may be worth a lot to a house fancier, because it has all sorts of little corners and so on in it that were very expensive. I have only one car, which is not nearly as good as that of the member for Fremantle. He missed his vocation. He should have been editor of "Punch." I would inform the member for Rockbourne that I do not believe I have lost my memory, or that I have become a partial idiot, or that I am affected in any similar manner. I know little about this matter except that there was an agreement to be discussed with other members of Parliament and that we appointed two delegates, without giving them authority to conclude any agreement. The argument of members opposite seems to be, "If you do not agree with me you must pay for disagreeing." My view is that what has been done has not been done in the proper way but, as it has been done, I will allow my constituents to benefit by it.

Clause put and passed.

Clause 6, Title—Agreed to.

Bill reported with amendments and the report adopted.

**BILL—INDUSTRY (ADVANCES).**

*Council's Amendment.*

Amendment made by the Council now considered.

*In Committee.*

Mr. Perkins in the Chair; the Premier in charge of the Bill.

New Clause: Insert a new clause after Clause 7 to stand as Clause 8, as follows:—

8. The Treasurer shall as soon as possible in each financial year submit to Parliament a return of all advances made during the preceding year, and also a return of all outstanding advances made under this Act.

The PREMIER: I do not intend to agree to the amendment. There is already provision to obtain this information from the Auditor General's report. Objection can be taken also on the ground that undue publicity would be given to the private trading of the Rural and Industries Bank.

Hon. F. J. S. Wise: It would be unfair information to give to competitors.

The PREMIER: Competitors do not have to table such information and I fail to see why the Rural Bank should do so. Such advances are guaranteed by the Treasury, and there is no risk of their being made other than as they should be. The bank has a valid objection and has intimated that it does not favour the amendment. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

Resolution reported and the report adopted.

A committee consisting of the Premier, Hon. F. J. S. Wise and Mr. Leslie drew up reasons for disagreeing to the Council's amendment.

Reasons adopted and a message accordingly returned to the Council.

**BILL—BREAD ACT AMENDMENT.***Second Reading.*

**THE MINISTER FOR LABOUR** (Hon. L. Thorn—Toodyay) [10.54] in moving the second reading said: I did not expect this session to be dealing with an amendment to the Bread Act, but such strong representations have been made to me by the Master Bakers and the Operative Bakers' Union that I felt in justice to them certain amendments should be proposed. The existing position is very unsatisfactory. A master baker who employs labour is bound by the

law to observe certain hours of baking and the union wishes to protect the employees. Non-employers of labour, including nationals of many other countries who are getting into the industry, are baking at all hours of the night and delivering whenever it suits them. If we make laws to control the hours of baking of those employing labour, the laws should apply equally to all engaged in the industry.

The bread industry is regulated by three awards issued by the Court of Industrial Arbitration and by the Bread Act, 1903-38. The industrial awards cover, respectively—

- (i) 25 miles radius of the G.P.O., Perth;
- (ii) 8 miles radius of the P.O., Katgoorlie; and
- (iii) the rest of the State.

The last amendment to the Bread Act was made in 1938 and since that time, when the provisions of the statute regarding hours of baking and holidays were more or less consistent with the awards of the court, there have been variations of the awards, in particular the commencing time of baking in the metropolitan area and Kalgoorlie of 6 a.m. and the pronouncement of the court concerning standard holidays. This has led to a position where non-employers of labour can commence baking at an early hour and operate if the court grants a greater number of public holidays than the Act prescribes. The present amendments, therefore, seek to bring about uniformity throughout the baking trade whilst adopting the principle that any variation of industrial conditions decided by the court shall be automatically the conditions which are required to be observed by the statute.

The introduction of the 40-hour week will further penalise the employer of labour to the advantage of the non-employer of labour. An amendment is proposed to the definition of "baker's holiday" by substituting a number of named days by reference to any relevant industrial award or agreement relating to the bread industry. It is desirable to keep holidays in the bread industry prescribed in the Act uniform with named holidays prescribed in the award. The provision specifying the hours of the day on which bread shall be made or baked for sale only in the metropolitan area is to be deleted, and a new clause inserted designed to make the hours of baking the



same as those which may from time to time be decided by the Industrial Court of Arbitration. Such hours by being automatically those of the statute will then govern the non-employer as well as the employer of labour throughout the industry.

Industrial awards do not provide any special time for the baking or sale of Vienna bread, but there is a special subsection—Subsection 5 of Section 12—which prescribes the hours of baking of this class of bread. It is proposed to allow those hours to stand until such time as the Industrial Arbitration Court decides whether Vienna bread shall or shall not be baked at different times to ordinary bread. The amendment suggested by the Bill is to provide for the time when the court delivers an award relating to the hours and conditions for the baking of Vienna bread. The Bill also includes a provision to prevent the sale and delivery of bread before three hours have elapsed from the time fixed in the award for the commencement of baking operations. Under the present system, employers are inclined to rush the first batch of bread in order to get their carts away before their competitors do—that is an advantage which the uncontrolled section of the baking industry has—whereas if a limit of three hours were fixed for the first batch, time would be given to bake a much more wholesome loaf which could be properly cooled before being stacked in the carts.

This provision will also tend to bring about uniformity of conditions in general fairness to the whole trade, whether or not the baker is an employer of labour. Section 15 of the Act now provides for leave privileges on a basis totally different from that granted by the court. A worker who is dismissed for misconduct is entitled to a proportion of a week's holiday pay under the Act, notwithstanding that the award provides that he is not entitled to any holiday pay whatever under the award because of his misconduct. The holiday provided in the award is two weeks, whereas in the Act it is one week, and the "proportion" provision in the award is on a different basis from that in the Act. Members will realise what a hopeless mix-up arises in an attempt to calculate proportionate holiday pay. As the award adequately protects the worker, the provision in the Act should be

repealed, particularly as it interferes with the jurisdiction of the court.

The Bill repeals Section 16, as this is unnecessary. Under the award, if Christmas Day, Boxing Day or New Year's Day falls on a Sunday it is observed on the following Monday or Tuesday, as the case may be. The provision in Section 16 that a day shall be added to the annual leave merely duplicates the holiday. The section complicates the work of the court and should therefore be repealed. As I have said, the sooner we bring about uniform hours and provide standards of baking, the better will be the relationships existing between all those engaged in the industry. I move—

That the Bill be now read a second time.

**HON. A. H. PANTON** (Leederville) [11.4]: Does the Bill apply to a radius of 25 miles from some given point?

The Minister for Labour: Yes.

**Hon. A. H. PANTON**: I welcome the Bill, because as long as I can remember, and I have been connected for a great many years with the union movement in the metropolitan area, there has been continual war waged in the baking trade because of the conflicting provisions in the Bread Act and in the industrial awards governing operative bakers and carters. Particularly has this been so in the case of bakers not employing labour and those who employed one, two or more workers. The operatives make application through the Arbitration Court and secure an award prescribing certain starting times and finishing times. The award binds certain employers, who then discover that some baker with no employees works all hours in a bakehouse within a few hundred yards of the bakers who must comply with the award. Therefore much discontent arises.

There has also been considerable difficulty over the question of holidays. Awards make provision for certain holidays, but these are thrown out of gear by various Acts. I agree with the Minister that the sooner there is uniformity in the trade the better it will be for all concerned. One point about the Bill that worries me for the moment is in connection with the definition of "Baker's holiday." I suggest to the Minister that he insert after the word "agreement" in line 3 of the definition

the words "which has been made a common rule." Certain employers and their employees may arrive at an industrial agreement which is registered in the Arbitration Court. On application, that agreement is made a common rule and it applies then to all persons engaged in the industry. If the alteration which I suggest is not made, there is the danger that, after the Bill has been passed, the position will be the same as it is now. I have much pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Perkins in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 3:

Hon. A. H. PANTON: For the reason I explained when speaking to the second reading, I move an amendment—

That in line 3 of the definition of "Baker's holiday" after the word "agreement" the words "which has been made a common rule" be inserted.

The MINISTER FOR LABOUR: I am prepared to accept the amendment.

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

Clause 3—Amendment of Section 12:

Mr. STYANTS: I would like the Minister to explain the intention of the clause. The Bill was introduced only a few moments ago, and we have reached the Committee stage without having an opportunity to compare the Bill with the Act. Are we making provision that an industrial award shall override the Bread Act?

The MINISTER FOR LABOUR: That is so. They will all come under industrial awards.

Clause put and passed.

Clause 4—New Section 12A:

The MINISTER FOR EDUCATION: I want to ask the Minister if he would be good enough to clear up a point for me. I think I understand what this means but we should all be satisfied that it means what we think. As the Act stands, Section 12 applies only to a radius of 25 miles from the G.P.O.

and eight miles from the Kalgoorlie post office. This new Section 12A, which is being inserted by Clause 4, is to replace what was part of Section 12. If this provision now becomes Section 12A, will the radius be limited as at present, or will it not be of State-wide application; and, if the latter, is that intended? I gathered from my colleague's remarks that it was intended that the whole Bill should apply to the radius of 25 miles from Perth and eight miles from Kalgoorlie, but I venture to say that, with new Section 12A, it will not be so.

Hon. A. H. PANTON: It is only dealing with Vienna bread.

The MINISTER FOR EDUCATION: The original reference to Vienna bread which was part of Section 12 is being replaced by Section 12A. Therefore, the provisions that only applied to the radii mentioned will now apply throughout the State.

The MINISTER FOR LABOUR: I give the Minister an undertaking that if it does not apply in the manner I have stated, I will have an alteration made in another place.

Hon. A. R. G. HAWKE: We have just witnessed an extraordinary occurrence. We have actually seen a Cabinet meeting held in the Legislative Assembly. We have had the experience of one Minister closely questioning another Minister about the meaning of a Government Bill.

The Chief Secretary: There is a great deal of liberty allowed.

Hon. A. R. G. HAWKE: I am not sure whether the Chief Secretary said "levity" or "liberty." I suggest that Ministers should hold meetings in the Cabinet room.

The Minister for Education: I suggest that when your colleague lets a Bill go into Committee without delay, we are at liberty to have matters cleared up.

Hon. A. R. G. HAWKE: This seems to suggest that the Bill has never been before Cabinet, or been discussed by Cabinet.

The Minister for Education: Use some more imagination!

Hon. A. R. G. HAWKE: And that, instead of being a Government Bill, it is one brought down by the Minister himself. I would like to know whether this Bill has the support of all the Government.

The MINISTER FOR LABOUR: I can assure the hon. member that the Bill went to Cabinet and has the support of the whole Government. I asked my colleague, who has a very good legal knowledge, to advise me this evening, so he has only kept faith with me.

Clause put and passed.

Clauses 5 and 6, Title—agreed to.

Bill reported with an amendment, and the report adopted.

## **BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 2).**

*Second Reading.*

Debate resumed from the 28th November.

**THE MINISTER FOR LABOUR** (Hon. L. Thorn—Toodyay) [11.20]: I am sorry after the support I received from the member for Northam on the last measure that I have to oppose this Bill. My reasons are that just recently we have held several polls in different shopping districts in connection with the hours of closing. On each occasion a lot of preparation has been involved and the Government put to expense. I introduced a small Bill to amend the Act to provide for an alteration of shopping districts because I realised that in the taking of these polls some districts were dissatisfied with the result. If we examine the position we find that they do not have much in common with the larger shopping districts concerned. Just recently a poll was held in the Cunderdin-Tammin-Meekering shopping district with the result that Cunderdin and Tammin voted in favour of altering the half holiday, and Meekering against an alteration.

My opinion—and this has also been expressed to me by the officials concerned—is that the shopping district has given its decision, and I think members will agree that the decision was made on democratic lines. It should be acceptable for the term for which it has been made. The Act provides that such a decision shall be operative for two years before the district can again apply for a poll to confirm or alter the position. That is a summing up of the Bill. I think the member for Northam appreciates, as I do, that an alteration to the boundaries of shopping districts in some

areas is essential because it is many years since alterations have been made. I adopt the attitude that this shopping district has given its decision, and it should stand for two years. If this Bill is carried it will be the forerunner of many other applications by small districts to sever themselves from the district to which they at present belong. A small district in which there are 10 or 20 business people might apply for a poll in order to get severance.

Mr. Needham: What is wrong with that?

The MINISTER FOR LABOUR: Nothing very much, but the fact is that in this case a decision has been made, and as the poll was conducted on democratic lines the result should stand for the two years laid down in the Act. We should not be put to the expense of holding another poll. I oppose the Bill.

Mr. LESLIE: I move—

That the debate be adjourned.

Motion put and negatived.

**MR. LESLIE** (Mt. Marshall) [11.25]: Because I had business outside, I did not hear the Minister's remarks, and I was anxious to know what he said.

Hon. A. A. M. Coverley: You did not miss much.

Mr. LESLIE: I feel I might have missed quite a lot. Because of circumstances that have arisen in my district, I am sympathetically disposed towards the Bill, although I know there may be objections to placing it on the statute-book. I do not see how it is possible, except by the introduction of amending legislation, to overcome the anomalies which have arisen, and have been mentioned by the member for Northam and have also occurred in my district at Goomalling. The Goomalling shopping district includes a portion of the Goomalling Road Board, the residents of which seldom carry out any business in Goomalling, and have nothing in common with the district. Their interests are Northamwards. A poll was recently taken to find out what day was wanted as closing day, and practically the whole of the remainder of the Goomalling district voted in favour of Saturday afternoon closing.

Those on the west side and on the outer fringe of this portion of the district, which is on the Northam side, voted solidly for Goomalling to retain the Saturday after-

noon shopping. As a result the ballot, by a small majority, was in favour of the Saturday afternoon shopping. That is an anomaly. While the major portion of the district that uses Goomalling, desires the shops to be closed on one day, we find people who are not very interested in it voting in another direction because of the conditions under which the poll is taken. These for and against the Saturday afternoon proposal circularised the people in the district but they omitted to do very much in the way of propaganda in the small corner with which I am concerned at the moment.

I feel certain that if a poll were taken now, and the circumstances properly explained to these people, the decision would be reversed. But we cannot do that. Those with whom I have since discussed the situation say they were not aware of the reasons why the Goomalling people wanted the Saturday afternoon closing; that they understood it was merely a small section of people who were not vitally concerned. I fear that similar circumstances might arise in other parts of my electorate. At Wyalkatchem, for instance, two smaller centres are included in the shopping district. Should those using the main shopping centre decide on a closing day, the people of the two smaller centres might wish the shops to remain open, and in that case their decision would affect the poll against the wishes of the people among whom the poll should really be held. For those reasons I support the Bill.

**HON. A. R. G. HAWKE** (Northam—in reply) [11.31]: I was disappointed at the speech of the Minister. Portion of it did not touch on the principles of the Bill at all. The only valid objection that he raised was that comparatively small groups of people in country districts might apply to have their areas proclaimed as separate shop districts. The safeguard for the Minister in that event is that no new shop district can be proclaimed unless the Minister first agrees that it should be established. It is not likely that he would do that simply because some people ask that it should be done. Whenever application was made to the Minister to establish a new shop district, he would obtain all the facts and then decide the matter on the information in his possession.

The Minister for Labour: A poll would not then be necessary.

**Hon. A. R. G. HAWKE**: Under the Bill a poll could be held within a period of two years only if the Minister did in fact establish a completely new shop district. If he considered that circumstances justified that course and decided the people should be granted the poll, why should those in the newly established district be bound by a decision made by others, perhaps six or even 18 months earlier? That would not be reasonable or democratic. I can understand the Minister having some concern at the expense involved in conducting polls, but surely he does not imagine there will be many instances in which he will establish such new districts.

The Minister for Labour: I hope not. I do not think the set-up under the Act is satisfactory.

**Hon. A. R. G. HAWKE**: It does not follow that where the Minister establishes a new shop district a poll in which those people took part will have been held during the past two years, or that the people will petition for a poll. The whole matter is completely in the hands of the Minister. If the establishing of a new shop district was compulsory on the Minister, with certain clear-cut principles, I could understand his being worried about the possibility of many polls and the establishment of many new districts being requested. However, he will be in complete control of the situation. I hope that on reconsideration the Minister will withdraw his opposition in order that the Bill, which is fair and reasonable, may find a place on the statute-book.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

### **BILLS (3)—RETURNED.**

- 1, Country Areas Water Supply.
  - 2, Agricultural Areas, Great Southern Towns and Goldfields Water Supply.
  - 3, Road Closure.
- Without amendment.

**BILL—COMPANIES ACT AMENDMENT**  
(No. 2).

*Second Reading.*

Debate resumed from the 2nd December.

**HON. E. NULSEN** (Kanowna) [11.41]: We have always been very jealous of our Companies Act and watch it very closely. The member for Irwin-Moore said the amendment proposed in this Bill is important to co-operative companies throughout the State and that they were alarmed by it. There is no need for alarm. I regard Section 147 (5) as a protection that would be helpful to the shareholders of any company. If the directors are honest they have nothing to fear, and if they offend against the Act they would be punished, as would be only just. What has frightened co-operative members and those directly concerned is that this provision comes under the Criminal Code, but that affords greater protection than otherwise, because any indictable offence must be tried by a judge and jury after the indictment has been signed by the Attorney General. Consequently, no trivial case would be brought before the court.

The provision would inflict no hardship upon anybody. Those connected with co-operative companies seem to think it would have the effect of destroying such organisations, especially the trading concerns. The Government is anxious to protect co-operative companies and so are members on this side of the House. We are all out to help them and not to handicap them. The hon. member said there were 45 co-operative trading companies with a capital of £231,000 and over 20,000 shareholders, and that they would require no fewer than 460 directors. People who would act as directors of co-operative companies would not be much more honest than those of other companies, and probably one or two would be found to be dishonest. If the directors were honest, they could protect themselves by ensuring that they had sufficient credit with the company. Generally speaking, a shareholder cannot get credit exceeding 75 per cent. of his share capital invested in the company.

The section provides that a director may have credit equal to the shares he holds in the company. We cannot afford to be too lenient and should not give an open go to

all companies. Most of us have had experience of company directors exercising great influence over managers, thereby leading to bigger contracts being made against the interests of the shareholders than the shareholders would have undertaken because they would not have the same contacts. Good, bad and unscrupulous directors will be found at some time or other. The subsection applies to all companies and all directors great or small. If a director did default, he would not be debarred from acting until brought before the court, and only for a flagrant offence would that happen.

I cannot agree that proprietary and public companies should be exempt from this provision of the Act, but I might approve of exemption for co-operative companies. I want members to appreciate that, if exemption is granted, they will have to accept their share of responsibility for granting it. Subsection (5) was inserted in this House at the instance of the then member for East Perth, Mr. Hughes. The debate on the point will be found in "Hansard" of 1942-1943 Vol. 2 at pages 2408 and 2904.

The Chief Secretary: That provision is not in the English Companies Act or in the Companies Acts of the other States.

**Hon. E. NULSEN:** It may not be, but nevertheless it affords protection to the shareholders, and there is no reason why it should not be retained.

**Mr. Leslie:** Did Mr. Hughes have it inserted?

**Hon. E. NULSEN:** Yes.

**Mr. Leslie:** That renders the provision suspect.

**Hon. E. NULSEN:** The case referred to during the debate was that of a director who had borrowed money from a company to the extent of £90,000. It was suggested that by this expedient the director in question had evaded payment of taxation on a large sum of money. These shares were valued for probate duty at £81,000, and his borrowings from the company were set down as £93,000.

The Chief Secretary: And all the shareholders agreed to it.

**Hon. E. NULSEN:** I do not know whether they did or not, but those are the facts of that case.

The Chief Secretary: It was perfectly legitimate.

Mr. SPEAKER: Order!

Hon. E. NULSEN: Whether it was legitimate or not, I do not think he was justified in evading payment of taxation. Without labouring the argument put forward in support of the subsection at the time it was inserted, the provision appears to be a necessary one so far as private and proprietary companies are concerned. Obviously, there is a conflict of duty where the director is indebted to the company in a substantial sum, and a minority of shareholders could be seriously prejudiced by a major shareholder using his power to withdraw money from the company, or avoid repaying money already borrowed. This is apart altogether from the revenue angle.

I consider that Section 147 (5) should be retained with respect to both public and proprietary companies, as otherwise it will not be possible to control the mischief which the subsection aims at controlling. I am of opinion that we can give some latitude to co-operative companies, but I am fearful of giving too much away. The provision was inserted in the Act at the instance of Mr. Hughes, a lawyer and accountant of much experience.

Mr. Leslie: "Experience" is right.

Hon. E. NULSEN: There is no doubt that he had experience. I shall later move an amendment, which I think the member for Irwin-Moore will accept, with respect to co-operative companies, giving them exactly what he asks for. I have much pleasure in supporting the second reading.

HON. J. T. TONKIN (North-East Fremantle) [11.53]: It is not my intention to delay the House long, but there are one or two observations I desire to make on the Bill. The Chief Secretary, by interjection a short time ago, said that the case referred to by the member for Kanowna was an instance where what was done was perfectly legitimate. Of course it was legitimate, as the law then stood; but the Chief Secretary will remember that when the then member for East Perth moved an amendment which would prevent such a thing happening again, and therefore make it not legitimate, he was successful in convincing the House that the amendment ought to be made.

On looking at the debates on the matter, I find that the present Minister for Education said he was in agreement with the principle of the provision, and he supported it. There was no difficulty then in having the provision inserted in the measure, because at the time what had occurred was fresh in the minds of members. The managing director of a very big concern in this State had, instead of drawing salary, borrowed substantial sums of money from the company in lieu of salary. By so doing, he was able to evade payment of taxation. He was cute enough—there is another word, but perhaps I should not use it—

The Attorney General: Astute.

Hon. J. T. TONKIN: Let it remain at that.

The Attorney General: Will you tell me how I voted?

Hon. J. T. TONKIN: The Attorney General said that he was opposed to the amendment and hoped it would be given further consideration. He said he was all for protecting any conflict of interest, but a director of a small company might hold shares to the value of £10, and inadvertently borrow £10 from the company to meet an emergency. By so doing he would render himself liable to punishment. He went on to say that the position might prove to be very hard for a director who might borrow £10 from a company. However, the Committee agreed to accept the amendment and so prevent persons from doing what had been done by the company director to whom I have just referred. The position today is somewhat altered, because the Taxation Department took immediate steps to close up that loophole. It is not possible today for a man to do what was done then and get away with it. So much for the statement of the Chief Secretary that it was legitimate! It was legitimate as the law stood then.

The Attorney General: The Taxation Department ultimately collected the full amount.

Hon. J. T. TONKIN: I should imagine the Taxation Department would pursue the matter until it got what was due to it. Although I agree with the member for Kanowna that we should have this protec-

tion, I cannot discover a similar provision in the other Companies Acts of Australia or Great Britain. Nevertheless, it does prevent something which might be all too easy in certain circumstances. We know quite well that a director, by virtue of his position, might be able to get credit beyond what was wise and prudent and beyond what would be extended to the ordinary man by the manager of a company. By so doing he might jeopardise the business of the company and therefore prejudice the interests of the shareholders. That is not a desirable state of affairs, and if it can be prevented it should be.

The companies which cause me the greatest concern in this connection are the proprietary companies which, because of their make-up, can do all sorts of things which the larger public companies find it impossible to do. However, I recognise that the Act as it stands, with this provision in it, does cause very considerable hardship or would do so—it has not operated yet—to co-operative companies; and I cannot see how with this provision in the Act co-operative companies could properly function. It is for that reason I am prepared to support the Bill so that the provision should not remain. But if the member for Kanowna can place before the Committee a satisfactory amendment which will exclude co-operative companies and at the same time provide that this shall operate in the way intended, such amendment will have my support.

**THE CHIEF SECRETARY** (Hon. A. V. R. Abbott—North Perth) [12.1 a.m.]: I have a feeling that the provision was originally inserted by Mr. Hughes for one specific purpose, and it is well-known what that purpose was. He had already addressed the House in connection with that case and it was in that connection that the provision was inserted. It might be very awkward, not only for co-operative societies, but in a good many other instances. Men are appointed directors of companies on account of their technical knowledge and their ability and they might easily get themselves into trouble as a result of this provision, which would prohibit them from trading with the companies with which they were connected. Take a farmer who is director of a machinery company. He

might have a considerable number of shares, but he could not buy any machinery on credit from the company, because he would be indebted to that company. He could not buy a tractor because he would owe the company more than the value of his shares.

Hon. J. T. Tonkin: Not if he paid for it.

The CHIEF SECRETARY: I know. If he wanted it on credit or on hire purchase he could not get it. There are other instances like that.

Hon. E. Nulsen: That would only apply if he were a director.

The CHIEF SECRETARY: That is so. Westralian Farmers happens to be a co-operative company, but a similar company that did not happen to be a co-operative concern might present the same difficulty. If a man were a director of such a company it would be impossible for him to get any credit or a reasonable amount of credit unless he was a large shareholder.

Hon. E. Nulsen: You know the position of the chairman of a road board.

The CHIEF SECRETARY: That is a different thing. I do not think this provision is needed. A director is a trustee for the shareholders and if he commits any fraud he can be made to answer for it in the courts the same as any other individual. I think that is sufficient protection. If it were not so, I should have thought that the Acts of other British Dominions and of other States would have contained a like provision. The English Act was carefully drafted and so were the Victorian and New South Wales measures, and such a provision is not to be found in any of that legislation. It is an unnecessary encumbrance in this Act and would cause more inconvenience than good. Why must we always think of the wrongdoer? Surely there is enough honesty in this country for us to allow reasonable facilities for carrying on business without provisions of this nature.

**THE ATTORNEY GENERAL** (Hon. R. R. McDonald—West Perth) [12.5 a.m.]: I think there is a good deal in what the Chief Secretary has said and when the original measure was before the House, as the member for North-East Fremantle has reminded me, I had some misgivings about the possible hardships that might arise in certain

circumstances. But I have not found any great demand for the elimination of this section or any great apprehension as to any adverse effect it might have; and I propose to take the view expressed by the member for Kanowna, that the Bill might be supported on the second reading and in Committee the opportunity be taken to eliminate co-operative companies from the penalty in this section, leaving the section otherwise applicable.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Perkins in the Chair; Mr. Ackland in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 147:

Hon. E. NULSEN: I move an amendment—

That in line 2 all words after the word "by" be struck out with a view to inserting the following words in lieu:—"adding to subsection five a proviso as follows:—"Provided that this subsection shall not apply in the case of a co-operative company registered under the repealed Acts or Part VI. of this Act.'"

Mr. ACKLAND: It was with a great deal of satisfaction that I heard that the member for Kanowna and the member for North-East Fremantle were prepared to exclude from this provision co-operative companies in Western Australia. They are doing a very real service and it would have been quite impossible for those companies to act were this provision allowed to remain. But I also realise that if this amendment is carried it will still do a lot of harm to legitimate business. Somebody said that we should think sometimes of the people who remain within the law. There are many companies which are not co-operative concerns. We have machinery firms and general trading firms, in which people have £500 to £600 worth of shares, and they want to trade with those companies in exactly the same way as the general customers. It is unjust that the directors should be placed on a worse footing than anyone else. I was, in the first instance, vitally concerned with the co-operative companies in which the directors have only a few pounds invested. We could do a great deal of injustice by excluding the other companies.

Amendment (to strike out word) put and a division taken with the following result:—

Ayes	..	..	..	..	19
Noes	..	..	..	..	15
Majority for					4

Mr. Cornell	Mr. McDonald
Mr. Coverley	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Panten
Mr. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Leslie	Mr. Triat
Mr. Marshall	Mr. Reynolds
Mr. May	(Teller.)
Mr. Abbott	Mr. Murray
Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. Seward
Mr. Doney	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Mann	Mr. Brand
Mr. McLarty	(Teller.)

Amendment thus passed.

Hon. E. NULSEN: I move—

That the words proposed to be inserted be inserted.

Amendment (to insert words) put and passed; the clause, as amended, agreed to.

Title—agreed to.

Bill reported with an amendment and the report adopted.

## BILL—CENSORSHIP OF FILMS.

### *Second Reading.*

THE CHIEF SECRETARY (Hon. A. V. R. Abbott—North Perth) [12.19] in moving the second reading said: This Bill is to provide for the censorship of cinematograph films. No legislation dealing with such censorship now exists on the statute-book in Western Australia. The only provisions giving any control over any exhibition of films are contained in the Police Act of 1892, the Indecent Publications Act of 1902, and the Criminal Code of 1913. The Police Act deals with the exhibition in any public place of any obscene book, print, picture, etc. The Indecent Publications Act of 1902 deals with the printing and distribution of obscene books, papers, writings, pictures, telegraphs, lithos; and Section 203 of the Criminal Code of 1913 provides that any person who publicly exposes for sale or exhibits any obscene book or printed mat-



ter, picture or photograph, etc., or publicly exhibits any indecent show or performance, is guilty of a misdemeanour. It will be seen that this legislation is entirely inappropriate for dealing with the censorship and exhibition of films.

The existing powers of the Commonwealth are confined to the censorship of films imported and exported, and are derived from the Customs Act. The extent to which regulations under that Act can be made and enforced is very limited. The Commonwealth has no power whatever to deal with films produced in Australia. During the last few years progress in the production of films in Australia has been much greater than was anticipated, and the National Films Board has been established by the Commonwealth to foster Australian production. The dollar situation is likely also to encourage production of films. It is thought that there will be a great increase of locally produced 16 mm. films in addition to the 35 mm. films which are of commercial size. The matter was discussed at the conference of Commonwealth and State Ministers held at Canberra on the 20th and 21st August, 1946. All States, except South Australia, agreed to enact uniform legislation dealing with censorship of films on the lines of that then existing in Victoria.

Mr. Hegney: What about South Australia?

The CHIEF SECRETARY: The Premier of South Australia said he wished to consult his Chief Secretary before giving any final decision. I have not heard what the result was. The Commonwealth Film Censorship Authorities and Appeal Authorities are to act on behalf of the States under agreements between the Commonwealth and the respective States. South Australia agreed generally with the principles of uniform film censorship. As a result of that arrangement legislation on the lines agreed upon has been carried into effect in Tasmania and Victoria, and has lately been brought before Parliament in Queensland, and I believe adopted. It is also being considered in New South Wales. This Bill is to implement the arrangement made at the conference, and as I said before, will provide for the censorship of films in Western Australia. I now propose to deal with the main provisions of the Bill. Should the Bill become an Act,

it will be administered by the Minister and subject to the Minister by the censor.

The Bill provides that any person shall not exhibit or cause to be exhibited in any picture theatre any film, save some specially exempted, until such film has been approved by the censor. The films exempted from censorship are, firstly, any film registered as exempt under the Customs (Cinematograph Films) Regulations; secondly, any film portraying solely pictures of a topical event which has happened in Australia while being exhibited in a picture theatre at any time not later than 14 days after the happening of such event; and, thirdly, any film, other than a trailer film, used solely for advertising purposes, unless the censor has specially directed that such film be submitted for his approval. The censor is given power to exempt any film from censorship. The censor may—

- (a) approve a film as being suitable for general exhibition; or
- (b) approve a film as being not suitable for exhibition before children; or
- (c) approve a film subject to such conditions as he imposes; or
- (d) refuse his approval.

Children are defined by the Act as children under the age of 16 years. The censor shall not approve of a film which in his opinion is—

- (a) indecent or obscene or likely to be injurious to morality; or
- (b) likely to encourage public disorder or crime; or
- (c) undesirable in the public interest.

The censor shall not unconditionally refuse to approve a film which in his opinion—

- (a) reproduces or adapts in good faith and with artistic merit any work of recognised literary merit; or
- (b) represents in good faith and with artistic merit any scriptural, historical, traditional, mythical or legendary story.

The Bill also provides for censorship of film advertising matter. The censor may require the applicant for the approval or the exhibitor of any film to submit for his approval any advertisement used or proposed to be used with respect to the exhibition of such film. No person is to publish any advertisement with respect to any film which has not been approved of by the censor when required to be so approved by the Act. The censor may approve of any advertisement

absolutely or subject to conditions, or reject the same. In considering any advertisement submitted to him for approval, the censor is to be governed by the same considerations as are to be observed by him in exercising his discretion in censoring films. Every advertisement is to state whether the film has been approved—

- (a) for general exhibition; or
- (b) as not being suitable for exhibition before children; or
- (c) in the case of a film approved subject to the conditions, a statement substantially setting out such conditions.

Provision has been made for use in advertisements of authorised censorship symbols to indicate the nature of the approval given by the censor. The nature of the censorship symbols is to be explained in any advertisement using them, and there is to be exhibited on the screen at every exhibition of films, in every picture theatre, prior to and during every interval in each programme, a slide in such form as will clearly indicate to the audience the interpretation of symbols to be used in connection with the advertising of the censor's approval. In addition, immediately before the exhibition of a film, there is to be projected on the screen a reproduction of the certificate of the approval given by the censor.

Any film approved by the censor as being not suitable for exhibition before children is not to be exhibited at any time before half past five in the afternoon on any Saturdays, public holidays, or week day, during the term holidays. There is provision, however, that the Minister may, subject to such conditions as he may impose, exempt any picture theatre from this provision if he is satisfied that such exemption is warranted in the public interest. Some theatres, particularly those in the city, do not cater for children at all. It is thought, therefore, reasonable to give the Minister power to authorise theatres catering only for adults exemption from such provisions. Provision is made for any person who feels aggrieved by any decision of the censor, including the imposition of any condition under the powers conferred on him, to appeal to the Minister or any person authorised by the Minister in that behalf, and upon such appeal the decision of the censor may be varied.

Every distributor and exhibitor shall register with the censor and shall from time to time furnish such returns and information as he may require. Any person who contravenes or fails to comply with the provisions of the measure shall be guilty of an offence. Specific penalties are provided in respect of the various clauses, and a general penalty of £20 is provided where none is specifically mentioned. In addition, where any person is convicted of the offence of exhibiting a film not approved by the censor, such film may be ordered to be forfeited.

It is thought advisable that there should be uniformity as far as possible of censorship within the Commonwealth, and that the Governor should have authority to arrange with the Commonwealth, in conjunction with other States, for the exercise by it of the functions of censorship on behalf of Western Australia. Therefore under the Bill power is given for the Governor to arrange with the Governor General for the exercise and discharge of the functions of the censorship of films in Western Australia by officers and authorities of the Commonwealth. Any such arrangement may be terminated by the Governor, subject to giving to the Governor General not less than three months' notice in writing. Upon termination the State would be in a position to set up its own censorship authority. This provision follows the lines adopted in the Queensland measure, while the Tasmanian and Victorian Acts provide that the censor for those States shall be the Commonwealth censor. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

## BILL—CHILD WELFARE.

### *Council's Message.*

Message from the Council notifying that it insisted on its amendments Nos. 2 and 3 now considered.

### *In Committee.*

Mr. Perkins in the Chair; the Minister for Education in charge of the Bill.

No. 2. Clause 106 (1): Delete the word "fourteen" in line 16 and substitute the word "twelve."

No. 3. Clause 107 (c): Delete the word "fourteen" in line 1 on page 36 and substitute the word "twelve."

**The MINISTER FOR EDUCATION:** The Council objected to the increase of age from 12 to 14 for street trading licenses, and, when the matter was last before us, I moved to agree to the amendments, believing that otherwise we would be only beating the air. The Council has strongly insisted that the word "twelve" be inserted and in view of all the circumstances, further objection on our part would be unprofitable. I move—

That the Assembly no longer disagrees to the amendments.

**Hon. J. T. TONKIN:** Although it goes against the grain to agree to the motion, nothing else can be done in the circumstances. One almost despairs of ever getting any worthwhile reform while the Council continues in existence. If ever there was a direction in which it was obvious some reform was necessary, this is it. We should have regard to the improvements made since it was thought necessary for school children to go to work. The Council seems to think that the sky will fall if children of 12 are not allowed to sell papers, but it is unthinkable that we should lose the Bill because of this one disagreement. Therefore I reluctantly support the motion.

Question put and passed; the Council's amendments no longer disagreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

## **BILL—IRON AND STEEL INDUSTRY.**

### *Council's Amendments.*

Schedule of two amendments made by the Council now considered.

### *In Committee.*

Mr. Perkins in the Chair; the Minister for Industrial Development in charge of the Bill.

No. 1. Clause 4 (1), page 2—Delete the word "fifty-two" in line 30 and substitute the word "fourty-eight."

**The MINISTER FOR INDUSTRIAL DEVELOPMENT:** This amendment has reference to the maximum holding of shares in a company coming under the Bill for which the Government may subscribe. The Bill originally provided that the Government should hold 50 per cent. After some

discussion in this Chamber, and because there seemed to be a consensus of opinion that the Government should have the opportunity to obtain a controlling interest, I was agreeable to making the maximum which the Government could hold 52 per cent. The Council has now seen fit to alter this to 48 per cent. I am quite prepared to accept the original provision of 50 per cent. In the hope of effecting a reasonable compromise without recourse to a conference on the subject, I move—

That the amendment be amended by striking out the word "fifty-two" and inserting the word "fifty" in lieu.

**Hon. A. R. G. HAWKE:** It is unfortunate that we have this amendment from the Council. Had there been anything of a compulsory nature in the clause about the Government's taking 52 per cent. of the share capital in any company to be formed, I could quite easily have understood the attitude of the Council, but this clause merely gives the Government the right to take up a certain percentage of the shares. In the circumstances, I am quite prepared to support the Minister in his endeavour to effect a compromise.

Question put and passed; the Council's amendment, as amended, agreed to.

No. 2. Clause 5, page 3—Add a proviso as follows:—

Provided that paragraph (a) of subclause (iii) of clause 5 of the said Agreement is and shall be deemed amended by the insertion after the words "plus five per cent." in the last line, the words "(any dispute, doubt or question between the parties arising under this paragraph shall be determined by arbitration under the provisions of the Arbitration Act, 1895, or any statutory modification thereof)."

**The MINISTER FOR INDUSTRIAL DEVELOPMENT:** The acceptance of this amendment is a comparatively simple matter, as I think members will agree. The discussion in this House on the agreement relating to Messrs. Brasserts resulted in some question as to whether the provision for fixing the cost price of iron ore which might be supplied to the Government under the agreement was effectively tied up without some provision that disputes should be determined by arbitration. I undertook at the time to despatch a cable to Brasserts in

order to ascertain if they would be agreeable to amend the agreement by including such a provision. A cable was accordingly sent and a reply has been received from the company that it was agreeable to the amendment, and this has been confirmed by the local solicitors of the company. I therefore move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

*House adjourned at 12.51 a.m. (Friday).*

## Legislative Council.

Friday, 12th December, 1947

### CONTENTS.

	Page
Assent to Bills	2733
Leave of absence	2733
Bills: Industry (Advances), Assembly's message	3733
Factories and Shops Act Amendment (No. 2), 1r.	2733
Child Welfare, Assembly's message	2733
Iron and Steel Industry, Assembly's message	2733
Acts Amendment (Allowances and Salaries Adjustment), 1r., 2r.	2734
Remaining stages, passed	2739
Bread Act Amendment, 1r.	2738
Companies Act Amendment, Assembly's amendment	2738
Mandurah Church Burial Ground, 2r., Com. report	2739
Reserves, 2r.	2740
Superannuation and Family Benefits Act Amendment, 2r., remaining stages, passed	2742
Government Railways Act Amendment (No. 1), 2r., defeated	2747
Gas Undertakings, 2r., Com.	2757
Adjournment, special	2775

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

### ASSENT TO BILLS.

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

1. Royal Style and Titles.
2. Fisheries Act Amendment.
3. University of Western Australia Act Amendment.
4. Factories and Shops Act Amendment (No. 1).
5. Native Administration Act Amendment.
6. Stallions Act Amendment.
7. Road Districts Act Amendment (No. 2).
8. Municipal Corporations Act Amendment (No. 2).

### LEAVE OF ABSENCE.

On motion by Hon. A. L. Loton, leave of absence for six consecutive sittings granted to Hon. A. Thomson (South-East) on the ground of ill-health.

### BILL—INDUSTRY (ADVANCES).

#### *Assembly's Message.*

Message from the Assembly received and read notifying that it had disagreed to the amendment made by the Council.

### BILL—FACTORIES AND SHOPS ACT AMENDMENT (No 2).

Received from the Assembly and, on motion by the Minister for Mines, read a first time.

### BILL—CHILD WELFARE.

#### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

### BILL—IRON AND STEEL INDUSTRY.

#### *Assembly's Message.*

Message from the Assembly notifying that it had agreed to amendment No. 2 made by the Council and had agreed to amendment No. 1, subject to a further amendment, now considered.