Legislative Council.

Tuesday, 21st November, 1950.

CONTENTS.

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

ASSENT TO BILLS.

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

1, State Trading Concerns Act Amendment.

2, Stamp Act Amendment.

3, Superannuation, Sick, Death, Insurance, Guarantee and Endowment (Local Governing Bodies' Employees) Funds Act Amendment.

4, Bulk Handling Act Amendment.

5, Inspection of Scaffolding Act Amendment.

6, Roads Agreements between the State Housing Commission and Local Authorities.

7, Acts Amendment (Allowances and Salaries Adjustment).

QUESTIONS.

SEEDS ACT.

As to Introducing Amending Legislation.

Hon. A. R. JONES asked the Minister for Agriculture:

In view of the many Bills before the House dealing with the agriculture protection board, vermin, fauna and noxious weeds, and as much concern is being expressed because there is no Bill covering amendments to the Seeds Act—

(1) Does the Minister consider that the Seeds Act needs amending?

(2) If so, is a Bill being prepared, or drafted, at the present time?

(3) If a Bill is being drafted, will it be in time to be dealt with during the present session?

The MINISTER replied:

(1) Yes.

(2) A Bill has been prepared.

(3) Yes, the Bill will be presented.

SUPERPHOSPHATE.

(a) As to Sulphur Supplies and Factory Capacity.

Hon. H. L. ROCHE asked the Minister for Agriculture:

(1) Does the Minister agree with the recent statement in the Press that the curtailment of sulphur supplies from U.S.A. was a limiting factor in the output of superphosphate in Western Australia?

(2) Is the Minister for Agriculture aware that the Federal Minister for Commerce and Agriculture, in "The West Australian" of the 15th November, 1950, is reported as having stated that it is lack of plant capacity and not shortage of sulphuric acid that is causing a shortage of superphosphate in Western Australia?

(3) Is the Government taking any action or exercising any pressure on super. manufacturers to achieve an improvement in plant capacity at the existing works?

(4) As according to "The West Australian" report previously referred to, the Federal Minister for Commerce and Agriculture apparently does not expect the Albany super. works to be producing for about seven years, will the Government take action to correct the general impression that these works will be producing in two or three years' time?

(5) What constructive attempt has the Government made to hasten the completion of the Albany works?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) No. A number of discussions have taken place with myself and manufacturers on this matter.

I would also point out to the hon. member that the Government has appointed Mr. Seward to go into the whole question of future superphosphate supplies.

(4) In my opinion the period before production will be four years.

(5) Arrangements were made some months ago with the managing director of Broken Hill Pty. Ltd. for priority in the supply of steel required. Directions were issued by Cabinet to Government Departments concerned to facilitate all requests which would contribute to the completion of the works and discussions have taken place between representatives of the companies concerned and Government officers regarding the provision of labour, accommodation and other matters.

(b) As to Orders, Quotas and Transport.

Hon. H. L. ROCHE asked the Minister for Agriculture:

(1) How much superphosphate is supplied in fulfilment of established quotas for 40 tons or more?

(2) What percentage does the above represent of the total orders?

(3) Since the start of the present super. delivery season, how much super. has been carried by—

(a) rail;

(b) subsidised road transport?

(4) What is the amount of the subsidy on road transport per ton mile?

(5) What is the rail freight on wool per ton mile?

The MINISTER replied:

(1) 179,000 tons.

(2) 42.6 per cent.

(3) (a) 51,309.

(b) 9,334.

(4) 2.6d. per ton mile.

(5) Average distance haul 228 miles—3.8d. per ton mile.

EDUCATION.

As to Kalgoorlie Technical School Equipment.

Hon. H. TUCKEY (for Hon. J. M. A. Cunningham) asked the Minister for Transport:

(1) Is the Minister for Education aware that his instruction that the installation of idle machinery at the Eastern Goldfields Technical School be treated as an urgent matter and proceeded with forthwith has not been carried out?

(2) Is he aware that neither the principal of the school nor the Public Works officer at Kalgoorlie has been advised of the proposed work?

(3) Will the Minister kindly investigate and advise the House of the reasons for the non-compliance with his instructions?

The MINISTER replied:

(1) The matter is being proceeded with and I am advised by the Department of Public Works that the plans and specifications have been prepared and tenders will be called in the "Government Gazette" on Friday of this week, the 24th November, 1950, and will also be advertised in the Press.

(2) and (3) The Principal, Eastern Goldfields Technical School, was informed on the 14th November, 1950, that the Principal Architect was about to call tenders for the conversion of the surplus hut to the multi-purpose workshop.

THE KAURI TIMBER COMPANY LIMITED AGREEMENT BILL, JOINT SELECT COMMITTEE.

Extension of Time.

On motion by Hon. W. J. Mann, the time for bringing up the report of the Joint Select Committee was extended to Tuesday, the 28th November.

BILLS (3)—THIRD READING.

1, Agriculture Protection Board.

Returned to the Assembly with amendments.

2, Parliamentary Superannuation Act Amendment.

Passed.

3, Commonwealth Jubilee Observance.

Transmitted to the Assembly.

BILL—VERMIN ACT AMENDMENT.

Recommittal.

On motion by the Minister for Agriculture, Bill recommitted for the further consideration of Clause 11.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 11—Repeal and re-enactment of Section 13:

The CHAIRMAN: The question is that Clause 11, as amended, be agreed to.

The MINISTER FOR AGRICULTURE: When considering this clause in Committee, Mr. Parker successfully moved an amendment in lines 2 and 3 of Subsection (3) of proposed new Section 13 to strike out the words "or any bylaw or regulation in force by virtue of this Act." Mr. Parker said that, as this was covered by the Interpretation Act, the words were not necessary, and I did not offer much opposition to his amendment. I have since consulted the Crown Law Department and have been informed that these words are generally inserted in an Act of Parliament notwithstanding the provisions of the Interpretation Act. Also, on the following page, we have similar words.

Hon. H. S. W. Parker: You have them all through the Bill.

The MINISTER FOR AGRICULTURE: Yes, we would have to strike them out in all places if we took them out of this clause. I move an amendment—

> That in lines 2 and 3 of proposed Subsection (3) the words "or any bylaw or regulation in force by virtue of this Act" struck out by a previous Committee be re-inserted.

Hon. H. S. W. PARKER: I do not want to raise arguments, but this deals with the very thing I was trying to impress upon the Minister, namely, that we do not want a lot of useless words in the Act. Although it may have been the habit in the past to insert them in various measures, it is time the practice was stopped. The Interpretation Act says that "this Act" includes any bylaw or regulation, etc. Members may recall that when I moved to strike out these words, I emphasised that point. The Crown Law Department has solemnly told the Minister that it is usual to include these words, but it has not told him that they are necessary. On the contrary, they mean nothing, whether in the Act or out of it. They make no difference to the meaning and, if I may say so, they do not constitute the best drafting. The purpose of the Interpretation Act was to simplify the wording of Acts of Parliament.

Hon. H. K. Watson: If this is to become the practice, the Interpretation Act becomes unnecessary.

Hon. H. S. W. PARKER: Exactly. My impression is that the Interpretation Act is being thrown overboard, in effect, by the Bill. However, if the Minister wants unnecessary verbiage in the Bill, that is quite all right.

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

Ayes	10
Noes	11
Majority against	1

Ayes.

Hon. G. Bennetts	Hon. J. G. Hislop
Hon. R. J. Boylen	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. Sir Frank Gibson	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. E. H. Gray
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. H. Hearn	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. R. Welsh
Hon. A. L. Loton	Hon. H. Tuckey
Hon. W. J. Mann	*(Teller.)*

Amendment thus negatived.

The MINISTER FOR AGRICULTURE: With all due respect, that was a most extraordinary vote! The clause does not make sense now, and it is a wonder Mr. Parker did not see that. Later on there is reference to "bylaw or regulation," and there is no provision for bylaws or regulations in the Bill. Those words must be taken out, otherwise the clause will be ridiculous. I shall move an amendment to the effect that in line 6 of Subsection (3) of proposed new Section 13 the words "bylaw or regulation" be struck out.

Hon. H. S. W. PARKER: Subsection (3) says that where, "by any of the provisions of this Act, or any bylaw or regulation in force by virtue of this Act, the exercise of any power or function by the Minister or the Protection Board, or the operation of any provision of the Act . . ." I do not know what "the Act" is.

The Minister for Agriculture: This Act, of course.

Hon. H. S. W. PARKER: It does not say so.

The Minister for Agriculture: Do you want it to read "the Vermin Act?"

Hon. H. S. W. PARKER: No. I want to avoid arguments arising afterwards.

The Minister for Agriculture: That is why the words were included in the subsection—to save argument, but the Committee took out the words.

Hon. H. S. W. PARKER: It is a well-known principle that the more words one includes the more arguments will be created.

The Minister for Agriculture; Then take these words out.

Hon. H. S. W. PARKER: There is a distinction between "this Act" and "the Act." The latter words have no special meaning.

The Minister for Agriculture: Then put in the words "this Act."

Hon. H. S. W. PARKER: That would make the provision read more correctly. It will be remembered that earlier in the consideration of the Bill I asked what these particular words meant.

The Minister for Agriculture: That has nothing to do with the amendment I propose.

Hon. H. S. W. PARKER: Of course it has. If the words included were "this Act," then we do not want the reference to bylaws or regulations.

The Minister for Agriculture: You are confusing the issue. You know the reference is to this particular Act.

Hon. H. S. W. PARKER: Of course, but the Interpretation Act does not. Under that statute the words "this Act" mean certain things, whereas the words "the Act" have no special meaning.

The Minister for Agriculture: Why did you not have the subsection amended?

Hon. H. S. W. PARKER: I told the Minister I was not going to amend the Bill for him.

The Minister for Agriculture: You have made a halfhearted attempt at it. Why not make a job of it and clean the position up?

Hon. H. S. W. PARKER: I have not the time. I pointed out that the whole Bill needs redrafting. I have endeavoured to help the Minister. I told him it was impossible to get a conviction under this measure. There is no special meaning attached to the words "the Act."

Hon. E. M. Heenan: Where is that to be found in the Interpretation Act?

Hon. H. S. W. PARKER: On page 161 where it states that the term "this Act" includes regulations, rules, bylaws and so on. I suggest to the Minister that he deletes the word "the" and inserts "this" in lieu.

The MINISTER FOR AGRICULTURE: I have no objection to going back and dealing with that phase. If Mr. Parker wanted to make the clause read sensibly in accordance with his ideas, he should have asked the Committee to delete the words he has in mind. I shall ask leave of the Committee to withdraw my amendment and deal with this earlier part.

The CHAIRMAN: The amendment has not been stated, so the Minister can move what amendment he likes.

The MINISTER FOR AGRICULTURE: I move an amendment—

> That in line 5 of proposed Subsection (3) after the word "of" the word "the" be struck out and the word "this" inserted in lieu.

Amendment put and passed.

The MINISTER FOR AGRICULTURE: I move an amendment—

> That in line 6 of proposed Subsection (3) the words "or that bylaw or regulation" be struck out.

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

Bill again reported with further amendments.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—NOXIOUS WEEDS.

Recommittal.

On motion by the Minister for Agriculture, Bill recommitted for the further consideration of Clauses 13, 52 and 63.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Agriculture in charge of the Bill.

Clause 13—Limitation of power to direct local authorities as to land within forty chains of untreated public land:

The MINISTER FOR AGRICULTURE: I move an amendment—

> That in line 3 the word "forty" be struck out and the word "twenty" inserted in lieu.

I do not intend to go into the arguments advanced by other members in regard to this matter, because I agree that the distance of 40 chains is too great.

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

Clause 52—Power to levy noxious weed rate:

The MINISTER FOR AGRICULTURE: In line 6 of Subclause (1) the word "secondary" appears. I desire to have that word removed, because local authorities have power under the Act to impose a weed rate and not necessarily one for secondary weeds. In Clause 8 there is reference to a noxious weed rate and the use of the word "secondary" in this instance is inconsistent. I move an amendment—

> That in line 6 of Subclause (1) the word "secondary" be struck out.

Hon. H. S. W. PARKER: This clause appears in Part VII of the Bill of which the heading is "Secondary Noxious Weeds." If the word "secondary" is to be struck out of this clause, it will need to come out of the heading, otherwise there will be confusion and argument. The Interpretation Act provides that the divisions of an Act are part of the Act although the marginal notes are not. Here we have a part of a measure dealing purely with secondary noxious weeds.

The Minister for Agriculture: This clause deals with the rate.

Hon. H. S. W. PARKER: Yes, but it must be a rate for secondary noxious weeds. The heading of Part VII refers to secondary noxious weeds, and if the word "secondary" is taken out of this clause it might interfere with the whole scheme of that part of the measure.

The MINISTER FOR AGRICULTURE: In line 1 of the next subclause there is reference to noxious weeds. Why did the hon. member not object to that? It must either be everywhere or nowhere at all. Perhaps we should remove the word "secondary" from the heading of Part VII. But I do not think that is necessary. This part of the Bill deals, generally speaking, with secondary noxious weeds, but Clause 52 deals with rating.

Hon. H. S. W. PARKER: The Minister asked me why I did not raise this point. I did raise it and asked him whether it was the intention to impose a rate for noxious weeds generally or only for secondary weeds. My recollection is that he said that for primary noxious weeds certain funds were provided, but that for secondary noxious weeds rates would be struck. If that is so, the heading of Part VII is correct, because it relates to secondary noxious weeds. Again I refer to the Interpretation Act at page 167, in which it is provided that the headings of parts, divisions and subdivisions of an Act shall be deemed to be part of the Act, but that marginal notes shall not. It may be recalled that I pointed out that the marginal notes here are wrong.

My interpretation is that every reference here to noxious weeds would be to secondary noxious weeds. I am not going to be bound by that opinion but it may be that the court will say, "I do not know what it is." I am inclined to think that when a rate is struck for noxious weeds it will be queried. I would rather it was not and that the position was made plain and straightforward. I issue a warning to the Minister because I do not know whether he desires a rate for secondary noxious weeds or for primary and secondary weeds. If it is for both, then obviously Part VII is wrongly headed.

The MINISTER FOR AGRICULTURE: The whole intention is that a local authority can strike a rate for noxious weeds. Clause 8 indicates that.

Hon. H. S. W. Parker: There is no definition of a noxious weed.

The MINISTER FOR AGRICULTURE: But there will be. It will be done by an order of the Governor and also by declaration.

Hon. H. S. W. Parker: He can only do it for primary or secondary weeds.

The MINISTER FOR AGRICULTURE: If that is so, there is no purpose in this Bill. There is provision here to prescribe noxious weeds. If we are going to start that sort of thing we might as well let the whole Bill go. To make sense, the word "secondary" should come out of this clause because it conflicts with Clause 8. It will be most confusing if the word "secondary" is not deleted and all sorts of arguments could crop up. I say this clause should apply to all noxious weeds.

Hon. Sir CHARLES LATHAM: I am beginning to get very muddled. From my reading of Clause 8 it has reference only to Part III and not to Part VII. Part VII deals with secondary noxious weeds and there is provision to levy a noxious weeds rate.

The Minister for Agriculture: You think there would be a special rate for land under the local authorities' control.

Hon. Sir CHARLES LATHAM: There are two rates provided. Part III deals with noxious weeds and Part VII with secondary noxious weeds. I feel sure they are two distinct matters.

The MINISTER FOR AGRICULTURE: An officer of the Crown Law Department showed this to me and said that an error had crept in and we ought to remove the word "secondary" from Clause 52. In my opinion there will be only one noxious weed rate imposed by the local authorities but according to Sir Charles Latham there will be at least two different rates.

Hon. Sir Charles Latham: That is so.

The MINISTER FOR AGRICULTURE: I do not think that is advisable at all. I would be loath to give power to local authorities to impose two noxious weed rates. In this case I am acting on the advice of the Crown Law Department. Therefore, I am asking members to agree to the amendment.

Hon. Sir CHARLES LATHAM: If the Minister finds that the views expressed by members are contrary to the advice he has received, surely he will not give effect to the Bill until it is straightened out. I feel sure the two different parts make provision for two different rates. Therefore the Minister should hold up the Bill until such time as the matter has been cleared up.

The Minister for Agriculture: You could still impose one rate.

Hon. Sir CHARLES LATHAM: Yes, but I am afraid the Minister is giving power to impose two rates.

Hon. L. A. LOGAN: All through Part VII there is reference to powers under the part, the heading of which is "Secondary Noxious Weeds."

The Minister for Agriculture: It has reference to rating, too.

Hon. L. A. LOGAN: Yes, but Clause 52 comes under Part VII and refers to the rating to deal with secondary noxious weeds.

The MINISTER FOR AGRICULTURE: I still think the word "secondary" should come out. Look at Subclause (2) of Clause 52 where it states, "the noxious weeds rate." It does not say, "secondary noxious weed rate." If we do not take out the word "secondary" we will have to put it in in several other places.

Hon. L. A. Logan: No, I think we have to alter Part VII altogether.

The MINISTER FOR AGRICULTURE: I am acting on the advice of the Crown Law Department. If we are going to leave the word "secondary" in Clause 52 we will have to insert it in several other places. I maintain there is to be only one rate and that is for noxious weeds.

Hon. N. E. BAXTER: I refer the Minister to Clause 51 where the words "secondary noxious weeds" occur. We cannot have it in one place and not in another.

Hon. J. G. HISLOP: Clause 53 gives a local authority power to levy a supplementary noxious weeds rate. If the word "secondary" is taken out it will give the Minister power to permit a local authority to declare a rate to cover noxious weeds which will include both primary and secondary. If that amendment is agreed to, Clauses 51 and 52 could be put into a separate part known as Part VIII which would have reference to rates. I think that would clarify the whole position.

Hon. H. S. W. PARKER: This Part should say that noxious weeds shall include both primary and secondary noxious weeds, or either, or include primary, or secondary noxious weeds or both. There is a definition of "primary" and "secondary" noxious weeds but there is no definition of "noxious weeds." There is also power for the Governor to declare "primary" or "secondary" noxious weeds but not "noxious weeds." That is where the flaw has arisen. I suggest that the Minister might go into the matter a little further.

The MINISTER FOR AGRICULTURE: I think there is something in what Mr. Parker says. Also, there is something in what Mr. Baxter says and the word "secondary" should also come out of Clause 51, because it does not make sense if it is in one clause and not in another. I would like to see the word "secondary" taken out of Part VII.

Hon. H. S. W. Parker: You have no definition of "noxious weeds."

The MINISTER FOR AGRICULTURE: Noxious weeds must be either secondary or primary.

Hon. H. S. W. Parker: But it does not say so.

The MINISTER FOR AGRICULTURE: According to Mr. Parker we would have to put in a definition of "noxious weeds." Personally, I would be quite prepared to chance it and take out the word "secondary" where it appears here.

Hon. J. G. Hislop: Then you cannot leave it in Part VII.

The MINISTER FOR AGRICULTURE: Take it out of Clauses 51 and 52.

Hon. J. G. Hislop: And put Clauses 51 and 52 in a separate Part?

The MINISTER FOR AGRICULTURE: No, I do not think so. If we take out the word "secondary" then the clause refers to noxious weeds. We could get advice from the Crown Law Department to see whether we should put in a definition to state that "noxious weeds" cover both primary and secondary weeds, but it is obvious that it could not be anything else. Can I, Mr. Chairman, withdraw this amendment and move to strike out the word "secondary" in Clause 51?

The CHAIRMAN: This Committee can deal only with clauses for which the Bill has been recommitted. We can take out the word "secondary" from Clause 52 and the Minister can have the Bill again recommitted for the further consideration of Clause 51.

The MINISTER FOR AGRICULTURE: No, I would ask that leave be given to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 63—Limitation of power to direct owner or occupier of private land as to land within forty chains of untreated public land:

The MINISTER FOR AGRICULTURE: I move an amendment—

> That in line 4 the word "forty" be struck out and the word "twenty" inserted in lieu.

The reason for this is to obtain uniformity.

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

Bill again reported with further amendments.

BILL—CONSTITUTION ACTS AMENDMENT (No. 3).

Second Reading.

HON. SIR CHARLES LATHAM (Central) [5.33] in moving the second reading said: This is a very short Bill which contains only two clauses. The purpose of it is to liberalise the franchise and to make slight amendments to Section 15 of the Constitution Act. As members know, in dealing with the qualification of electors Section 15 (1) of the Act provides one of them as follows:—

> Has a legal or equitable freehold estate in possession situate in the Electoral Province of the clear value of £50 sterling.

As will be seen, the word "sterling" is used. That would increase the amount of Australian currency considerably. I think the intention of the Act as originally passed was that the £50 sterling should be £50 Australian as it was at that time. I believe if a case were submitted to the court, the judge would have to give a ruling that £50 sterling would be considerably in excess of the amount we allow now and I desire to liberalise it by bringing it down to Australian currency.

The Minister for Agriculture: We will support that.

Hon. Sir CHARLES LATHAM: I think it will be supported generally. That also has application in paragraphs (2) and (3).

I propose to delete paragraph (2) and provide in its place something a bit more generous reading as follows:—

> (2) Is a householder of a dwelling house or self-contained flat, the clear annual value of which dwelling house or flat is seventeen pounds.

I propose to provide that a self-contained flat shall be considered on the same basis as a house and, that instead of £17 sterling, the value shall be £17 Australian. I think members will agree in that respect. The next amendment is in regard to paragraph (5) where I propose to add after the word "pounds," the words "or of the unimproved value of not less than fifty pounds." Paragraph (6) reads—

> The Electoral List of any Road Board District in respect of property within the Province of the annual ratable value of not less than seventeen pounds.

This makes no provision for a person who holds unimproved blocks of land, which is previously provided for in paragraph (1), to a clear value of £50. Therefore I propose to insert the words "or of the unimproved value of not less than fifty pounds." It will then read "the annual ratable value of not less than seventeen pounds or of the unimproved value of not less than fifty pounds." This will cover those who have blocks of land worth £50 as provided previously. In order to go further and deal with the question of self-contained flats, I have provided for an amendment to the last paragraph of the section which deals with naturalisation. This reads as follows:—

> In this section "naturalised subject" means a person who has obtained a certificate of naturalisation under the laws of the United Kingdom, or under the laws of the Commonwealth, or any State of the Commonwealth, and whose certificate of naturalisation is still in force and has been in force for at least twelve months before making the claim.

I propose that this shall be amended to stand as subparagraph (i). I think members generally have been of the opinion that immediately a person has naturalisation papers he is entitled to have his name on the roll. That is not so. The person must have had his naturalisation papers for 12 months before he is entitled to be on the roll. I propose to add new subparagraphs as follows:—

> (ii) "householder" of any dwelling house or of any self-contained flat means the person responsible for the payment of the rent, and whose usual place of abode is at such dwelling house or self-contained flat;
>
> (iii) "self-contained flat" means part of any structure of a permanent character which is a fixture of the soil and ordinarily capable of being used for human habitation, provided such part is separately occupied for such purpose and has no direct means of access to, and is structurally severed from, any other part of the structure, which is occupied for a similar purpose by any other person, and has separate sleeping, cooking and bathroom accommodation.

This will liberalise to a certain extent the franchise of such people desirous of having their names on the roll. I would like to make a further comment or two.

I notice that the leading newspaper which has a monopoly in this State is all for issuing instructions to members of this House. I have very strong objection to that being done. After all this House is elected by the people.

Hon. E. M. Heenan: By about one-sixth of them.

Hon. Sir CHARLES LATHAM: The people who are property-owners and have property to the rental value of £17, or have a piece of vacant land worth £50, and also practically any married person—all of them are entitled to have a vote for this House. I object to the practice of the newspaper inasmuch as the leader writer is only one individual, and while he may express himself, I take strong exception to his dictating to this House what it should do. I hope members, irrespective of their views, will take no notice of what is said by this newspaper.

The Minister for Agriculture: Any paper is entitled to make suggestions.

Hon. Sir CHARLES LATHAM: It is entitled to express itself but not to say that the Legislative Council should do this or should do that.

The Minister for Agriculture: Papers can say that.

Hon. Sir CHARLES LATHAM: It is very often an embarrassment to a member who is going to introduce a Bill when a newspaper tells the Minister what he should put in. I object to that. We have a great responsibility in this House and we are prepared to accept that responsibility.

Hon. E. M. Hennan: It depends on the view it takes.

Hon. Sir CHARLES LATHAM: The next point to which I wish to refer is the attitude of another place to this House. I have been associated with politics for 30 years and, irrespective of the party in power in another place, I contend that this House has always given it a fair deal. If we are to be the mouthpiece of another place, then the sooner this House is abolished the better. I know that might be the view of members who are not in this House, but may belong to a party to which some who are here also belong.

Hon. E. M. Heenan: How do you connect this with your Bill?

Hon. Sir CHARLES LATHAM: Because I hope to liberalise the franchise—

Hon. E. M. Heenan: Do not make me laugh!

Hon. Sir CHARLES LATHAM: I know it is very difficult to make the hon. member laugh.

The Minister for Agriculture: To which Bill do you refer when you talk about the newspaper?

Hon. Sir CHARLES LATHAM: The Milk Act Amendment Bill.

The Minister for Agriculture: Why connect it up with this measure?

Hon. Sir CHARLES LATHAM: I am not connecting it up. I have no desire to oblige the Minister to do something if he does not wish to be so obliged. Whatever may be said about the representation of this House, I would say that on the adult franchise applying to the Senate—that is, one man one vote—though this House has been in existence many more years than the Senate, we have never had the obstruction that has prevailed in the Senate in the last 10 months. If we adopt adult franchise, I cannot see that we shall be better off, and from experience I should say that the sooner we realise the value of our franchise the better. We have men here representing various sections of the people and they can follow their own ideas, or the ideas they represent—

Hon. E. M. Heenan: I wish you would give us some information on the Bill.

Hon. Sir CHARLES LATHAM: I have already explained that, and if the hon. member did not listen, it is not my fault. I desire to liberalise the franchise, and I hope members will support it. I do not want to say much more, as I shall have an opportunity of replying to the debate, but I hope consideration will be given to the amendments I propose. I move—

That the Bill be now read a second time.

HON. L. CRAIG (South-West) [5.45]: I congratulate Sir Charles Latham on having introduced the Bill. I consider it to be a sensible measure except in one respect.

Hon. Sir Charles Latham: I never have been perfect.

Hon. L. CRAIG: No-one is perfect. The Bill expresses the real views of a majority of members in regard to this House. In effect, it brings a flat within the definition of a house. When the Legislative Council was constituted, no such things as flats existed. Today, a flat is a modern house, and Sir Charles has introduced a Bill to establish that as a fact. That is quite sensible. What I disagree with is the proposal to delete the word "sterling" from the qualification. I do not think that would be wise. When £17 was established as the amount of the rental qualification, money had a value. In those days, a substantial house could be rented for £17 a year, but today it would be impossible to get a garage for £17 a year.

Hon. Sir Charles Latham: I said I was proposing to liberalise the qualification.

Hon. L. CRAIG: Why liberalise it?

Hon. E. H. Gray: To make it more democratic.

Hon. Sir Charles Latham: Yes.

Hon. L. CRAIG: By deleting the word "sterling" from the Act, we shall make the amount £17 Australian—

Hon. Sir Charles Latham: That is so.

Hon. L. CRAIG: —and that amount would not pay the rent for an outhouse. I think we should at least retain in the Act the word "sterling." I should say that in terms of Australian money, the amount should be at least £40 a year, or 15s. a week, and what sort of a house can be rented for that amount? Yet the proposal in the Bill is to make it lower still. What sort of a place could be rented nowadays for £17 Australian? None at all. The hon. member is really asking that anyone who lives in any house not being of canvas should be qualified to vote for the Council. I do not think that is the view of members generally. I think it is recognised that the franchise for the Council is a property one, and that it represents people who have some stake in the country, who have their roots here and have some responsibility.

Hon. E. M. Heenan: What about the man who has a wife?

Hon. L. CRAIG: I am speaking of the property franchise. If we do not believe in a property franchise, there is no reason why we should not scrap the qualification and have a Senate basis. If a wife has a stake in the country other than her husband, she is qualified to vote for this House. The qualification is not restricted to males; it is restricted to those who have a stake in the country. Members should be determined and should not remove the property franchise. If we abolish the property franchise, I shall have completely lost interest and would agree to the franchise for this House being fixed on the same basis as that for the Senate.

Hon. J. A. Dimmitt: You seem to be speaking on another Bill.

Hon. L. CRAIG: No, I am speaking on the proposal in this Bill to ease the existing franchise. I am very serious in this matter. Sterling has a 25 per cent. higher value than has the Australian pound, and we shall be easing the franchise if we delete the word "sterling" from the Act. In no circumstances should the franchise be eased. Those are my views, and they are

views that I have always expressed. Otherwise, the franchise should be on the same basis as that for the Senate.

Members may have it either way, but they cannot have it both ways. It must be a property or not a property franchise. Eliminate property from the franchise and there will be no argument in favour of denying the franchise to any human being. Another Bill before the House has relation to giving wives the franchise. The other amendment making it definite that a flat is a modern house will bring the Act up to date. Nowadays, to rent a flat costs as much as, and often much more than, a house.

Hon. E. H. Gray: The occupier of a flat can be enrolled now.

Hon. L. CRAIG: That is open to argument. The Bill will eliminate any ground for argument on that score, as it will establish the right to regard a self-contained flat as a separate dwelling. I hope that Sir Charles will agree to the striking out of the word "sterling."

Hon. J. A. Dimmitt: That is what the Bill proposes.

Hon. L. CRAIG: I want members to disagree with the inclusion of the word "sterling" in the Bill so that it will be retained in the Act. Am I right or wrong?

Hon. G. Bennetts: Wrong!

Hon. H. C. Strickland: Right!

Hon. L. CRAIG: There we have two sterling characters and different opinions. The Bill has some merits, as I have indicated. Let us amend the measure to establish a self-contained flat as a dwelling, but include nothing else in the Bill.

HON. E. M. HEENAN (North-East) [5.53]: To my mind, neither Sir Charles Latham, who introduced the Bill, nor Mr. Craig, who has just spoken, dealt with the measure. They really dealt with proposals contained in another measure that we debated last week. I was astonished that Sir Charles should have advanced the argument he did because it was entirely extraneous to what is set forth in the Bill. Mr. Craig desires to retain the word "sterling" in the Act for the sole purpose, as he has frankly admitted, of further cramping the franchise instead of extending it. I hope that the Bill will not be supported for that purpose.

The only other provision of consequence deals with the definition of a self-contained flat. I remind members that the Act which it is proposed to amend became law in 1899.

Hon. L. Craig: And at that time £17 was the figure for the franchise.

Hon. E. M. HEENAN: Since then, minor amendments have been made, but the point I wish to stress is that over all those years there has been a legal definition of the term "flat."

Hon. H. S. W. Parker: No, there has not.

Hon. Sir Charles Latham: The definition has been varied from time to time.

Hon. E. M. HEENAN: I will repeat my statement; there has been a legal definition of the term "flat" and, for years and years, persons occupying flats of a certain standard and paying rent of a certain denomination have been classed as householders. That is in consequence of a ruling by the Crown Law Department that has never been questioned.

Hon. L. Craig: The amendment proposed in the Bill will legalise it.

Hon. E. M. HEENAN: This will further complicate the position. If Mr. Craig had had experience of getting flat-dwellers on the roll, he would know that the present definition is restrictive.

Hon. L. Craig: I never put anyone on the roll. People have to get on the rolls themselves.

Hon. E. M. HEENAN: Then the hon. member is one of the more fortunate members. I assure the House that the definition of "self-contained flat" is a dangerous one. Presumably, it is designed to enable people in large blocks of flats to get on the roll, and to that extent I have no argument with it, but on the Goldfields there are many flats that do not conform to the standard recognised in Perth, and this definition would deprive occupants of those flats of the qualification.

Hon. E. H. Gray: Why not amend it?

Hon. E. M. HEENAN: Why not be satisfied with the definition which has stood the test of time, which all of us should understand, and under which the people of this State have worked for the last 50 years?

Hon. Sir Charles Latham: Fifty years?

Hon. E. M. HEENAN: Yes.

Hon. Sir Charles Latham: For those flats?

Hon. E. M. HEENAN: Yes.

Hon. Sir Charles Latham: I say that is wrong.

Hon. L. Craig: It is wrong all right!

Hon. Sir Charles Latham: I know when the first ruling was given, and it was nothing like 50 years ago.

Hon. E. M. HEENAN: These people did not become entitled to a vote by virtue of the ruling; they were entitled to it immediately the law was enacted. It was passed in 1899, and it provided that householders were entitled to a vote. Some years later the Crown Law Department, when called upon, confirmed the opinion that a person who was occupying a flat or portion of a house which was separate from the rest, and was paying the equivalent of rent, was a householder. Why tamper with that? The Goldfields members have

not had the happy experience that Mr. Craig has enjoyed. I am sure we all envy him. We have to put people on the roll, and study the qualifications.

Hon. L. Craig: There are 7,000 people in my province.

Hon. E. M. HEENAN: I would be ashamed to represent a province where that was the case, because there are 7,000 people in the hon. member's province who had nothing to do with sending him here. If that is a satisfactory state of affairs, or if anyone can draw satisfaction from it, I shall be surprised. Mr. Craig places great emphasis on property—this sacrosanct word "property." Well, I respect property, but there was a time in my life when I, and many others, did not own any, but we were citizens. Many young fellows who fought for the country do not own property, but they have what I call a stake in the country, and I respect them. I think they are just as entitled to a vote for this Chamber as is the man who owns the biggest property in the North-West or the South-West of the State.

Hon. H. S. W. Parker: That is not in the Bill.

Hon. E. M. HEENAN: I am dealing with a point raised by Mr. Craig, and it is implied in the measure.

Hon. L. Craig: I did not mention soldiers.

Hon. E. M. HEENAN: The hon. member said that no-one must have a vote for this Chamber unless he owns property.

Hon. L. Craig: It is a property franchise. You must admit that.

Hon. E. M. HEENAN: It is at the present time.

Point of Order.

Hon. J. A. Dimmitt: On a point of order, Mr. President, we have departed a long way from the Bill. The debate has drifted considerably. The Bill simply deals with the giving of a vote to a flat-dweller. We are roaming all round the country, and dealing with the franchise generally.

The President: I suggest to Mr. Heenan that he carry on with the Bill. I have allowed a considerable amount of latitude in dealing with the franchise generally.

Debate Resumed.

Hon. E. M. HEENAN: When I transgressed, I was dealing with flats. I urge the House to defeat the Bill because it contains little or nothing of merit that I can see. It sets out in an inadequate manner to give a legal definition of a self-contained flat whereas we already have a definition which has stood the test of time. This is an amendment to the Constitution, and it is important in that regard alone. I say, without heat or bitterness towards anyone, that e have a restricted franchise, and if is the wish of Parliament that it be co. nued, I shall have to be satisfied.

I have conti ally urged the extension of the franchi because I honestly and sincerely believ hat it would be for the betterment of g rnment which, in these days, we have t keep on improving. It is unsatisfactory have all these people off the roll. I c not think anyone will dispute that state nt. We heard it from Mr. Craig this a rnoon and from Mr. Baxter the other t ht. The measure will only tend to compl te still further a set-up which the peo do not understand. Some, through ignc nce, are not on the roll, some because t y are not interested, and some because t ir members are not interested in putting em on.

Hon. Sir Charles L. iam: It should not be the function of a ember to do it.

Hon. E. M. HEENAN: That is my point. It should not be the nction of anyone to put them on. The q lifications should be so simple and readi understood that all people entitled to rolment would know, and get themselve n the roll. That position does not exist t y. We have a multiplicity of qualificatic —at least eight —and I submit that some embers of this Chamber do not fully app. iate or understand them, and the ma in the street certainly does not. The lefinition of "flat," contained in the B. will further complicate the position. I ddition, the Bill contains little or nothi of merit.

HON. H. HEARN (Metropc an) [6.10]: Bearing in mind that Mr. H enan is so satisfied with what has hapi ed during the past few years with reg l to flats, it would be as well for the Hou to realise that it is time we had a de nition. I happen to be a resident o Lawson, where there are 32 flats, and e lowest rent is approximately £200 a yea Under the Crown Law ruling, or the existing franchise, not one of the occu ants of Lawson flats is entitled to a vo as an occupier.

Hon. E. H. Gray: They would not be under this, either.

Hon. H. HEARN: Yes, they woul The definition clarifies the issue. What have said about Lawson applies to many other buildings in the State. Therefore, I think the Bill has some merit.

HON. H. S. W. PARKER (Subur. n) [6.11]: I am pleased the Bill has en introduced. The question of flats has lways been a bugbear to everyone. I can t understand Mr. Heenan objecting to e measure, because it only clarifies what l s been going on. It states—

> "self-contained flat" means part any structure of a permanei character which is a fixture of th

soil and ordinarily capable of being used for human habitation, provided such part is separately occupied for such purpose and has no direct means of access to, and is structurally severed from, any other part of the structure which is occupied for a similar purpose.

The Crown Law ruling is that a dwelling can only be a structure used for the purpose of habitation and so on, and with a separate entrance to the street. The Bill only clarifies what is said to be the law now. There is a question as to whether it is the law; but it is a Crown Law ruling and is acted upon. Mr. Heenan said the Bill was making confusion worse confounded, but I do not think it is; it is clearing up the position and making it simpler. In endeavouring to find out whether a person was on the roll we might say, "Do you occupy a flat?" and he might reply, "Is my accommodation a flat or is it not?"

Hon. L. Craig: Lawson flats could not be registered under this.

Hon. H. S. W. PARKER: I think so. The Crown Law Department has given a ruling, and judging from the various remarks made in the Chamber from time to time, I think that members would be pleased to have the law settled and not left to the whim of some lawyer who happened to be occupying the position of Solicitor General. By this measure we would have it fixed, and not have to rely on the whim of a particular lawyer. I believe the measure will make the qualifications clearer and the position much simpler. I support the Bill.

HON. N. E. BAXTER (Central) [6.13]: I agree with the part of the Bill which deals with flats, but, like Mr. Craig, not with the deletion of the word "sterling" from the Act. I feel that the wise men of 1899 had a good reason for including the word "sterling". They probably visualised the day when our £ would not be worth the £ of their day. I think we would be foolish to delete the word "sterling," and I intend to oppose that portion of the Bill at a later stage. I also wish to refer to that part which states—

> Is a householder of a dwellinghouse or self-contained flat, the clear annual value of which dwellinghouse or flat is seventeen pounds.

I suggest to the hon. member who introduced the Bill that he has left out certain words which I think are necessary, and they are "within the province" which I believe should be inserted after the words "self-contained flat." Those words have a bearing on a person's qualification to be enrolled, and I ask the hon. member to give consideration to their inclusion.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. N. E. BAXTER: Before tea I was suggesting to the sponsor of the Bill that he should consider placing in Clause 2 a few words that apparently were included in the original draft of the legislation, the words in question having relation to the occupant of the house or flat, as well as provision that the person concerned should be within the province. I think that is essential to the qualification for enrolment. When Mr. Heenan was speaking he said there were about eight qualifications for enrolment. Most of us have seen them as laid down by the Electoral Department, and I think anyone with a reasonable sixth standard education could understand what is meant or implied in the posters appearing at post offices, or the qualifications as printed on the back of enrolment cards. A person who could not understand them would not, I think, be interested in becoming enrolled.

Hon. E. M. Heenan: Can you explain what an equitable freeholder is?

Hon. N. E. BAXTER: I would say he was a person who had an equal freehold right in a property. The hon. member may have legal terms for it, but that would be my idea of it as a layman. I think it would mean having a reasonable freehold interest in a property up to the value of a certain figure.

Hon. E. M. Heenan: You are very far off the mark.

Hon. N. E. BAXTER: That may be so, but it would be sufficient to apply for enrolment, though one's application might not be accepted. I do not think one would be summonsed for any breach through having made a mistake such as that. I do not think we need worry about details of that kind—

Hon. E. M. Heenan: But you said that anyone with a sixth standard education could understand it.

Hon. N. E. BAXTER: I should say he would know what he was doing in that respect in the matter of enrolment. Mr. Heenan objected strongly to the definition of "self-contained flat" and said that the Crown Law Department had given a definition of "a flat." I do not know whether that definition will mean much to the Electoral Department. My experience has been that it does not take much notice of definitions but sticks strictly to the letter of the Act. Officers of that department, particularly in country places, stick strictly to the Act. I think that if one went to a country electoral office the officer there might refuse to accept an application for enrolment with regard to a flat unless a definite definition was laid down in the Act. A properly worded definition should be included, and not just some ruling of the Crown Law Department which may be laid aside and forgotten.

Hon. H. Hearn: What was the ruling of the Crown Law Department in that regard?

Hon. N. E. BAXTER: Mr. Heenan did not give it, but merely said there had been such a ruling. If he was certain of it he should have quoted the ruling. This provision does give a definition of a self-contained flat, and I support that portion of the Bill; but I can see no good in deleting the word "sterling" from the original legislation.

HON. E. H. GRAY (West) [7.35]: Sir Charles Latham is to be congratulated on bringing down this Bill, which is a step in the right direction.

Hon. A. L. Loton: Which is the right direction?

Hon. E. H. GRAY: The direction which makes the franchise more democratic and more accessible to decent people, instead of confining it to a minority of the population. I do not object to the deletion of the word "sterling" because, although it does not mean very much, it is a gesture of goodwill towards the people.

Hon. H. Hearn: A Christmas box!

Hon. E. H. GRAY: That provision can well remain in the Bill, but I object to the definition of a self-contained flat, as I have had a great deal of experience of flats. I say that most of the modern flats in Perth would not qualify their occupiers for enrolment under this definition. Lawson flats would not come within the terms laid down on the Bill.

Hon. H. Hearn: Yes, they would.

Hon. E. H. GRAY: As Mr. Heenan explained it, for the last 25 years any set of rooms with a separate entrance would comply with the requirements.

Hon. J. M. A. Cunningham: A separate external entrance from the street?

Hon. E. H. GRAY: Yes. All this definition will do will be to shut out hundreds of people, particularly in the Goldfields districts and in portions of Fremantle. It is obvious, with the shortage of materials nowadays, that a great many flats will not be provided with separate bathroom and cooking accommodation.

Hon. A. L. Loton: Why do you want a bathroom?

Hon. E. H. GRAY: If the hon. member is supporting the Bill he will say flats must have bathrooms, but it is the practice, particularly in seaside areas and on the Goldfields, for two or three families to share the same bathroom accommodation. I will support the second reading of the Bill but will move an amendment when the measure is dealt with in Committee.

HON. H. C. STRICKLAND (North) [7.40]: I believe this Bill is necessary in order to clarify the definition of "a flat," but it does not give the broad franchise that Sir Charles would have members believe it will. There is certainly in the measure intention to broaden the franchise a little by deleting the word "sterling," but from the property point of view—in relation to flats—I think its effect will be to tighten up the franchise. I have not had a great deal of experience in regard to enrolments, but the magistrate at Broome, when dealing with the definition of "a flat" looked up some regulations and, as far as I can remember, said that a flat must be similar to a semi-detached house in that it must have a separate entrance from the street.

Hon. Sir Charles Latham: That is so.

Hon. H. C. STRICKLAND: If we accept the definition in the Bill the premises will have to be semi-detached, because they will need to have separate cooking and bathroom accommodation. There are probably already enrolled many people who are paying perhaps 50s. per week rent for flats that are not self-contained to that extent. Such persons may be sharing bathroom accommodation or using a community kitchen.

Many people are not sufficiently fortunate as to occupy flats with separate bathrooms and kitchens and this provision of the Bill could well mean that many persons already enrolled would have to be struck off the roll. I believe there would be few flats in my province that would come within this definition. As I have said, the ruling of the magistrate at Broome was that a flat must have separate ingress and egress to and from the street. Unless this provision is broadened, it will disfranchise many persons who are paying high rents for so-called flats today, because those flats are not self-contained to the extent required by the Bill.

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

Ayes	21
Noes	3
Majority for	18

Ayes.

Hon. G. Bennetts	Hon. A. L. Loton
Hon. L. Craig	Hon. W. J. Mann
Hon. J. Cunningham	Hon. H. S. W. Parker
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. J. A. Dimmitt	Hon. H. C. Strickland
Hon. E. H. Gray	Hon. H. Tuckey
Hon. H. Hearn	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. G. B. Wood
Hon. Sir Chas. Latham	Hon. R. J. Boylen
Hon. L. A. Logan	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. E. M. Heenan
Hon. J. M. Thomson	*(Teller.)*

Question thus passed.
Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; Hon. Sir Charles Latham in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 15:

Hon. L. CRAIG: I hope the Committee will agree to delete paragraph (a) which deals with the word "sterling."

Hon. Sir Charles Latham: It is only a term.

Hon. L. CRAIG: If that were so, the Bill would have a better chance of passing another place if the Bill were confined to a householder and a self-contained flat.

Hon. Sir CHARLES LATHAM: I understand that Mr. Craig proposes to ask for the deletion of paragraph (a). The hon. member cannot do that because the question is that Clause 2 be agreed to. If he wishes to delete this paragraph he will have to move an amendment accordingly, otherwise he should vote against the clause.

Hon. L. CRAIG: In that event, I move an amendment—

That paragraph (a) be struck out.

Hon. Sir CHARLES LATHAM: I will not ask for a division on this proposal but I hope the Committee will not pass the amendment. The word "sterling" has become an obsolete word and the definition in the dictionary states that it refers to English currency and not Australian.

Hon. L. Craig: That is all the more reason why the paragraph should be struck out and the Act left as it is.

Hon. Sir CHARLES LATHAM: The point is that there may come a time when the court will be asked to decide what is meant by "£17 sterling" and it will say that it means roughly £21 in Australian money.

Hon. H. S. W. Parker: It will call the bank manager in.

Hon. Sir CHARLES LATHAM: Yes, and he will say what I am saying that £17 sterling is £17 Australian money plus 25 per cent.

Hon. L. Craig: You want to take that out.

Hon. Sir CHARLES LATHAM: Yes, and instead of having a value of £21 it will be only £17 in Australian currency. I hope the Committee will leave the paragraph as it is.

Hon. J. G. HISLOP: The first wording we have dealt with in the Bill constitutes a desire to widen the franchise by lessening the amount, but now the debate has turned to whether the word "sterling" is obsolete or not. It does not matter whether it is sterling or otherwise, because who can get accommodation these days for either £17 or £21 a year? In the days when sterling meant something £17 a year in rent was quite a reasonable sum. It seems to me that by striking the paragraph out the clause will be made ridiculous. If we strike the word "sterling" out, then we should insert something else which we consider should be the lowest rent applicable.

Hon. E. M. HEENAN: I want to make it quite clear that there are parts of this State where £17 sterling does represent what it did some years ago as far as rentals are concerned. There are small Goldfields towns where rental values have not changed simply because the places are down and out and the rents have not risen, but there are lots of people in those centres occupying quite reasonable premises for which they pay only 7s. 6d. or 10s. a week and those rents have never been raised. Under the Act as it now stands those people are householders. I do not think it is anyone's wish to alter that state of affairs. I agree with Dr. Hislop that in the city rents have increased, but it must be remembered there are parts of Western Australia other than the city, and the people in those areas deserve a great deal of consideration.

Hon. N. E. BAXTER: I agree with Mr. Craig that the paragraph should be struck out because the word "sterling" has a definite meaning according to bankers. I was advised by a banker not to write sterling on my cheques because it would mean 25s. for every £1 written on them.

Hon. Sir Charles Latham: That is because sterling does not exist today.

Hon. N. E. BAXTER: According to bankers it does exist. With the devaluation of the £ the franchise has been widened quite considerably without going further and deleting the word "sterling" from the principal Act.

Hon. H. S. W. PARKER: It seems to me that we ought to use the words "Australian currency" in our Acts. If a person went along to the polling booth and proved that he was paying £17 in Australian currency for rent he would be eligible for a vote. The word "sterling" is obsolete. The question as to whether it is £17 or £21 5s. is a minor matter in the majority of cases and I think we should amend the Constitution Acts Amendment Act by striking out the word "sterling" because it has not the application which it had formerly.

Amendment put and negatived.

Hon. E. H. GRAY: I move an amendment—

That in lines 7 and 8 of subparagraph (iii) of paragraph (g) the words "and has no direct means of access to" be struck out.

If these words are left in the subparagraph I know of no flats in Fremantle that, although recognised as really good ones, will come within the definition. There are many fine old buildings that have been turned into flats which are approached through the hall-way and there is direct access from the streets into the flats.

Hon. H. S. W. Parker: They would be all right.

Hon. E. H. GRAY: I do not think so. If my lawyer friends assure me it is all right, I will let it go; but I do not think it is.

Hon. Sir CHARLES LATHAM: If there were a terrace of houses all joined together with no direct means of access between them, they would be all right because they would have direct means of access to the street. If the amendment were agreed to, it might place people in a different position from what I want.

Hon. E. M. HEENAN: I am indifferent as to whether the amendment be agreed to or not, but I say with the greatest confidence that the inclusion of these words is to make provision for flats such as those in the building known as Lawson. The amendment would preclude people there from being legally enrolled.

Hon. H. Hearn: Why do you say that?

Hon. E. M. HEENAN: Because these are the all-important words and if deleted that will be the effect. The definition of "flat" has given a good deal of trouble and a legal ruling has been evolved. It has worked satisfactorily.

Hon. Sir Charles Latham: Only in some places.

Hon. H. Hearn: It has worked all right at Kalgoorlie but not in the city.

Hon. E. M. HEENAN: If the amendment is agreed to, overboard will go the franchise for the people living in the flats at Lawson.

Hon. J. M. A. CUNNINGHAM: I am not a legal eagle but I do not agree with Mr. Heenan's interpretation. If a room opens out from one flat giving access to another flat, they are not structurally separate. If a wall separates them and the doorways open out, giving direct access to the street or a common passage they would be all right.

Hon. H. C. STRICKLAND: If the franchise is to be restricted to property holders or owners, as some members say it should be, why preclude property holders from having the vote just because of a mere structural alteration? Take the position regarding Lawson and compare that with the occupier of a flat in a private residence. The flats in the former building are separated by walls and they open on to a common passage giving access to the street. The flat in the private dwelling has an outlet to the common passage-way which leads to the street. The occupant of the flat in the private house might pay £3 a week in rent, which would not compare with the rents paid by the ultra-rich who occupy Lawson flats. Why should there be any difference? I do not know whether I would be in order in moving an amendment on the amendment that all words after "purpose" be deleted.

The CHAIRMAN: The hon. member will have to move that as a separate amendment.

Hon. H. S. W. PARKER: I was one of the members of the Select Committee that drafted this amendment originally. It was drawn up for the purpose of giving genuine flat-dwellers a vote, because a flat is a dwelling and the Constitution Act refers to the householder of a dwelling-house. The provision had to be drafted in such a way that apartment houses were eliminated, and it is very difficult to distinguish, in words, between an apartment house and a true flat. Hence this apparently cumbersome wording. If, as Mr. Strickland suggested, all words after "purpose" were struck out, an apartment house would be covered. We had to define a dwelling, and the sole intention of this definition is to describe a genuine self-contained flat; one that is not a shared house, not an apartment house. I have never heard a better definition.

Hon. J. M. A. CUNNINGHAM: I think that the position of a comma in this paragraph obscures the intention. The provision reads—

> provided such part is separately occupied for such purpose and has no direct means of access to, and is structurally severed from, any other part of the structure, which is occupied for a similar purpose . . .

The comma after "structure" could be done without and would give a different sense to the reading. What is the actual intention of the use of the words "severed from"? The folding door across the President's room is not a structural severance of one part of the building from another. It definitely separates the two rooms, which could be occupied separately and privately; but that room could not come under the meaning of the words "structurally severed," because there is not a structural severance. Any house or large hall could be subdivided by a partition, and a flat established, if we cut out the words as suggested.

Hon. Sir Charles Latham: I do not think it makes any difference.

Hon. E. M. HEENAN: The more I look at this, the more I am inclined to the belief that we should support Mr. Gray's amendment. If the words were taken out, it would simplify the issues regarding places such as the flats at Lawson. I think there is an honest difference of opinion about the illustration I have given, and only a court could decide. Why not leave the words out? The issue would not then arise, and no-one would gain an unfair advantage. Someone tried to dispute my contention that claims for enrolment for the Legislative Council are very involved, but if we threw a rope around a hundred people in Hay-street and got them to fill in cards

setting forth their qualifications as flat-dwellers, how many would be correctly filled in? Let us simplify this as much as we can. As Mr. Parker said, we do not want to include apartment-houses. But flats are a different matter, and if the occupants pay rent, they should be included.

Hon. H. C. STRICKLAND: After listening to Mr. Parker, and recognising that my suggestion would open the door to the inclusion of rooms and that sort of thing, I will not proceed with my proposed amendment.

Amendment put and negatived.

Clause put and passed.

Hon. E. H. GRAY: I have another amendment.

The CHAIRMAN: We have passed the clause.

Hon. E. H. GRAY: I gave notice of the other amendment.

The CHAIRMAN: I have no knowledge of it. The hon. member can have the Bill recommitted tomorrow for the further consideration of Clause 2.

Title—agreed to.

[*The President resumed the Chair.*]

Bill reported without amendment.

Hon. Sir CHARLES LATHAM: I move—

That the report be adopted.

Hon. E. M. HEENAN: Would I be in order, Mr. President, in moving that the Bill be recommitted for further consideration?

The PRESIDENT: It may not be recommitted at this sitting.

Question put and passed; the report adopted.

BILL—RAILWAY (PORT HEDLAND-MARBLE BAR) DISCONTINUANCE.

Second Reading.

Debate resumed from the 16th November.

HON. H. C. STRICKLAND (North) [8.28]: With regard to the railway line with which this Bill deals, the Minister gave figures up to 1948, but not after that year. Like all other railways, this one suffered from overwork during the war years, and was in a bad state of repair. Since 1948, it has continued to fall into disrepair; but the figures relating to the years following 1948 are not so bad as those quoted by the Minister for previous years. During 1948, a committee was sent to investigate that line and to report upon the desirability or otherwise of its retention. That committee consisted of the Under Treasurer, the Commissioner of Main Roads and Mr. Dumas, who was chairman of the committee and is chairman of many other committees. There was one railwayman on the committee—the then Commissioner of Railways, Mr. Ellis. The report of the committee, with one dissentient, was that this line should be discontinued. The dissentient was the Commissioner of Railways, the only railwayman on the committee. He would be in a position to judge whether the line should be pulled up or whether it should still serve the mining hinterland.

I have taken out some figures of the operations of the line since 1948 and I intend to quote them because they justify Mr. Ellis's opposition to this proposal. In 1948 the revenue was £16,648—that was the year when the line was condemned. In 1949 the revenue jumped to £23,299 and the working expenses were £24,584—a loss of £1,285. For 1950, however, the revenue jumped to £26,387 and the working expenses were £23,696. Therfore, the line showed a profit over working expenses of £3,691. That proves that Mr. Ellis was justified in his viewpoint that the line should be left to serve the mining interests in the back country.

Strangely enough, the pastoral interests —so the Minister told us—want the line to be pulled up. The Minister told us that the railway had done a lot for these people but I am dubious of that because the pastoralists were there 20 years before the line was constructed; but the railway did give them cheap freight rates and certainly served them in the hard times. Now, when times are good, it is quite a different story. I wrote to the Port Hedland Road Board to tell it that the Bill was before the House and asked the secretary for the views of the board. The letter I received shows the difference between the bad times and the good times, from the pastoral angle. The letter is dated the 14th November and portion of its states—

> No doubt you are aware that a new transport business known as the Hedland Transport and Agency Pty. Ltd. has started and with a good many pastoralists who are served by the railway between here and Marble Bar being shareholders my board can only surmise that they are in favour of the line being pulled up.

I quote that letter to show the different outlook during the hard times and good times, although I suggest nothing detrimental as regards the pastoralists. In Marble Bar it is quite a different story. There was a public meeting which was attended by Mr. Hall, the present Commissioner, and Mr. McCulloch, an engineer in the Railway Department. This meeting was held on the 10 August —that was six weeks after the date of the closing of the railway accounts— and the Commissioner must have known that there was a profit of £3,691 during that year. I have with me a paper which reports some extraordinary statements on

the figures. According to this Press statement the Commissioner told the people that the line was showing an annual loss of £20,000 and that the re-sleepering alone would cost £100,000.

The Minister for Railways: No, the reconditioning.

Hon. H. C. STRICKLAND: This is the report in the paper. I would not say that it is correctly reported.

The Minister for Railways: It would cost £100,000 to put it in a proper state of repair.

Hon. H. C. STRICKLAND: That would cover everything?

The Minister for Railways: Yes.

Hon. H. C. STRICKLAND: Then this report is incorrect. The people of Marble Bar are very much against the taking up of the line, which was originally laid to open up the mining areas. As the Minister told us, it has served a good purpose but did not get the anticipated return or support from the mining interests. Mining is being revived in those areas and I will quote figures to give members some idea of the different minerals and ores that are being mined in that country. The mineral wealth produced from the Pilbara fields—the Marble Bar district takes in Bamboo Creek and Nullagine—up till 1947 was as follows:—

	£
Antimony	20,457
Beryl ore	24,358
Copper ore	866
Lead ore	4,269
Tin	561,399
Tantalite	130,672

The gold output for 1947 was 10,379 oz. The total gold output from the area, up to 1947, was 504,787 oz., which proves that there has been quite a deal of wealth taken from the field. I have had some other figures taken out to show the revival in the last three years in the Marble Bar district. These figures are confined to Marble Bar and Bamboo Creek. The gold output was £41,000 for 1948; £32,030 for 1949 and for the six months, to the end of June, 1950, it was £30,805. That shows that for the half-year ended June, 1950, the gold output almost reached the output for the full year of 1949. Values have certainly risen but it proves that the output of gold has also increased. For the period ended June, 1950, £14,000 worth of silver lead was mined and £7,000 worth of tin.

The gold production in the Nullagine district has also been stepped up and in 1948, £50,000 worth of gold was mined; in 1949, £38,000 worth and for the six months ended June, 1950, £9,000. That shows that mining is more active in those areas than it has been in the past. The Western Mining Corporation has an option over a ridge of hills with silver lead deposits, which are fairly large. I think the option extends into the New Year when the company will make a decision whether it will mine this area in a big way or not. This railway line is an asset to the mining people because it moves big, heavy, bulky ores from the Comet mine. The gold is always sent away in drums which are very bulky. When the line is pulled up, freights will jump up tremendously with the use of road transport. The Marble Bar people are opposed to the pulling up of the line whereas in Port Hedland the people do not care one way or the other as long as water can be carted by the railways until such time as the pipeline is put in.

Hon. J. M. A. Cunningham: Those figures show the increase in values of the ore and not the increases in activity.

Hon. H. C. STRICKLAND: They are based on values. The leases for the two districts total 70 while under an item of "other" there is a total of 167, making a grand total of 237. There are 139 men employed as compared with 102 in 1949 and 134 in 1948. We all know that the Government has made up its mind to take up the railway and no matter how much I talk the decision will not be altered; but I must place on record my protest and my belief that the line is being taken up at a time when either it will be very useful for the mineral interests in the Pilbara district—at least within the next 12 months—or it will prove that the Government is quite right in its decision. I did intend to quote some figures of the losses on other lines as compared with the losses on the Marble Bar line but I am certain they would be of no avail, and I do not wish to weary the House with further statistics. I must oppose the Bill.

HON. L. A. LOGAN (Midland) [8.48]: This House should view with concern, and stop to think seriously, before it decides to give permission to pull up any of our railway lines. Admittedly this line was one of the most cheaply constructed in the State and probably the maintenance costs are quite high because of the nature of the construction and country. But we have not yet discussed any road transport that can do the job as well as the railways.

The Minister for Agriculture: I am glad to hear you say that.

Hon. L. A. LOGAN: I have always said it.

The Minister for Agriculture: Good!

Hon. L. A. LOGAN: I will always maintain that until I am proved wrong or until we have found an alternative to rail transport. I suppose I can talk about this particular railway line more authoritatively than can most people in this House because in 1943 I spent a week between Marble Bar and Port Hedland shifting sand out of the creeks.

Hon. A. L. Loton: Doing hard labour?

Hon. L. A. LOGAN: Yes, and it was 110 in the shade, but I had nine others with me. I know that country fairly well; I know every inch of the road and conditions under which the railway was constructed. I also know the maintenance involved on the line. I just do not know how we are going to provide an all-weather road unless we do it at terrific cost. Two particular rivers there are very broad, and I cannot see how we are going to put an all-weather road across, without incurring colossal expenditure. In bad weather, we do not have to wait very long before the line is in running order. We had 13 inches of rain in 23 hours and the Coongan was two chains wide and four feet deep over the line. There was a fair stretch of water but after a week the trains were running.

We are able to patronise the railways where ordinary transport cannot be used. The Coongan River is half a mile wide and if a bridge is to be put across, it will be a long and expensive business. Before we reach a decision on the discontinuance and the pulling up of any of these railway lines which have cost the Government a lot of money to construct, we should make sure that the alternative is a sound and practicable proposition.

HON. G. BENNETTS (South-East) [8.47]: I am very sceptical about pulling up railway lines that have been laid because I know that no other means of transport can handle traffic as satisfactorily. Railways have been put down for the purpose of developing the back country, but unless we have water there we cannot adequately deal with such portions of the State. This may not be the last railway to be pulled up. There may be more and we have to be careful of what we do in that respect. At present a war is looming up and it may come to these outback districts. In those circumstances, even if we have only 120 miles of railway, it will help to a great extent. I do not like to see the railway pulled up even though we suffer a loss on its working. All railways and water supply services in this State should be charged for at a flat rate, and the taxpayers should foot the bill for those living in the outlook. To keep people there, we have to provide them with full facilities and every means of transport, and I say that for such purposes railways are far superior to road transport.

HON. R. J. BOYLEN (South-East) [8.48]: I oppose this Bill, principally because I think it is a crucial year in the development of the areas served by this railway. I think consideration should be given to leaving the line there for at least 12 months. We know there are railways in Western Australia which do not pay, but it would have been a sorry day for this State if we did not have them because otherwise we would not have had the industries that are thriving today. Consideration should be given to extending the life of the line for another 12 months.

HON. E. M. DAVIES (West) [8.49]: I too, express my opposition to the discontinuance of the Port Hedland-Marble Bar railway. It has been stated often, and it is very true, that the railways are the main means of development in this State. Particularly, I take it, that applies to the North-West where we were hopeful that ways and means would be found to give effect to a great development scheme to further open up that far-flung part of the State. This railway was laid down years ago to serve part of the northern areas. I understand that the 114 miles of railway proved very beneficial to those who have established industries and pastoral holdings in that part of the State.

It would be a retrograde step to authorise the discontinuance of this railway, because I believe in the future we may again have to provide a similar means of transport. I am not conversant with that particular part of the State, but I have listened with a great deal of interest to those who are, and I feel sure that if this railway were continued it would be beneficial. There should be no necessity to run heavy trains over it. As a matter of fact, with the latest development of the diesel locomotive, that type of transport might be better suited for the district.

If a proper examination were made of the position, I believe it would be found that, in the interests of all concerned, the line should be continued, even if only a few trains were to run over it weekly. The opening up of the North-West is a problem to which this State must give serious consideration in the future. I have endeavoured to visualise the possibility of linking up the existing Port Hedland-Marble Bar railway with either the railway through Wiluna or perhaps some other railhead north of Kalgoorlie. I do not know that that is beyond engineering possibility.

I believe if that were brought about it would facilitate the opening up of portion the North-West. When a railway line is built it serves to indicate a certain amount of permanency with regard to transport, and it is an inducement for people to establish industries, farms or pastoral properties along the line. In addition, the defence of the North-West must rely very considerably on the means of transport available. Whether that transport should be facilitated by the laying down of roads or by the construction of railway lines is for experts to determine.

The Minister for Railways: The defence authorities have been consulted and they say they do not want it.

Hon. E. M. DAVIES: I have heard that in regard to many other matters, and though I do not speak as an engineering authority, as a layman I feel that some of the opinions expressed by defence authorities are not always in accordance with what they should be. During the two world wars the defence authorities recommended certain propositions which were later on found to be most inadequate and did not serve the purposes for which they were intended. That may be true in regard to railway construction, not only in this State but throughout the Commonwealth of Australia. We have railways communicating with the north of Queensland; we have a railway running as far as Alice Springs in Central Australia. I regard it as a retrograde step when we are asked to carry a measure for the discontinuance of this particular railway. I trust members will give very serious consideration to the Bill and I intend to oppose it.

HON. J. G. HISLOP (Metropolitan) [8.55]: I have never actually travelled over this railway. Therefore I cannot speak with any authority on this particular stretch of line. But I have travelled by various means over a considerable portion of the North-West, and I have been struck with the manner in which creeks and depressions in the land can become actively running rivers almost overnight. I wonder whether the Minister can really assure us that the cost of putting down an all-weather road from Port Hedland to Marble Bar is not going to cost a sum which will stagger most of us.

I visualise coming down through that country and seeing how little actual bank there is to most of the rivers that, with extra flooding, the banks could be washed away and almost a new bed formed quite quickly. Therefore I agree with Mr. Logan that if in some cases bridges are to be built across these areas, they will have to be commenced a long way back from the banks or depressions of these rivers. I would like to be assured that this phase has been taken into account. Although it may sound fantastic, I wonder whether some thought has been given to making use of the railways by expending money, which might be spent on this all-weather road, in a different direction, joining up with Meekatharra—

The Minister for Railways: Do you realise how much it would cost?

Hon. J. G. HISLOP: The cost would be colossal.

Hon. L. Craig: It would be millions.

Hon. J. G. HISLOP: We have got to spend millions to get revenue from the North.

The Minister for Railways: We have lost over £1,000,000 on this railway already.

Hon. J. G. HISLOP: I realise that, but one has to take into account that in some way or another this area has to be opened up. I would not be sure whether the cost of constructing an all-weather road will not also be colossal. I really do not actually know the railway, but I do know a section of the country over which it passes, and I hesitate to see the railway removed. But if the Minister can assure me that the building of an all-weather road is within the bounds of practical politics, I will not raise any objection.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [8.58]: I think more railways should come up—not only this one. It is no use fighting against road progress; we have got to face up to the position. Only recently members who have spoken against this Bill advocated against taking the haulage of wool from the railways. Here is a heaven-sent opportunity to allow all the wool to be taken by road transport. Some mention has been made of the cost of a road as against the railway. I have some knowledge of the creeks and rivers in the North and I know the conditions would be somewhat similar in the North-West. We could not put a road over the Shaw River or the Coongan River without its being subject to flooding. But that would apply to railways as well. It might possibly be done more quickly with the road, but I think it would be about the same. I imagine that Mr. Welsh would bear that out.

Hon. F. R. Welsh: Why?

The MINISTER FOR AGRICULTURE: Because the circumstances are similar. From my knowledge of the North, I should say that the railway would become covered with sand and debris, just as a road would, and would have to be cleared. There has been a colossal loss on the line, and I do not think the Government would be justified in retaining it. I understand that the cost of putting it in order would be tremendous, whereas an all-weather road could be constructed that would, with a certain amount of maintenance, be there for all time.

Nobody can tell me that a railway which is carting less than 10 tons daily is justified. Imagine what it costs to cart that 10 tons! I believe that it would pay the Government to pull up the line and cart that quantity free of charge. It is of no use Mr. Davies telling us that the Defence Department is wrong in its view of these matters. Surely the Defence authorities know which is the better from its point of view—an all-weather road or a railway! Why did not they build a railway from Alice Springs to connect with the line running from Darwin? They put in a road for a thousand miles.

Hon. E. M. Davies: They used the railway as far north as Alice Springs.

The MINISTER FOR AGRICULTURE: Quite so, because the railway was already there. The Marble Bar line is to all intents and purposes not there because it is in need of reconstruction. I hope that the House will agree to the Bill. The Government has given this matter much consideration. I believe that some of the other railways—I shall not mention which ones—could well be pulled up and substituted by all-weather roads. It is of no use saying that what was suitable 20 years ago in the matter of transport is suitable today. Perhaps that line was justified for 20 or 30 years. In those days we had only horse teams to do the work of transportation, whereas today we have road trains and other types of motor transport.

One truck per day with a trailer could go to Marble Bar and back and carry all the freight now offering. An average of 10 tons per day is all that is being carted. These figures have been supplied to me by the Railway Department—60 tons of freight per week. If one truck with a trailer could not cater for that business, it would be a poor old truck. There was no such thing as motor transport when the railway was built. I believe it was in 1921 when I saw the first truck on the road competing with the railway. I repeat that I hope the House will pass the Bill.

HON. A. R. JONES (Midland) [9.4]: I do not know the railway, but I am wondering whether the Government is not acting a little hastily in proposing its discontinuance, especially as there is not an all-weather road up there and when roads throughout the State are, generally speaking, in such bad condition.

Hon. L. Craig: But it is costing the taxpayers thousands of pounds to keep the railway there.

Hon. A. R. JONES: What about the other railways that are costing the taxpayers a good deal of money? I consider that before this line is pulled up and an all-weather road put in, there are other parts of the State more in need of good roads. The work of constructing an all-weather road would take at least five years and meanwhile the rest of the State would go short. The Main Roads Board is not capable of constructing more than 100 miles of road a year.

The Minister for Railways: The people have asked for this. We decided that the road should be put in and completed before the railway was pulled up.

Hon. A. R. Jones: If the people have asked for that, the line should not be pulled up before an all-weather road has been constructed.

Hon. E. M. Davies: If the Bill is passed, that will be the end of the line.

Hon. A. R. JONES: We are responsible men and I consider that we should not act hastily. I rose chiefly to remind members of that point.

HON. L. CRAIG (South-West) [9.7]: I am more that astonished at the tone that has been adopted by some members who, extraordinarily enough, have declared that they know nothing about the subject. I have taken the trouble to make inquiries of people who live up there and not one of them has stated that he wanted the railway. This line is costing taxpayers thousands of pounds a year and is falling to pieces. The Minister told us that we have already lost £1,000,000 on the line of 100 miles and that it would cost £200,000 of the taxpayer's money to put it in order.

Have not we the responsibility of running the State as a business? I am more than astonished at the suggestion that we should attempt to rehabilitate a completely outmoded method of transport and an organisation that is just falling to pieces. Judging from my inquires, this would be entirely unjustified. Yet members talk about being careful, as if the Government and the railway authorities have not given the closest attention to the matter.

Hon. E. M. Davies: The Commissioner did not support the discontinuance of the line.

Hon. L. CRAIG: Had the Commissioner been up there, I think he would have changed his opinion.

Hon. E. M. Davies: That was the report of the previous Commissioner.

Hon. L. CRAIG: That there should be any suggestion of preventing the saving of hundreds of thousands of pounds on this railway astonishes me.

HON. W. J. MANN (South-West) [9.9]: I would not have spoken but for a remark from the back bench a few minutes ago. Quite a number of speakers have said that they have never been in the North and know very little about the subject. I have been up there.

Hon. E. M. Davies: Were you a port-hole tourist?

Hon. W. J. MANN: No, I went right inland. I travelled by road from Perth to Port Hedland and to Marble Bar and Nullagine, and saw most of the country which this railway is supposed to serve, and my experience was that the line was treated by most people up here as a joke. They jibed about it and said it was comparatively useless. At that time I did not hear any suggestion about pulling up the line, but I do know that very few people used it. In fact they did not have a chance to use it, because the schedule provided for about only one train a fortnight.

Reference was made to the squatters having their own means of conveyance. With few exceptions everyone in that part of the State has his own means of transport; otherwise it would be impossible to get about. All this talk about the extreme

hardship that would be occasioned if the line were pulled up can be discounted very greatly.

I should be very loath to support a proposal to pull up any railway. I recall that, soon after I entered this House, there was a question of pulling up two lines. I wanted one of them to be retained, but in my ignorance, I was the cause of the wishes of the then Government being negatived and both of those railways remained as a result of my vote. I was not then quite as experienced as I am now, but that incident served to establish in my mind that all possible investigations should be made before any railway was pulled up.

I have no hesitation in saying that there would be very little objection locally to the discontinuance of this line. Roads have to be constructed in this country. The people at Wittenoom Gorge were concerned, and still are, about the question of a good road and they have been assisted by the Government to a considerable extent, the distance between Wittenoom Gorge and Roebourne having been reduced considerably by the construction of a good road. A good road in the part of the North that I know and in this area particularly will be for the benefit of the whole countryside, and will be much better than leaving there an obsolete railway costing a lot more each year than will be needed to maintain a good road.

HON. H. TUCKEY (South-West) [9.14]: I did not intend to speak on the Bill, but quite a number of members appear to be in favour of it. I cannot take that view. I do not know very much about the district, but I have been over part of it. This is no new question. It is quite a long time since I first heard it suggested that this railway should be pulled up because it was not paying for axle grease. I understand that the people do not want it.

Hon. H. C. Strickland: They do at Marble Bar.

Hon. H. TUCKEY: It is out of date. If the Government cannot provide some reasonable transport facilities there, then I strongly oppose interfering with the railway. But I have no doubt that the Government will provide means for the people to get to their port.

Hon. L. Craig: It is doing so now.

Hon. H. TUCKEY: That policy will probably be improved when the railway is actually pulled up. These are matters for the Government to decide. Surely we are not going to allow the country to be run on antiquated methods at a colossal loss. We should do the right thing and give the people a reasonable transport service at less cost than applies today. I do not know whether a road would stand up to all the conditions. I am a bit with the Minister when he said that when a washaway occurs even sections of the railway have to be reconstructed. Where water drains to one place, something must give way. Then there is the cost of maintenance. We can discard that argument.

Transport methods are changing. We have to look for something faster even than road transport for the outback areas. I do not think it will be long before we shall see greater use made of air transport. We know what has been done with Air Beef, and in cases of sickness. I think the day is not far distant when even road transport will not meet the needs of the State. I would be as pleased to do something for the North as I would for my own province, but I have made up my mind on this matter, which I have watched for some time, and for me to cast a vote in favour of allowing the railway to remain, would mean that I was not true to my convictions. I propose to support the Bill.

HON. H. S. W. PARKER (Suburban) [9.20]: I am surprised to hear the remarks of some members who obviously have not the foggiest notion of what is happening in the area concerned. I have been to Marble Bar on many occasions, and the people there have asked me, "Why do you not pull up the railway and give us a road?" One merchant said to me, "We are in an awkard position. When a ship arrives, the train has to wait until the ship is emptied, and then we have to get our goods out of the shed and put them on the truck, and then we have to wait for the train to run on its ordinary schedule." For a thousand and one reasons the enginedriver cannot work more than a certain number of hours.

Hon. E. M. Davies: There is only one train a fortnight.

Hon. H. S. W. PARKER: The merchant complained that all the bacon and hams had gone bad.

Hon. F. R. Welsh: That is an exaggeration.

Hon. H. S. W. PARKER: It is what he told me. If a road were constructed, instead of taking all that time, he could get his goods straight from the ship on to his truck and have them out to his store in a matter of five or six hours.

Hon. G. Bennetts: He must have been looking for a contract to cart the stuff.

Hon. H. S. W. PARKER: I am speaking of his own case. It is obvious that if it were not for the clumsy railway, the merchants in Marble Bar would get their goods infinitely quicker. It was suggested that the railway opened up the country.

Hon. F. R. Welsh: It did, too.

Hon. H. S. W. PARKER: Nothing of the sort. The best mine up there is the Blue Spec, and the hon. member will tell me whether I am correct when I

say it is over 100 miles from the end of the railway. Those in control of the mine have to cart their heavy machinery and other goods more than 100 miles, and then tranship them so that they may be carried the other 100 miles.

Hon. L. Craig: Which they do not.

Hon. H. S. W. PARKER: No, because they take their stuff direct from Meekatharra and do not use this railway. The squatters use it if they are within a certain distance from it, because they have to.

Hon. F. R. Welsh: Quite right.

Hon. H. S. W. PARKER: In some instances it takes no longer to put the wool on their own trucks and run it straight in to Port Hedland.

Hon. H. C. Strickland: What did they do when they did not have trucks?

Hon. H. S. W. PARKER: I was there then, and they had their big wagons.

Hon. H. C. Strickland: Feeding the railway.

Hon. H. S. W. PARKER: No, I am speaking of the time prior to the construction of the railway. When they got the railway they found it was not an advantage, but a disadvantage.

Hon. F. R. Welsh: How do you make that out?

Hon. H. S. W. PARKER: It has turned out to be so; ask any squatter! The last time I was at Marble Bar an event was to take place at which it was anticipated there would be a number of people. There was a ship at Port Hedland with a supply of liquor, which was very short at Marble Bar. Those in charge of the event wanted the liquor to be out there in time for the occasion, so they sent a truck in to Port Hedland.

The truck was duly loaded and, on the way out, capsized, but miraculously did not damage any of its cargo apart from two cases of soft drinks. When the driver got within 30 miles of Marble Bar, he ran out of petrol and had to walk the rest of the way. Then he went back with a cart and brought the liquor in, and still beat the railway. I was there when it happened. I am sure no-one would insure a person travelling on the railway.

Hon. G. Bennetts: Because the Government failed to keep the line in repair.

Hon. H. S. W. PARKER: How can the department defeat the Almighty and the heat there, together with the white ants? Will the hon. member tell me how it is possible to keep the railway in order under existing conditions, or those that have applied during the last five or six years? The running sheds have been burnt out. But the hon. member knows all about it because at one time he had a job in the railways. The railway is entirely useless. It has been suggested that we cannot have a road because of the rivers. I have been over those rivers when they have been 50 miles wide.

Hon. F. R. Welsh: What rot! Thumbs up!

Hon. H. S. W. PARKER: Surely if we can build a railway there, we can build a road. I am not an engineer, but I understand the engineers have said they can build an all-weather road. In any event, it would be easier to repair a road than a railway line. The people who want to get from Marble Bar to Port Hedland for a week-end's fishing, or anything of that sort, would find the railway useless, but a good road would be a godsend. It would be far better to have a road which would give some amenities to those people. The residents at the Blue Spec mine, 200 miles away, could come down for a week-end by road, but not by rail.

Hon. H. C. Strickland: Where is the Comet mine?

Hon. H. S. W. PARKER: Right at the Bar.

Hon. H. C. Strickland: And the Stirling mine?

Hon. H. S. W. PARKER: I do not know. It is suggested that the railway serves the Comet mine, which is seven miles from the terminus. The last time I was there, the train came in at 8 or 9 p.m. and the people had to go out with hurricane lamps and delve in the trucks for their goods. The station is unattended, and they had to take pot-luck. I heard someone say, "You had better be out there when the train comes in, otherwise you might lose your goods." The railway is a hopeless proposition, and a good road, which the Government must provide, would be much better.

I trust that the section of line from Shaw River to Port Hedland will not be taken up until the Port Hedland water scheme is complete. I hope that scheme will be completed quickly, that the road will be made just as quickly and that the railway will cease to exist in the same time. I understand that the line will not be taken up until a road is provided. Of course, quite obviously no Government could do away with the sole means of transport. A road must be provided before that is done.

On motion by the Minister for Railways, debate adjourned.

BILL—CHILD WELFARE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [9.30] in moving the second reading said: This Bill embodies two amendments to the Child Welfare Act. The proposals contained in the measure have been considered and re-

commended by the Child Advisory Council and the special magistrate of the Children's Court who deals with the offences of juveniles. Section 20 (a) of the present Act reads—

> A children's court shall exercise jurisdiction in respect of all offences alleged to have been committed by children.

This has been taken to mean that a children's court must hear and determine all cases brought before it concerning offences, no matter how serious they may be, which are committed by children under the age of 18 years. These cases could include wilful murder, murder, manslaughter or treason, and the court could not send any young person for trial to the criminal court on any of these charges, which deprives the accused of his right to trial by jury.

To correct this position and to clarify the powers of a children's court, it is proposed to insert the word "exclusive" in line 1 of paragraph (a), after the word "exercise" to make it clear that a children's court should continue to deal with all offences by juveniles except those indictable offences named in the amendment outlined in paragraph (b) in the Bill. The amendment will add a proviso, setting out that where juveniles are charged with having committed or attempted to commit wilful murder, murder, manslaughter or treason, a children's court must commit the accused for trial to the criminal court.

As the law stands at present, the lower court can sentence the accused only to three months' imprisonment on any one charge or commit him to an industrial school for a maximum period of two years if he is over 16 years of age. The powers of a resident magistrate in respect of the foregoing indictable offences are to satisfy himself that there is a prima facie case against the accused and then send him to the criminal court to be dealt with. Apart from the four indictable offences listed above, there are certain other grave charges, such as rape, incest, robbery with violence, unlawful carnal knowledge, indecent dealing, sodomy, etc. If the accused were an adult, he would be committed for trial or sentence at the criminal court, but if he were a juvenile he would be dealt with summarily.

It is desired to give a children's court discretionary power to send juveniles for trial or sentence to the higher court, if the evidence and the background of the case show that the lower court cannot deal with it adequately. This is the object of a further proviso, but to ensure that this discretionary power is not used lightly, the paragraph states that a special magistrate must be present and may, if he thinks fit, commit for trial or sentence any juvenile over the age of 14 years charged with having committed or attempted to commit an indictable offence.

A children's court can be constituted by a special magistrate sitting alone or with members, not necessarily justices of the peace, appointed under the Child Welfare Act. Two members can constitute a children's court without a special magistrate being present and, being laymen, might use this discretionary power too freely. If a serious case comes before such a bench, it will be necessary for an adjournment to be granted to enable a special magistrate to be present. All resident magistrates throughout the State are also special magistrates under the Child Welfare Act, so that there will not be any unnecessary delay in securing the local special magistrate's attendance. The over-all effect of the proposed amendments to Section 20 are—

> (1) Young persons charged with having committed or attempted to commit either wilful murder, murder, manslaughter or treason must be committed for trial to the criminal court.
>
> (2) Children over 14 years of age may be committed for trial or sentence to the criminal court on other indictable offences, provided that a special magistrate considers that the case merits such course.
>
> (3) All other offences by children under 18 years of age must be heard and determined as heretofore by children's courts.

If the proposed amendments are agreed to, the new clause will read—

> A children's court—
>
> (a) shall exercise exclusive jurisdiction in respect of all offences alleged to have been committed by children, provided that in respect of any alleged offence of committing or attempting to commit wilful murder, murder, manslaughter or treason, a children's court shall exercise only the jurisdiction and powers possessed by resident magistrates in respect of that alleged offence: Provided further that a special magistrate may, if he thinks fit, commit for trial or sentence any child over the age of 14 years charged with having committed or attempted to commit an indictable offence.

The other amending clause amends Section 137, which reads as follows:—

> (1) Any person who has, either by wilful misconduct or habitual neglect, or any wrongful or immoral act or omission encouraged or contributed to the commission of any offence by any child or caused or suffered the child to become a neglected child, or

contributed to such child becoming a neglected child, shall be guilty of an offence.

Minimum penalty irreducible in mitigation: Five pounds.

Maximum penalty: Fifty pounds or imprisonment with hard labour for six months.

(2) A charge of an offence under this section may be prosecuted, heard and determined before a children's court.

(3) The court before whom any person is convicted of an offence under this section may, if such person is a parent or guardian of the child, in lieu of or in addition to any other punishment, order the person convicted—

(a) to pay any fine which may have been imposed on the child for the offence committed by such child;

(b) to find good and sufficient security to the satisfaction of the court that the child will be of good behaviour for a period not exceeding twelve months.

(4) If the court orders such security as aforesaid, it may suspend any sentence of imprisonment imposed on the convicted person until there has been a breach in the conditions of the security, and on any such breach occurring the suspension shall be removed, and the sentence shall become operative and may be enforced, and in that case the period of imprisonment imposed by the sentence shall be calculated as from the date of the offender being actually received into prison.

(5) For the purposes of this section any person who in fact has the custody, care or control of any child shall be deemed to be a guardian of such child.

This section has been used in the past in order to punish parents and others who, by their own misconduct, have caused children to become neglected or to commit offences. The High Court of Australia recently decided that, on account of the phraseology of this section, a child must be shown to have been convicted of an offence before an action can be sustained against a person for contributing. Since 1947 a child has not been convicted of being neglected but has merely been "declared" to be a neglected child. Thus it has been impossible to punish a person who brought about the neglected state of the child, simply because no conviction had been recorded against the child concerned.

Section 29 of the Criminal Code provides for certain exemptions from prosecution of children under the age of 14 years—

A person under the age of seven years is not criminally responsible for any act or omission.

A person under the age of 14 years is not criminally responsible for an act or omission unless it is proved that at time of doing the act or making the omission he had capacity to know that he ought not to do the act or make the omission.

A male person under the age of 14 years is presumed to be incapable of having carnal knowledge.

If an adult encouraged a child of six years to steal money, that child could not be charged with stealing and the adult could not be punished under this section of the Child Welfare Act. By the addition of the words in paragraph (a) of Clause 4, the adult can be punished provided that the court is shown that the offence has been committed, even though it is not possible to charge and convict the child concerned.

It is desired to alter the word "the" in line 5 of Subsection (1) to "any" for the reason that "the child" obviously refers to the child, mentioned in the previous line of the section, who has committed an offence. That is the amendment set out in paragraph (b). For the same reason, in paragraph (c), the word "such" must be altered to "any" so that each type of child mentioned is separate and distinct from the others.

With regard to paragraph (d), the addition of the words mentioned is essential to make it clear that in cases where children have committed offences the adults found guilty of encouraging or contributing to the commission of such offences can be ordered to pay the children's fines in lieu of, or in addition to, any other penalty provided in Subsection (1). The effect of this draft will mean that Section 137, with proposed amendments incorporated, will read as follows:—

(1) Any person who has, either by wilful misconduct or habitual neglect or by any wrongful or immoral act or omission encouraged or contributed to the commission of any offence by any child, or of any act by a child under the age of fourteen years which act, if it were committed by a child over fourteen years of age would be an offence, or caused or suffered any child to become a neglected child, or contributed to any child becoming a neglected child, shall be guilty of an offence.

Minimum penalty irreducible in mitigation: Five pounds.

Maximum penalty: Fifty pounds or imprisonment with hard labour for six months.

(2) A charge of an offence under this section may be prosecuted, heard and determined before a children's court.

(3) The court before whom any person is convicted of an offence under this section may, if such person

is a parent or guardian of the child and the child has committed an offence, in lieu of or in addition to any other punishment, order the person

(a) to pay any fine which may have been imposed on the child for the offence committed by such child;

(b) to find good and sufficient security to the satisfaction of the court that the child will be of good behaviour for a period not exceeding twelve months.

(4) If the court orders such security as aforesaid it may suspend any sentence of imprisonment imposed on the convicted person until there has been a breach in the conditions of the security and on any such breach occurring the suspension shall be removed, and the sentence shall become operative and may be enforced, and in that case the period of imprisonment imposed by the sentence shall be calculated as from the date of the offender being actually received into prison.

(5) For the purposes of this section any person who in fact has the custody, care or control of any child shall be deemed to be a guardian of such child.

If members will study these desirable amendments in conjunction with the present Act, I feel confident they will be agreed to. I move—

That the Bill be now read a second time.

On motion by Hon. H. S. W. Parker, debate adjourned.

BILL—WAR SERVICE LAND SETTLEMENT (NOTIFICATION OF TRANSACTIONS) ACT CONTINUANCE.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. G. B. Wood—Central) [9.45] in moving the second reading said: This is a Bill to continue the principal Act passed by Parliament last year, which provided that the Minister for Lands must be notified as to any proposed transactions in certain classes of rural land and that such transactions must not take place until 42 days after the Minister had been notified, except in cases where a shorter period was allowed by the Minister. The provision applied to land of not less than 150 acres, which was suitable for horticulture, viticulture, dairying, poultry farming, etc., and which was situated within the areas of the 25 road districts shown in the schedule to the Act, and to land of not less than 1,500 acres, suitable for agriculture, pastoral and similar purposes, situated in the South-West division of the State, but not within the areas of the 25 road districts I have mentioned.

The Act expires on the 31st December next, and owing to the fact that it has been of considerable assistance to the Land Purchase Board, the extension of its provisions is sought for a further 12 months. Although more than 550 ex-servicemen have been allotted properties under the War Service Land Settlement Scheme, there is still a waiting list of over 800. It is therefore essential that the Land Purchase Board be equipped with every means of ascertaining what suitable land is available. In this regard the principal Act has played an important part.

The necessity for the public to report any proposed dealings in land suitable for war service land settlement has given the Land Purchase Board the opportunity of negotiating with the vendors or their agents. The Land Purchase Board's experience with principals and agents has been on the whole of an agreeable nature and in the majority of cases speedy cooperation has been extended. During the ten months that the Act has been in operation the board has been advised of a total of 763 properties which were available for sale. Many of these were unsuitable for war service land settlement and agents were advised immediately that the board was not interested in the properties.

Ninety-eight properties were actually purchased and it is believed that very few of these would have been acquired had it not been necessary under the Act for the vendors to advise the Minister. The Act is designed to cause the minimum inconvenience to vendors. Their only responsibility is to notify the Minister of impending transactions. From then on the Land Purchase Board has no more rights than private purchasers. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 9.50 p.m.