(2) No street photographer shall act as an agent for any other photographer or canvass or solicit orders for photographs or enlargements of photographs for any other photographer.''

The new clause is designed to protect professional photographers. The men who have been operating on the streets for many years were restricted as a result of a protest by professional photographers. I could not agree with a majority of the council in refusing street photographers permission to operate, but I am not unmindful of the protection to which ratepayers are entitled. The new clause would confine street photographers to the class of business they have been doing in the past, and would prevent them from launching out in future in opposition to professional photographers. These men have been selling photographs of postcard size, and by limiting them to that size, we shall be affording the professional photographers the desired protection. I have been surprised that so many thousands of words should be uttered on this Bill and I do not propose to add any more.

Mr. LESLIE: I accept the new clause. The street photographers approve of it as it is not their practice to engage in the sort of business mentioned.

Mr. NEEDHAM: I see no need for the new clause. The member for Victoria Park expressed surprise at the thousands of words that had been uttered on the Bill. I have been surprised at the number of amendments proposed, many of them undesirable, and the least desirable of all is the new clause. We agreed the principle of allowing street photographers to operate and, immediately that principle was affirmed, an endeavour was made to limit their activities in every way. The Leader of the Opposition secured an amendment to require testimonials of character from these men. Why not an amendment to stipulate their personal appearance, or require a permit from the City Council before anybody can have a photograph taken? If these men are to be allowed to operate, why restrict the size of their pictures? If they desired to take larger ones, they have not the equipment, though they could enlarge the small photographs they take. I was in favour of the Bill, but by the time the Committee has finished with it, there will be scarcely anything left in it that has not been altered except the Title. I hope the Committee will not agree to the amendment.

New clause put and negatived.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.32 p.m.

Legislative Assembly.

Thursday, 16th October, 1947.

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

QUESTIONS.

HOUSING.

As to Cost of Materials, Requisites, etc.

Mr. REYNOLDS (on notice) asked the Minister for Housing:

(1) What was the price of these articles in 1939—Bricks per 1,000—(a) face bricks, (b) common (wire cut and pressed); roofing tiles, per square; cement, per ton; roofing iron per ton (26 gauge); baths, enamel, average size; sinks, enamel, average size; galvanised guttering; galvanised down piping; galvanised roofing nails; nails, 2in., 3in. and 4in., per cwt.; timber, jarrah, 4in. x 4in., 3in. x 2in.; flooring, T. & G.?

(2) What is the price of these items today?

(3) What were the wages paid to building artisans in 1939?

(4) What are they today?

The MINISTER replied:

(1) The information has been prepared and is attached hereto in the form of a return. Inquiries indicate the following prices of materials, metropolitan area:—Wirecut bricks, per 1,000, delivered within five miles of Perth—1939, 1st grade £4 3s., 2nd grade £3 18s., 1947 £5 7s.; pressed bricks, per 1,000, delivered within five miles of Perth—1939 £4 16s. 6d., 1947 £7 2s. 6d.; roofing tiles, semi-glazed, per square (approx.)—1939 £3 17s. 6d., 1947 £4 5s.; roofing iron, per ton (26 gge.)—1939 £31, 1947 £38 6s.; baths, enamel—1939 £8 17s. 3d., 1947 £10 19s. 2d.; sinks, enamel—1939 £1 7s. 8d., 1947 £1 14s. 5d.; galvanised guttering (6ft. lengths)—1939 2s. 3d., 1947 2s. 3½d.; galvanised down piping, 3in. (26 gge.), 6ft. lengths—1939 2s. 6d., 1947 2s. 9¾d.; galvanised roofing nails, per cwt.—1939 £2 10s., 1947 £3 12s. 6d.; nails, 2in. (12 gge.), per cwt.—1939 £1 12s., 1947 £2 0s. 7d.; nails, 3in. (9 gge.), per cwt.—1939 £1 7s. 6d., 1947 £1 19s.; nails, 4in., per cwt.—1939 £1 12s., 1947 £1 17s. 5d.; timber, jarrah, 4in. x 4in., 100 super (merchantable)—1939 £1 11s. 7d., 1947 £1 17s. 11d.; timber, jarrah, 3in. x 2in., 100 super—1939 £1 7s., 1947 £1 17s. 11d.; flooring, T. & G., 5in. x 1in., per 100 lineal ft. (1st grade)—1939 £1 7s. 6d., 1947 £1 9s. 2d.

(2) Answered by No. (1).

(3) Wages paid to building artisans—1939 2s. 9d. per hour, 1947 3s. 4¾d. per hour.

(4) Answered by No. (3).

EDUCATION.

As to Temporary Classrooms at Big Bell.

Hon. J. T. TONKIN (on notice) asked the Minister for Education:

Are the two disused shops at Big Bell which he stated in May last had been wholeheartedly condemned by the local authority and were being used as classrooms still in use as such?

The MINISTER replied:

Yes, but as the construction of additions to the Big Bell School is well advanced, the tenancies should be terminated in the very near future.

GREAT EASTERN HIGHWAY.

As to Southern Cross-Coolgardie Section.

Mr. KELLY (on notice) asked the Minister for Works:

(1) What stage has the formation of the main Eastern Highway between Southern Cross and Coolgardie reached?

(2) What width of bitumen has been provided for?

(3) Is he of the opinion that a bitumen strip less than 16ft. wide will safely carry the fast increasing road traffic?

The MINISTER replied:

(1) The work of the construction and priming of 18 miles between Coolgardie and Bullabulling at an estimated cost of £25,000 is approximately one-third complete.

No other construction work has been commenced, although further funds have been approved, particularly for the Southern Cross-Yellowdine section.

(2) On Coolgardie-Bullabulling section—One mile, 16ft. wide; 17 miles, 10ft. wide.

(3) The width of construction of all paved roads is largely controlled by finances likely to be available. The question of ultimate width to be surfaced is under consideration, the gravel base being constructed to 16ft. wide throughout.

RAILWAYS.

As to Coolgardie Station Approach.

Mr. KELLY (on notice) asked the Minister for Railways:

(1) Has he dealt with a request from the the Coolgardie Road Board in reference to the bituminising of the approach to the Coolgardie Railway Station, and if so, with what result?

(2) Is he aware that a mechanical shovel now stationed in Coolgardie, if used in obtaining filling for the railway station approach, would greatly reduce the cost of this work?

(3) As this shovel is only temporarily located in Coolgardie, will he expedite the commencement of the station approach?

The MINISTER replied:

(1) Yes. The matter is in hand with the Main Roads Department.

(2) No. Suitable road-grading plant is held by the Main Roads Department.

(3) The Main Roads Department will carry out the work as early as possible.

BILL—SUPPLY (No. 2), £3,100,000.

Message.

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

Standing Orders Suspension.

On motion by the Premier resolved:

That so much of the Standing Orders be suspended as is necessary to enable resolutions from the Committees of Supply and of Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees, and also the passing of a Supply Bill through all its stages in one day.

In Committee of Supply.

The House resolved into Committee of Supply, Mr. Perkins in the Chair.

THE PREMIER (Hon. D. R. McLarty—Murray-Wellington) [4.36]: I move—

That there be granted to His Majesty on account of the services of the year ending the 30th June, 1948, a sum not exceeding £3,100,000.

The authority granted by the Supply Bill which I introduced in the early stage of the session has now been exhausted, and it is necessary for a second Supply Bill to be passed in order to carry on the business of the State until consideration of the Estimates has been completed. Members will recall that the No. 1 Supply Bill provided from Consolidated Revenue, £2,200,000; General Loan Fund, £200,000; and advance to the Treasurer £300,000; a total of £2,700,000. The authority sought under this Bill is: from Consolidated Revenue £2,500,000 and from General Loan Fund £600,000, making a total of £3,100,000. This Supply, when obtained, will be expended by the various departments in accordance with the Estimates. Members have the Estimates before them and can gain any information they require by studying them.

HON. F. J. S. WISE (Gascoyne) [4.37]: Obviously I have no intention of holding up the passing of the Supply Bill and I think that, as expressed in the preamble, this House very cheerfully grants to His Majesty the sums required for His Majesty's representatives. I do not think this Bill will meet the same fate as that experienced by similar Bills transmitted by the Premier of another State to the Legislative Council on two or three occasions recently. Since this matter was debated from a financial angle when the first Supply Bill was introduced, and as the Estimates are before the House, I have no intention to do other than support the Bill and assist the Premier to have it passed expeditiously.

Question put and passed.

Resolution reported and the report adopted.

In Committee of Ways and Means.

The House resolved into Committee of Ways and Means, Mr. Perkins in the Chair.

The PREMIER: I move—

That towards making good the supply granted to His Majesty for the services of the year ending the 30th June, 1948, a sum not exceeding £2,500,000 be granted from the Consolidated Revenue Fund, and £600,000 from the General Loan Fund.

Question put and passed.

Resolution reported and the report adopted.

All Stages.

In accordance with the foregoing resolutions, Bill introduced, passed through all stages without debate and transmitted to the Council.

BILL—COMPANIES ACT AMENDMENT.

Bill read a third time and transmitted to the Council.

BILL—STREET PHOTOGRAPHERS.

Report of Committee adopted.

BILL—CHILD WELFARE.

In Committee.

Resumed from the 14th October. Mr. Perkins in the Chair; the Minister for Education in charge of the Bill.

New clause (partly considered):

The ATTORNEY GENERAL: As this new clause stands, unless a parent of a child, or certain other specified people are present no police officer will be allowed to question the child for any purpose, other than to ascertain the child's full name, address, age, and name of his school. I have pointed out to the member for East Perth that this

clause is more sweeping in its prohibition or restriction than he would desire because a policeman could not ask a child if he were feeling ill or wanted a drink, or, to use a colloquialism, if he wanted to go down the back. Without drawing on one's imagination, one can conceive circumstances in which the enforced silence of a policeman might be adverse to the interests of the child.

The CHAIRMAN: The Minister for Education has an amendment on the notice paper—

The Minister for Education: I do not now propose to move it.

The ATTORNEY GENERAL: I move an amendment—

That in line 2 of the proposed new clause the word "whatsoever" be struck out and the words "relating to the commission or suspected commission of an offence by the child or any other person" inserted in lieu.

In other words, there shall be no interrogation unless certain specified people are present, except when a child is being questioned in regard to an offence, or the suspected commission of an offence. I think that will attain what the member for East Perth wished to achieve.

Mr. GRAHAM: I am in entire agreement with the amendment moved by the Attorney General, which clarifies what obviously was my original intention. I wish also to express my appreciation of the co-operation of both the Attorney General and the Minister in charge of the Bill in obtaining protection not only for children but for any persons who might, in the circumstances I have outlined, be suspected of having committed an offence. An adult is not compelled to answer any questions, other than to supply his name and address, and he probably has some idea of the law and of his rights, which one would not expect a child to possess. I mentioned the other evening a case of where an adult was charged with the commission of an offence against a child.

It may be that all persons convicted of offences still plead their innocence, as in fact this person does, but in the case I have mentioned the child, after the second interrogation, which lasted for three hours, made a statement totally different from his earlier version of what had transpired. That statement was responsible for the adult being found guilty of the offence and being imprisoned for some months. I do not know which of the child's stories was true, but it is possible that in such a case an over-zealous officer might be responsible for a child admitting statements that were not entirely the truth. I would say, however, that I think instances of such improper practices in Western Australia would be extremely rare. The new clause will provide a guarantee that in such circumstances a child will receive fair play, both for its own protection and that of any adult suspected of having committed an offence of which the child might be a material witness.

Mr. STYANTS: While I do not propose to raise objection to the amendment, I believe that in some instances it might provide a means whereby the ends of justice could be defeated. An inquiry into the immediate circumstances surrounding the committing of an offence will be debarred under this provision. During the discussion on this Bill, the word "child" has been used, and I think most members have had in mind a school child, but it must be remembered that, under the definition contained in the Bill, a child might be 17 years and 11 months of age. Members know that in this and other towns there are "pushes" of so-called children, averaging perhaps almost 18 years of age, that go round committing offences. I can visualise a brawl taking place among such lads at a dance hall, where some person might be seriously injured, or a great deal of damage done to property.

Owing to this prohibition, the police, when called to the scene of such a brawl, would be unable to make inquiries on the spot in an effort to establish who was the offending party. What this proposal means is that the police will have to take one of these boys of 17 years and 11 months home to his parents, and in many instances the parents will be such as the youth, because of his sophistication, can buy and sell! The member for East Perth was substantially correct with regard to the interrogation of the school child, but I am afraid a provision of this sort will have very unsatisfactory results when applied to young hooligans verging on 18 years of age. In many instances, it will tend to defeat the ends of justice because the police when on the spot where a crime had been committed,

would not be able to make the inquiries that would be necessary.

Mr. YATES: When speaking the other evening regarding the proposed new clause, the member for North-East Fremantle mentioned the policeman bogey. That did exist in the minds of children a long time ago but we have progressed throughout the years. A change has taken place within the Police Force, and I am sure that the present schooling of constables is such that people will have every confidence in the manner of an officer's approach to any child under 18 years of age. I have been making some interesting studies regarding the position during the last financial year, and I notice that in the annual report of the Commissioner of Police the following appears:—

> Lectures by police officers to children attending schools in the metropolitan area were continued throughout the year. These talks are well received and serve a very useful purpose towards impressing on the mind of the child the observance of safety-first principles and the general observance of law and order.

During the last financial year 175 schools were visited by members of the Police Force as well as 23 kindergartens and 37 other institutions. The Commissioner's object in authorising such visits was to remove the old idea of the policeman being an enemy of children, and to endeavour to ensure that by their visits to schools and other institutions the constables would become the friends of the young people. I am certain that as a result, the old idea has been broken down and children are easily approachable by police officers when it is necessary to question them regarding offences that have been committed. Throughout the year the Australian Broadcasting Commission conducted a session known as "Children's Hour" from 6WF. Talks were given on a number of subjects such as road safety, vandalism to public and private property, cruelty to animals, observance of law and order and general conduct.

A point that has been overlooked during the discussion is the fact that we have women police. At present there are nine of these female officers and they are doing a grand job, particularly among the children. I shall quote a few figures regarding their work to indicate the importance of what they are doing with regard to children over 14 years of age. During the year these police officers made 1,393 inquiries and the girls over 14 years of age who were spoken to by them numbered 51 and those under 14 years of age totalled five. In addition, four boys were spoken to. The women also assisted in locating 38 lost children and the women police acted as escorts for 53 juveniles to various parts of the State. They assisted 19 girls and removed five children from immoral surroundings.

Mr. May: All from the metropolitan area?

Mr. YATES: Yes, that refers to Perth. I have some details regarding the position at Kalgoorlie.

Mr. Styants: It is pretty good up there.

Mr. YATES: The number of court cases initiated by women police at Kalgoorlie was seven and 21 girls were spoken to in the streets and at theatres. They spoke to 14 boys regarding larrikinism, dealt with eight lost children and cautioned eight women regarding their taking children to hotels.

Mr. May: They must have been there for a holiday!

Mr. YATES: Somewhat similar figures are applicable to Fremantle. These details show that the women police are doing a splendid job by sounding notes of warning to the children, thus helping to keep them from the courts. I am certain the advice they tender to children is heeded and the proof of that is to be found in the small number of court proceedings listed in places where they operate. In my opinion, we should leave matters as they are. Police officers are better trained and more highly skilled in the treatment of children today than ever before in the State's history. The proposed new clause would place a restriction upon their efforts and constables would not be able to carry out their work as satisfactorily as they can today. I oppose the new clause and any addition to it.

The ATTORNEY GENERAL: I have certain responsibilities in this matter. The observations of the member for Kalgoorlie were very cogent.

Hon. A. R. G. Hawke: I think they were, too.

The ATTORNEY GENERAL: The thought also came into my mind—I confess it had not occurred to me before—as to how far this prohibition would cover women police.

Hon. A. H. Panton: They are members of the Police Force.

The ATTORNEY GENERAL: Yes. My amendment was for the purpose of removing what, I think, would have created an impossible situation and the member for East Perth agreed with me when the matter was raised. I cannot help feeling deeply concerned about the whole matter. When I spoke previously, I thought it might be more properly dealt with by means of appropriate regulations and instructions under the Police Act. At present there are regulations in considerable detail which deal with the procedure to be adopted by police officers in a variety of matters, such as searching prisoners, including female offenders. The provision in this respect deals with what I may describe as the behaviour or conduct to be observed in various cases.

When it comes to dealing with children it may be desirable—I am not too sure about the regulations on the point at present—to consider whether the regulations will ensure that in certain circumstances some protecting person shall be present during interrogation. As the proposed new clause now stands, I am concerned that it may not, in circumstances such as have been mentioned by the member for Kalgoorlie and possibly in other cases as well, place a serious impediment upon the ability of members of the Police Force to deal with offences we can imagine might easily occur.

Hon. J. T. TONKIN: I believe that members will decide this question in the light of their own experience and knowledge. While policemen do interrogate children, the police are engaged for the most part in interrogating adults. Police are clothed with considerable authority, and it is not unusual for persons who have exercised authority for a long time to develop a somewhat overbearing demeanour.

Mr. Fox: Sometimes they do.

Hon. J. T. TONKIN: It is not unusual for that to happen. Everyone is familiar with the saying, "Once a policeman, never a man." How much truth there is in the saying, I do not know. I have the greatest respect for the police. To hold the policeman up to children as a bogeyman is wrong; I believe the policeman is the children's friend. However, when police are out to get evidence, they go for the evidence and do what they can to get it. That is why on some occasions they subject people to questioning for several hours.

If a policeman questioned a sophisticated youth, he would not learn much from him whether a parent was present or not. If a policeman were called to a dance-hall disturbance caused by a sophisticated youth, he would not get much information from the lad. If he questioned a child of 10 or 12, he could, by his attitude, force the child to say many things that might not be true. Children, when subjected to intense questioning, become afraid. I have often known of cases where a child has given one answer to one person and has said something different a few minutes later to a second person and something entirely different again to a third person. Children have a habit of giving the answer that they think will please the questioner.

The Honorary Minister: That is quite true.

Hon. J. T. TONKIN: If a teacher is questioning a child, the child endeavours to give the answer that it believes the teacher would like to have.

Hon. A. R. G. Hawke: I think it depends upon the answer the teacher wants.

Hon. J. T. TONKIN: A policeman, skilled in questioning and believing that he was on the track of something, could easily extract answers from children that were not true. The trouble is that such answers might be used against other people. In order to afford protection, someone should be present when the interrogation is taking place to give the child a feeling of confidence. This would also act as a check upon a policeman who might be inclined to adopt wrong methods. We want to prevent wrong methods from being adopted when children are being questioned. I consider the amendment to be excellent and one that will meet requirements. It will be a safeguard against unfair questioning, and I do not think it will hinder the course of justice. When questioning at length takes place, it is usually after a first, second or third visit by the policeman, so there would be no difficulty in arranging to have a responsible

person present. If a policeman were called to a disturbance at a dance hall, there would be few if any young children present—

Hon. A. H. Panton: There ought not to be.

Hon. J. T. TONKIN:—and the policeman would not get much information because sophisticated youths will stand up to anybody. The policeman would have to take the offenders into custody or lay a charge before he would get anywhere. We need not be worried about that aspect. When called to such a disturbance, the policeman would make inquiries of the person who had summoned him and could get all the information required about the offenders. Then he would order them out or take them into custody, and, if taken into custody, there is no reason why some responsible person should not be in attendance during the questioning. When an adult is arrested, he may refuse to answer any questions and ask to see his legal adviser. Children do not know that. Why therefore should the law provide protection for adults and disregard such necessary protection for children? If anyone requires the presence of a third person during an interrogation, surely it is a child rather than an adult!

Mr. GRAHAM: The member for North-East Fremantle has explained the situation exactly. It has been suggested that the police might be hampered in their inquiries when youths of 16 or 17 are involved, but such children within the meaning of the Act can be regarded to a large extent as adults. They could refuse to give any information and might even decline to say what school they attend, if they are still in attendance at school. Consequently, no imposition whatever is being placed upon police officers other than what obtains in respect of adults. Youths of 18 years of age could reasonably be expected to know that they could refuse to answer questions, but that is not so in the case of children, whether 17 years old or down to six or seven years of age. They should be afforded some protection; they should not be interrogated except in the presence of one of their parents or some responsible person. Justice will not be defeated. What has become of the moralists in this Chamber who place particular emphasis on the doctrine that a person is innocent until he is proved guilty?

We certainly should hesitate before passing a provision that might have the effect of convicting an innocent person. We should err on the side of caution. It is better that a certain number of wrongdoers should go unpunished than that one innocent person should be convicted. As the member for North-East Fremantle has said, there is a tendency for children to give answers in a certain way and the effect of that might be to involve some innocent person. There may be a rare occasion when it is desirable that information should be secured by a police officer on the spot; but, as I have said, that information can be denied to the police officer at present by both adults and children. We should have this safeguard in the interests of young people and of adults who might become involved through the testimony, which may be false, of a child and thus suffer a grievous hardship.

The MINISTER FOR EDUCATION: The Committee will recollect that at the sitting when this new clause was moved, I expressed the gravest doubt as to whether it could be accepted, because I was afraid it might interfere unduly with the course of police inquiries which are necessary in order to detect offences; but at the same time I agreed it was most undesirable that any unfair pressure on a child should be permitted; it is as undesirable as is the third-degree, as it is sometimes called, being applied to adults. The Attorney General's amendment does modify the clause to a considerable degree and in those circumstances it is acceptable to me. I agree, however, with the member for Kalgoorlie that there should be an age limit fixed.

I refuse to believe, as I think the member for East Perth would like the Committee to believe, that youths of 16 to 18 years of age, of the type referred to by the member for Kalgoorlie, are not completely sophisticated in these matters and are not well able to look after themselves. While I propose to offer no opposition to the amendment, I think that later we shall have to consider the question of imposing some age limit so as not to include young people who are 17 or 18 years of age, because if we do I am afraid we shall make the position of police officers rather more difficult than it ought to be in connection with this type of per-

son. I give notice that I intend to ask the Committee to debate this question of age before the new clause is finalised.

Mr. LESLIE: I do not intend to pass a silent vote on the amendment. I asked myself what the member for East Perth sought to achieve by his amendment.

Hon. A. H. Panton: The amendment is the Attorney General's.

Mr. LESLIE: I am dealing with the proposal of the member for East Perth and the amendment of the Attorney General. Is it the intention that the police shall not be allowed to question a child, or is it the intention that the information obtained from the child shall not be used in evidence for the purpose of securing a conviction against a person who might be innocent? It is necessary on numerous occasions for a police officer to question a child. Suppose a child has been injured, under the amendment of the member for East Perth it would not be possible for the police officer even to ask the child, "Who did it?" Yet the guilty person may be standing within arm's length of the policeman.

Hon. A. H. Panton: The amendment before the Committee is the amendment of the Attorney General, not the amendment of the member for East Perth.

Mr. LESLIE: I am discussing it. If the hon. member wishes to speak on it he can do so afterwards.

Hon. A. H. Panton: There will not be much left to be said when you have finished with it.

Mr. LESLIE: Thanks. That is a compliment. A police officer must question in order to obtain information. If the amendment is carried, it will stop the police officer from asking questions at a time when it is most appropriate to do so. I am in wholehearted agreement with the objective which I understand it is desired to achieve—that is, that the replies given to questions and the statements made by the child when it is not protected, when there is not a parent or guardian present, shall not be used later on in evidence; but this provision will not achieve that purpose. I suggest that the correct place in which to provide for that is in the Evidence Act which states what evidence is admissible. I must oppose this proposal because I fear it will interfere with the course of justice. I propose to vote against both the new clause and the amendment, because I do not see that they achieve the objective of either the member for East Perth or the Attorney General.

Mr. STYANTS: I am not quite convinced that the attitude I took up in the first place was not the correct one. The member for North-East Fremantle has had an extensive experience in dealing with children as a school teacher and he should know the psychology of children. I think that the picture he portrayed was a correct one, when he pointed out that under different circumstances it is possible to get three different stories from one child. Accosted by a policeman, a child might make a certain statement. Later on, he might tell another story to his parents. Then, next day at school, when questioned by the school teacher, he might tell yet another story. If that child subsequently appeared in the Children's Court, I believe that the story told to the policeman in the first instance would not receive very much notice from the magistrate, because it would be considered that what had been said to the parents would be the correct version rather than what was told to other people. I think the suggestion that the police cross-question children for hours at a time was an exaggeration.

Mr. Graham: I gave you an actual case.

Mr. STYANTS: The hon. member said it occurred, but I very much doubt it, because I do not think he was present. A child of nine who could stand up to interrogation for two or three hours on end would be particularly intelligent.

Mr. Graham: This one was 17.

Mr. STYANTS: I do not believe it is possible to interrogate one child in ten thousand for three hours and obtain intelligent answers. The assumption of those who referred to youths verging on 18 who go round in "pushes" is that when the policeman arrives on the scene of an offence he knows immediately which is the guilty person. But he does not know at all. There may be a dozen present with a person whom they have done over with a sandbag or into whom they have put the boots and who is lying semi-conscious or unconscious on the ground; and the policeman has to endeavour by questioning those present to ascertain who is the guilty party. He may have

to interview half a dozen people for that purpose. Unfortunately I have been brought into contact with two or three of this type of youth, and I can imagine the hilarity they would display over the knowledge that if they got into a brawl and did an injury to someone or to some property they would be able to say to the policeman when he came along, "We must have a clergyman with us before you can question us, or a schoolteacher or you must take us home to Mum and Dad before you can ask us any questions."

Mr. Graham: They can refuse to say anything now.

Mr. STYANTS: I am not suggesting that right should be taken from them. But I do say that when it comes to this type of person it is just a joke for us to pass a provision of this kind which, in effect, says that when a policeman arrives at the scene of a serious crime which may prove to be a capital offence, he will not be permitted to ask any of the members of a gang of half a dozen, questions that might establish who is the guilty party or questions of any kind, but will have to take those he wants to question home to their parents before he can do so. It is necessary, in the interests of justice, to give the police authority to ask some questions of people in the vicinity.

It might be that in such a case all of the members of a gang would not be particularly steadfast and that as the result of questioning, one of the party would tell what took place. But let the policeman have to go away without having established any clue as to the identity of the guilty person and the gang will soon get together and evolve some scheme of defeating the ends of justice. It will be made well known that if any information is given to the police and it is found out who gave that information, the outlook for that person will not be too pleasant. I hope the Minister for Education will move an amendment providing for an age limit. If the proposal is to apply to children I shall be 100 per cent. in favour; but if it is to apply to those just verging on 18 years of age, I have an objection to it.

I am prepared to agree to the provision affecting those up to 14 or 15 years of age. The member for East Perth raised the old question of the establishment of guilt. I do not see that this comes into the matter at all. I have been just as great an advocate as anyone of the necessity for placing upon the accuser the onus of proving the guilt of the accused. But that question is not raised here. It is a matter of the police being permitted to ask possible participants in the perpetration of a crime, to which they have been called, to establish who is the guilty person.

Mr. NEEDHAM: I feel inclined to support the view of the member for Kalgoorlie. One thinks of children of eight or nine years of age when one hears the word "child." The majority of children beyond the age of ten are precocious. The measure will deal with children up to the age of 18 years. I do not look upon that as being the age of a child. This amendment would have some undesirable results. In certain cases it might interfere with the course of justice. I am of opinion that youths, either male or female, between the ages of 16 and 18 are capable of looking after themselves in this matter. Why should we restrict the police officers? The best way out of the difficulty would be to include an age limit. I think we could go as far as 12 years of age.

Mr. BOVELL: I cannot agree with the amendment of the member for East Perth.

Mr. Graham: I have not moved it; the Attorney General moved it.

Mr. BOVELL: If police officers are not to be able to interrogate adolescent youths in the case of brawls and so forth—

Mr. Styants: Basher-gangs!

Mr. BOVELL: Yes. Youths of 17 and 18 years of age are quite capable of coming within that category. The member for East Perth raised the question of moralists, and the matter of being innocent by proving someone else guilty. I remind him of some words by W. S. Gilbert—"The Flowers That Bloom in the Spring."

Mr. FOX: I am not much in favour of the amendment. We would be doing the children and their parents a disservice by including it.

The CHAIRMAN: Order! We are dealing with only one portion at present, and that is to delete the word "whatsoever."

Mr. FOX: I suppose you will allow me the same latitude as you have allowed other members.

The CHAIRMAN: The word "whatsoever" is so comprehensive that members can range pretty well over the clause as a result, but we are discussing only the deletion of that word.

Mr. FOX: Yes. We can envisage the case of a disturbance at a dance hall. The logical thing for a policeman to say to any youths concerned would be, "I cannot question you; all I can do is to take the lot of you to the police station and put you inside, and if I can find your parents, I will." I do not know that there is to be any obligation on him to find them immediately. Would he have to get a motorcar and send someone to the four points of the compass to look for them? If they could not be found, the policeman would have to get a J.P., or a minister of religion, or someone else mentioned here. Would a J.P., if he were enjoying himself, go to a police station to listen to a policeman interrogating some youths? I do not mind going along to bail someone out—as I have often done—at 11 or 12 o'clock at night, but I draw the line at listening to an interrogation by a policeman. I think the police officers are a very fine lot. Years ago, when they were selected because of their brute strength or something else, they might have been different, but today they are a fine body of men. There may be rare exceptions. A policeman should be able to interrogate a child if he so desires.

Mr. GRAHAM: I appreciate that the Committee is dealing only with the amendment now before it, but I think the substance of the proposed new clause is being determined at the same time. While I expected the Committee to understand what was involved, I might have made an exception in the case of the member for Sussex. In the circumstances mentioned by the member for Kalgoorlie and others, either an adult or a child, if aware of the provisions of the law, can refuse to answer any question except to give his name and address. Those who are of mature years are probably aware of their rights in this matter, but I think protection should be given to children and to those who might be affected by the utterances of children in such cases. I am sure that any member present, if his child was to be interrogated, would wish to be present to see that the child was treated fairly.

All persons, whether old or young, have the rights I have mentioned under the law and I believe all members are agreeable to that state of affairs being continued, but we are now dealing with a measure to provide for those who have not yet attained 18 years of age, and it has been admitted that there are circumstances applying to youths of less than 18 years of age that do not apply to older persons in the community. One could not expect the great majority of children under 18 years of age to be aware of their rights under the law. The member for Kalgoorlie ridiculed the idea that such youths might not be aware of their rights and might not insist on their parents being present, but if that were so I think they would also be aware that they could refuse to answer any question other than to give their names and addresses. Therefore that argument has no substance. While dealing with the Bill, so far, members have realised that there are special considerations pertaining to those who have not reached 18 years of age, and it is the intention of this clause to meet such considerations.

Mr. MAY: I wish to express my opinion—

The CHAIRMAN: I hope the hon. member will express his opinion only as it relates to the amendment moved by the Attorney General.

Mr. MAY: I am not inclined to support the amendment. I believe members are desirous of seeing that children are protected, but not that the same protection should be afforded to young hooligans who conduct themselves in a disorderly manner, particularly at dance halls.

Amendment put and passed.

THE MINISTER FOR EDUCATION: Before the Committee decides upon the clause as a whole, there are two small amendments I desire to move. I move an amendment—

That at the end of the proposed new clause the following words be added: "or a legal practitioner retained by the child or the parent or guardian of the child."

The member for East Perth pointed out that any adult person who was to be questioned by a police officer would be entitled to the services of a legal practitioner but that no such provision applied to children.

Hon. J. T. TONKIN: Is the amendment really necessary, seeing that the child has that right now?

The Minister for Education: I am afraid he will not have it if the new clause is passed without this addition.

Hon. J. T. TONKIN: Surely the clause will not take away a right the child already possesses. As the law stands now, a child can refuse to answer any question put to him other than as regards his name and address. There would be no need for the clause at all if all children were aware of that fact. If we agree to the Minister's amendment, we will simply give the child a right that he already has.

Hon. J. B. Sleeman: But the child would be too frightened to use it.

Hon. J. T. TONKIN: If the amendment be agreed to, that will not make him less frightened.

The Minister for Education: Unless my amendment be agreed to it will mean, as the new clause stands, that the child will be forced to have the parent and the lawyer present and not merely one of them.

Hon. J. T. TONKIN: Does not common law give every person the right—

The Minister for Education: Yes, but as the clause stands it will mean that both the parent and the lawyer must be present and not merely the lawyer.

Hon. J. T. TONKIN: Then it automatically debars the individual from exercising his rights under common law!

The Minister for Education: That is what it would amount to unless my amendment were accepted.

Hon. J. T. TONKIN: At any rate, it will not make much difference, although I do not think the amendment is necessary.

Amendment put and passed.

THE MINISTER FOR EDUCATION: I move an amendment—

That a new paragraph be added as follows:—"For the purpose of this section 'child' means a child under the age of 15 years."

Amendment put and passed.

New clause, as amended, put and a division taken with the following result:—

Ayes	10
Noes	27
Majority against	17

AYES.

Mr. Coverley	Mr. Sleeman
Mr. Graham	Mr. Smith
Mr. Hoar	Mr. Tonkin
Mr. Nulsen	Mr. Wise
Mr. Panton	Mr. Rodoreda
	(Teller.)

NOES.

Mr. Abbott	Mr. Murray
Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. Read
Mr. Doney	Mr. Reynolds
Mr. Fox	Mr. Seward
Mr. Grayden	Mr. Styants
Mr. Hegney	Mr. Thorn
Mr. Leslie	Mr. Triat
Mr. Mann	Mr. Watts
Mr. Marshall	Mr. Wild
Mr. May	Mr. Yates
Mr. McDonald	Mr. Brand
Mr. McLarty	*(Teller.)*

New clause thus negatived.

Title—agreed to.

Bill reported with amendments.

Sitting suspended from 6.12 to 7.30 p.m.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. S. Seward—Pingelly) [7.30] in moving the second reading said: In introducing this Bill I am giving effect to the promise made by the then Opposition in its appeal to the electors last March. The Policy Speeches of the Leaders of both political Parties forming the Government promised that, if returned to power, the Railway Department would be separated from the Tramways and Ferries, and that the two branches of transport, that is, the Railways and the Tramways and Ferries, would be placed under different management. It was further promised that in each case a board or directorate would be put in charge, in place of control by a single man.

Up to now and for very many years the Railway Department has been under the control of a Commissioner. His powers are set out in the Government Railways Act, 1904, and its various amendments.

Subject to that Act, the Commissioner has the management, control and maintenance of the Government Railways. The Commissioner can be removed from office by the Governor; but such action would have to be confirmed by Parliament. With that exception, the Commissioner is in charge of the railways; so much so, that, as stated by the then Minister for Railways last year when introducing a Bill into this House to effect a change in the management of the railways, "members who represent the community look to the Minister for Railways to give effect to the wishes of the people, but the Minister is in the unfortunate position of not being able to do so." That, then, is the position; and, while certain matters have to be submitted to the Minister for his approval, that is as far as the Minister's authority extends.

Last year my predecessor, as I have said, introduced a Bill into this House to bring about a change in the administration of the railways. His Bill went much further than the one I am now introducing. Under his Bill, the whole management, control and maintenance would have been vested in the Minister. That Bill provided—

> The Commissioner shall obey and observe such directions as the Minister pursuant to this Act may from time to time give him regarding the management, maintenance and control of, or in connection with, any Government railway, or the use or exercise of his powers, discretions and authorities relating to such management, maintenance or control.

That would, of course, have placed the railways under political control. It would even have gone so far as to extend to appointments to the Railway Department. I think I can safely say that it was on account of the absolute change, especially to political control, that the measure was defeated. However, we on this side of the House, then sitting in Opposition, considered that such a state of affairs would be entirely undesirable. My main reason for saying that is that I am of the opinion that technically trained men should be in charge of the department to ensure the successful management of so great an undertaking. I am not reflecting upon any Minister who might occupy this position, but I think it must be admitted that a man who has spent his life in the service of the Railway Department becomes an expert and consequently must know infinitely more about the working of it than any member of Parliament, who might for the time being be filling the position of Minister for Railways, could possibly know.

Mr. Graham: Would that not apply to the Department of Mines, the Department of Agriculture and other departments, too?

The MINISTER FOR RAILWAYS: I am confining myself to the Railway Department. I think members will agree with me that the Railway Department is a much more technical department to control than the Agricultural Department and perhaps many other departments. There are many interests in the Railway Department which call for representation in management. We have the engineering side, the transport side, the administrative side, and the employees' side. We have also to consider the users of the railways, the passengers, the primary producers and the commercial interests. All these are vitally concerned in the successful management of the railways; and, in the Government's view, it is necessary that they should be heard in the management of the railways.

We therefore come to the first question we have to ask ourselves: Is it necessary to have a change of control from the one-man control to a system of a board of commissioners—the name is immaterial—on which the various interests, so intimately concerned with the success of the railways, will be adequately represented? In the opinion of the Government, such a change is necessary. Before proceeding to deal further with the Bill, I desire to give the House some indication of the expansion that has taken place in the railways since their control was vested in one man. I will take the figures for the years 1904 and 1946. They are as follows:—

	1904.	1946.
Length of Railways open ..	1,720 miles	4,831 miles
Capital a/c ..	£8,141,782	£26,979,563
Gross Earnings ..	£1,553,485	£4,106,718
Working Expenses	£1,247,873	£4,016,706
Profit (after paying interest) ..	£30,887	Deficit £959,804
Train miles run	4,616,315	6,409,278

An item to which I wish particularly to draw attention—I shall refer to it later—is the number of locomotives. In 1904 the department had 316 locomotives; in 1946, 424, an increase of 108. That relatively small increase has to contend with at least

three times the amount of goods traffic and double the number of passengers.

Mr. Styants: But there would be a bigger increase in horse-power.

The MINISTER FOR RAILWAYS: Very likely, but the increase in the number of engines is very small. Before I conclude, I will give reasons why the increase is so small. The number of persons employed by the department in 1904 was 6,241; today it is 8,598. Members know how immensely the work of the railways has increased in that period. It has grown to such dimensions that, in the opinion of the Government, the department should be controlled by more than one man. That is not all, of course. Traffic problems have increased infinitely since 1904. Motor transport has brought greater problems to the railways. For one thing, it has removed the monopoly which the railways had of fast traffic in the early part of the century. There was then practically no competition with the railways for long-distance travel for passengers or for the carriage of goods. Nowadays, a change has occurred. We have the faster motor traffic and the Railway Department has now to look to its laurels.

The department has to provide faster and more comfortable services than it did in years gone by; if it does not, the inevitable result will be that there will arise a public demand for that faster and more comfortable travel by the only other alternative, which is motor traffic. Therefore, the change in that respect is so great that there is almost sufficient work for one man in looking out for avenues for further business for the railways and keeping the railways up to a position in which they can successfully cope with other means of transport, such as motor transport. Men trained in the department have what might be termed the departmental point of view. I have had instances of that in the short time I have held this portfolio. When requests have been made for more up-to-date and speedier forms of transport, the attitude, generally speaking, has been that the service is there, regardless of whether it comes up to the public's conception of adequacy. Just because it is in existence, many in the department seem to think that that is sufficient. That kind of attitude is not right. It is due, I think, to the fact that men have been brought up in the departmental atmosphere, and have come to look at matters from the departmental point of view and not from that of the general public.

Hon. E Nulsen: Is that not a reflection on the officers of the department?

The MINISTER FOR RAILWAYS: Please do not think I am referring in a personal way to anyone in the Railway Department. I am not saying that anyone in the department is at fault.

Hon. E. Nulsen: I myself found the Commissioner very ambitious.

The MINISTER FOR RAILWAYS: I have not the slightest doubt of that. I would go so far as to say that there is no greater pleasure one could have than an interview with the Commissioner. He has a gentlemanly manner and is pleasant to deal with. I am not saying anything against him, but am viewing the position of the department generally, regardless of who might occupy the position at any time. Apart from these additional problems that have faced the department since the advent of motor traffic, there are those that have arisen from the fact that since the Commissioner was appointed to the charge of these concerns there has been added to his work the control of tramways and ferries, and that has given him considerably more work. Since control was handed over to the Commissioner, motor-buses and trolley-buses have come into use; and, in view of the big demand for transport, the Government considers there is ample room for separate control of the tramways and ferries, as distinct from the railways. Consequently, later on I hope to introduce a Bill to provide for that separate control. In order to give members an idea of the expansion that has taken place in the Tramway Department since it was handed over to the Commissioner in, I think, 1913, I submit the following figures to the House:—

TRAMWAYS.

	1913.	1946.
Capital	£506,364	£1,247,088
Earnings	£116,774	£521,093
Working expenses	£74,708	£456,454
Surplus	£20,521	£16,232
Car miles run	1,573,266	5,046,381
Mileage of track-car	31·0	53m. 10ch.
Mileage of trolley-bus	....	26·38 ch.
No. of 4-wheel cars in traffic	52	50
Bogie	11	68
Trolley-buses	....	40
Motor-buses	....	19
Passengers carried	10,700,015	52,521,558
Number of persons engaged	268	908

From the two sets of figures I have given, it can be seen that the interests of both departments are sufficiently large to call for closer management and control than one man can possibly give. If we want further evidence of the need for a change in the management and control of railways, it is amply provided by the present-day picture of the department. Passengers are complaining about the service they have to use; consignors of freight and stock are complaining; and employees are complaining. But, unfortunately, in no instance can very much, if any, redress be given, clearly indicating that the position has gone beyond one-man control. There is ample evidence in the Railway Department that some drastic change is necessary.

I do not desire to enumerate the disabilities with which railway patrons have to contend; nor do I want to reiterate what has been said here in previous years. If any members want anything of that description, all they have to do is to turn the pages of "Hansard" and they will find plenty. They will, at all events, find a speech of mine delivered on the occasion when we debated the renewal of the appointment of the present Commissioner for a period of five years, and the speech I made in moving a motion last session for the appointment of a Royal Commission. On that occasion I said what I have just recently said; that I do not pass any personal criticism of the present administration. As a matter of fact, I view it in the same light as that in which I notice the Royal Commissioner has viewed it. He said he regarded the railways as an organisation for rendering service to the public and helping in the development of the State. If they meet those requirements, the railways are giving every service necessary.

We have appointed a Royal Commission to inquire into the matter, and it is the Government's opinion that the men who have been chosen for the inquiry are fully qualified for the job. But I have to justify this Bill. In other words, I have to justify the projected change from one-man control to control by a board. I think I have gone a long way towards doing that. If any further proof is required, however, I might mention that during the period I have occupied my present position I have been able to make a few inspections throughout the service, and I have taken particular interest in some of the barracks and living places of employees of the department. In some instances I have found buildings that are certainly bad in the extreme, to put it mildly. In some cases, they are not habitable. During the last two or three weeks I inspected a building and was told that a railway employee who had just retired had lived therein during his period of employment, and his father had lived there before him. Members can readily imagine that that building is due for replacement by something more modern. But it was a palace compared to some other places I have seen.

So far as I have been able to determine, there has not been proper appreciation of the need for the department to provide suitable accommodation for its employees. I know there is a housing shortage at present; but I had a case put to me only recently of a man who was removed from one railway station to another on temporary work, and all he could get for accommodation was a corrugated-iron shed in the railway yard, containing no windows and with the earth for a floor. He occupied that for a time and then he was told he would have to get out or the place would be condemned by the health authorities. I marvel that the employees have put up with the conditions that I have found in my short experience. To give members some idea of the position, I shall quote one or two remarks from the Royal Commissioner's interim report, which has just been issued. This is what the Royal Commissioner had to say at page 42—

> I have referred, when dealing with the shops and the depots, in no uncertain terms with regard to what are generally referred to as "amenities." Within the railway organisation they are almost non-existent and it may be stated without exaggeration that except in one or two isolated instances elementary decencies are hardly met. Amenities do not only consist of providing latrines and closets, wash basins and crude forms of showers. Men come to work clean and it should be possible, particularly when they are employed in work which is necessarily dirty, to change into working clothes and have hygienic lockers into which to put their ordinary clothing. On leaving work they should be able to change from their working clothes, deposit them in a locker, or suitable hanging space, pass through the showers or wash room, resume their clothes, and go home clean.

Hon. E. Nulsen: I agree with that, 100 per cent.

The MINISTER FOR RAILWAYS: Yes, I think all members would, but the Railway Department has not been able to do it for years. That clearly indicates that the control of the department has got so big that one man cannot possibly devote himself to the many calls that are made upon him. I wanted to have a look at the car-barn, and I got into hot water because I did not consult the Commissioner of Railways. Surely I do not have to ask a busy man like the Commissioner if I want to look at the car-barn at East Perth. Anyhow, I am not going to do it.

I also want to quote a paragraph from the Royal Commissioner's report dealing with a most important matter—the question of human relationships—which I find to be absolutely non-existent in the railways. There, unfortunately, seems to be a gulf between the heads of the departments and the employees. That cannot possibly conduce to the efficient management of the department. Only last Saturday night I went to the railway station and I was talking to an employee while I was waiting, as most people generally have to do when they are meeting a train, and this chap was simply one grouse from start to finish, and in my opinion he had a legitimate grievance. He was supposed to go off duty at nine, but he was still there when I left him at 20 minutes to 10. He told me that sometimes it is after midnight before he leaves, and if there is no tram he has to walk home to Inglewood. This is what the Royal Commissioner has to say on human relationships—

> It is not without intent that the words "human beings" were placed first in the conception I put forward of what constitutes the essentials of an organisation. I can imagine no more important section of an organisation than the human beings which are part of it. The time has gone by when the workers in an industry could be considered as merely cogs in a machine performing more or less efficiently a limited function. Also there is no more important function of management than understanding the human element of the organisation, and making a determined effort to secure its co-operation towards attaining the objectives of the organisation.

That is quite true. It reminds me that when the first world war took place we were each given a job to do without any explanation. The privates would be formed into a platoon and marched to a certain place, and if the enemy came along they had a shot at him. As the war progressed, those in authority found they could not get any success in that way, with the result that before the termination of the conflict, platoons would be called together and an officer would explain the whole of a projected movement. As a consequence each one knew what he had to do and took an intelligent interest in the work allotted to him. It is the same with the organisation of the railways. The employees must be taken into the confidence of the management, and a spirit of fellow-feeling must be shown so that the best results may be obtained.

These conditions, and particularly do I refer to the amenities, are entirely non-existent, and the Government is determined that that position will not be tolerated. As soon as we can improve the amenities and make other improvements to the conditions of the employees, we will. That is a compelling reason why the employees should have a representative on the board of management. Their troubles will then be brought to the notice of the professional men, just as the professional men's difficulties will be able to be demonstrated to the employees, and by co-operation between the two interests we shall have a better feeling and organisation right through. If further evidence for the need of re-organisation and better management of our railways is required, it is to be found in the erratic timetables that exist. In fact, they almost do not exist.

As I indicated just now, I had occasion last Saturday night to meet a train arriving at 10 minutes past eight and I got there at eight o'clock. The board said it would not come in until 10 minutes to nine. I went into the city because I was hoping to go to an entertainment after meeting the train, and I arrived back at the station at 20 minutes to nine with the board showing that it would be in at 9.30. That train takes over an hour to come from Chidlow, so that when I first got there it must have been somewhere near Chidlow. That is not an isolated case; there are scores of them. One night, at about five past eight I went to meet a train and inquired at the office when it would arrive. I was told that it would be in at 8.30. Some people standing there said, "We will not wait any longer," and they cleared out. The train came in five minutes afterwards.

Mr. Styants: They give some erratic information over the telephone, too.

The MINISTER FOR RAILWAYS: That is so. There is something radically wrong. I am not saying that any particular man is responsible, but whatever is wrong has to be corrected. I could give numbers of such instances as, I am sure, the last occupant of my present office could if he were so disposed.

Hon. A. H. Panton: You used to blame the Minister, previously.

The MINISTER FOR RAILWAYS: The Minister has no control whatever. Then there is the question of the carriage of freight on our railways. I remember that years ago an unfortunate Englishman came to this State and was directed to go farming in a certain district, and he lost practically everything he had. He was moved from there to a better part of the State. He had a team of eight horses which he put on the train and one of them had its neck broken. That was the end of things for this man; he had to walk off his farm. In the last two weeks two heifers have arrived at their destination with broken necks. The passengers, consignees, and everyone else complain. We must alter the position, otherwise road transport will have to supplant the railways, because the people are entitled to proper transport.

Those who were in the House prior to this session will recall that I have often complained about the railways, and I have mentioned the question of lost and missing articles. But I did not have the slightest idea that there were so many things missing and broken as I have found to be the position since I have been the Minister. People seem to consign them, and if they are broken that is the end of it. They are not sent at the Commissioner's risk. We must do something better. Then there is the question of engine-power. When giving evidence before the Grants Commission, the Commissioner of Railways said that 85 per cent. of the engines were over 30 years old. Thirty years is regarded as the economic life of a locomotive. On that matter the Royal Commissioner says:—

> It is to be noted from the information recorded on the graphs attached that while the load on the shops as represented by ton miles of goods and livestock and departmental goods has increased, the locomotive stock has remained practically static since 1916. In the years previous to that there had been two periods during which considerable additions were made to the locomotive stock, but since that period increasing loads have had to be hauled by aged and deteriorating locomotives. Much the same story is shown by the position with regard to wagon stock, where again since the years 1914-16 the accretion of stock has been small and spasmodic.
>
> In the case of many of the depots, reorganisation and reconstruction undoubtedly means the provision of new buildings for running sheds, workshops for repairs, offices, stores, amenities, housing, all properly related to the work that has to be done, and to each other. Planning required for this will be heavy and is a matter which in my opinion must receive immediate attention. Estimates of costs cannot, of course, at this stage be made, but from my general experience of such matters I do not think the expenditure required will be less than £1,000,000 in the case of the workshops and possibly not less than £250,000 in the case of the depots.

So the position regarding locomotives has remained static since 1916. Last night the Leader of the Opposition gave a detailed list of the surpluses that had been accomplished by Labour Premiers and the deficits accomplished by Liberal Premiers. While listening to him I could not help recalling an utterance of mine in this House about four years ago, when the then Premier, Hon. J. C. Willcock, was telling the House that for the fourth year he had achieved a surplus. I then indicated that it was not hard to achieve surpluses if one neglected maintenance of public utilities. There is no doubt that the surpluses achieved in that four or five years could have been spent in keeping our locomotive power up to date. Even had that been done, we would still have been far short of the total engine power required. Not much credit can be taken for the mere fact of having achieved surpluses at the expense of placing our railways in their present position. I do not know whether the public generally are aware of the real position of our railways, but I am constantly receiving demands for extra facilities for the transport of passengers and freight.

Mr. Hoar: How would you have spent the surpluses on the railways during the war years?

The MINISTER FOR RAILWAYS: There was no need to wait for the war years. The position has been static since 1916.

Mr. Hoar: You referred to the four years in which surpluses were high—the war years.

The MINISTER FOR RAILWAYS: Part of the examination of the Commissioner of Railways by the Royal Commissioner ran as follows:—

Royal Commissioner: "It is not only what you say is necessary. It is absolutely necessary. The way you are carrying on at present you are riding for disaster."

Mr. Ellis: "As I told you, I have already warned the Government of that phase; and, as I mentioned in my statement, certain things must be done unless we are to face a complete breakdown of railway transport."

That is the position with which we are faced at present, and although certain action has been taken to secure new engines, they cannot be obtained before 1949 at the earliest, and, as to half of them, before 1950. We must therefore carry on as best we can until those engines do arrive and we are able to give a better service to the public. I have quoted the remarks of the Royal Commissioner on the Midland Junction Workshops. As he has said, they are a heap of shops that have grown up, and they are now in a position where the whole layout must be planned as a complete unit at an expenditure of not less than £1,000,000 before the workshops can be brought into an efficient condition. The Railway Workshops can be regarded as the heart of the railway system because, if they are not efficient and the men have not the proper tools they cannot do good work, and the railway system cannot function efficiently.

I feel that I have established the need for a change in the system of railway management that has existed in this State in past years. The form of management favoured by the Government is that set out in the Bill, which I will now explain briefly to the House. I would point out that there is a slight error on the second page of the Bill where in line 11 the figures 12-15 should read "13-15." There are two main provisions in the Bill, the first being to change the control of the railways, tramways and ferries to the control of the railways only by a directorate of five. The second feature is to bring the accounts of the Railway Department under the control of the Auditor General. There are other minor provisions in the Bill, in many instances consequent on the alterations I have already mentioned.

Hon. A. H. Panton: Do I understand you to say that this board of directors will not be subject to ministerial control?

THE MINISTER FOR RAILWAYS: It will be the same as the present control.

Hon. A. H. Panton: What is that?

THE MINISTER FOR RAILWAYS: That which is provided by the Act.

Mr. Marshall: You have shifted your ground on that point since you became a Minister.

THE MINISTER FOR RAILWAYS: We, on this side of the House, do not favour political control.

Hon. A. H. Panton: Does that mean that the directorate is not to be subject to ministerial control?

THE MINISTER FOR RAILWAYS: Instead of placing a Commissioner in charge of the railways we will have a board of directors on which the various interests will be represented. They will be able to give effect to the various requirements and bring about a better state of administration in the department than was possible when it was controlled by one man.

Hon. E. Nulsen: Will the directorate be subject to control as the Commissioner was?

THE MINISTER FOR RAILWAYS: The directorate will take the place of the Commissioner.

Hon. F. J. S. Wise: Will you elaborate on that point as to the control between the Government and the directorate? The railways are likely to show a loss equivalent to the State deficit. Is the Government to have any control of the railways through the Minister?

THE MINISTER FOR RAILWAYS: It will have the same power as it has today and will be able to increase or decrease fares or freights, as required by the directorate, and the users of the railways will be represented and will be able to indicate their needs.

Hon. F. J. S. Wise: The point is as to where Government authority comes in.

Hon. A. H. Panton: And where it begins and ends.

THE MINISTER FOR RAILWAYS: It will be a directorate of five, two nominee directors and three representative directors. Of the two nominees, one will be a qualified engineer, well versed in railway management, and the other will be a transport and administration man with experience of railway matters. One of those two will be appointed chairman. They will also be employed in the department, necessarily. I want to explain that the term "permanent employment in the department" does not necessarily mean that these men must have been employed in the department before their appointment to the directorate, nor that they will be disqualified if they were employed in the department before receiving their appointment. Afterwards, of course, they will be departmental officers. Until then the position will be open.

Hon. F. J. S. Wise: Are you going to appoint a woman to the directorate?

The MINISTER FOR RAILWAYS: I do not think so.

Mr. Marshall: What about the carriage of prams? You will want a woman to deal with that phase.

The MINISTER FOR RAILWAYS: Those appointed to the directorate will hold office during the Governor's pleasure. The three other directors will be known as representative directors. One of these will represent the primary producers who are by far the biggest users of the railway system. The appointee will be selected by the Minister from a panel of three submitted by the Farmers' Union. One other director will be a representative of commercial interests, and he will be selected from a panel to be supplied by the Chamber of Commerce. The remaining director will represent the industrialists and will be selected from a panel supplied by the unions concerned with the running of the railways. These five officers will have control of the railways and the need for such a change must be quite apparent to the House. The necessity of having a representative of the producers as a director has been demonstrated to me many times during my short regime.

I have had instances brought under my notice of butter of the highest standard of manufactured perfection having been brought to Perth from the centre where it was produced in a van utterly unsuited for the purpose. The temperature in the van when the butter was loaded was 90 degrees, which was entirely unsatisfactory. Then, again, I have had instances of apples having been despatched in open trucks covered with tarpaulins. The result, of course, was that the fruit was burnt and covered in dust, merely because it had been conveyed in an unsuitable vehicle. The advantage of having a producers' representative on the directorate is that he will know the requirements of the particular industries concerned and will take steps to see that vans suitable for the transport of various commodities are made available.

Mr. Marshall: Will the directors be appointed by Executive Council or by Parliament?

The MINISTER FOR RAILWAYS: By the Government.

Mr. Marshall: By the whole of the Government?

The MINISTER FOR RAILWAYS: That is so.

Mr. May: Should not someone be appointed to the directorate who knows something about coal?

The Minister for Lands: Coal is not the only thing.

Mr. May: It is important in connection with railways.

The Premier: The Royal Commission will deal with the coal question.

The MINISTER FOR RAILWAYS: As the Premier has indicated, the Royal Commission that has been appointed will investigate the question of coal supplies and no doubt its report will embody suggestions which will, I assume, be acted upon with a view to securing better supplies of coal. Obviously it is a serious problem for the railways today but I do not think it warrants the appointment of a director to represent the coal industry.

Mr. May: A workers' representative might know something about coal and that would be of assistance.

The MINISTER FOR RAILWAYS: Undoubtedly, but the Royal Commission will be taking evidence in that respect and, in addition, we have the evidence presented to an earlier Royal Commissioner, Mr. Wall, at work, who went into the subject exhaustively and made very valuable suggestions

However, I have outlined the first main provision regarding the appointment of a directorate to control the railway system. The other important provision in the Bill, as I indicated earlier, concerns the bringing of railway accounts under the control of the Auditor General. That change is necessary and, of course, it will involve the preparation of a balance sheet, profit and loss account and such other financial returns as are required by the Auditor General, and these will be placed annually on the Table of the House.

The Bill contains one or two other matters to which I shall make brief reference because members might desire to know why they have been included in the Bill. For instance, it will be noted that a reduction has been provided for with respect to the penalty for certain offences from two years to six months. The object of that is to bring the penalty into line with those for similar offences for which the maximum term of imprisonment is six months. The penalty of a fine of £50 or imprisonment for two years must suggest to members that the term of imprisonment is out of all proportion to the fine. In order to rectify the position the term of imprisonment has been reduced from two years to six months.

Hon. F. J. S. Wise: You propose to delete from the Act Sections 7 to 13. Those are the sections that give Parliament some control with regard to appointments.

The MINISTER FOR RAILWAYS: I will look up that point later.

Hon. F. J. S. Wise: I want to get at the connection between the directorate and the Government.

The MINISTER FOR RAILWAYS: As a matter of fact, those provisions are repeated in the Bill in another form.

Hon. F. J. S. Wise: But not similar to those appearing in the Act.

The MINISTER FOR RAILWAYS: I think they are, in all material considerations.

Hon. F. J. S. Wise: I am trying to get an explanation of the connection between the Government and the directorate.

The MINISTER FOR RAILWAYS: So far as my knowledge goes, it will be exactly the same as it is today.

Hon. A. H. Panton: That has been one of the big arguments over the years.

Hon. F. J. S. Wise: There has been a divergence of opinion on the point.

Hon. A. H. Panton: There has always been an argument as to the extent the Commissioner is subject to the Government.

The Minister for Lands: Really, who is making this speech?

The MINISTER FOR RAILWAYS: Another provision in the Bill has reference to licensing matters and the use of refreshment-rooms and cars. The directors will be empowered, after calling for tenders, to lease, for any period up to three years, railway restaurant-cars and refreshment-rooms, subject to the provisions of the Licensing Act. It will also enable the directors to deal with the selling of spirituous or fermented liquors in any refreshment-room, but there is to be no sale of liquor in restaurant-cars. It must not be taken that there is any intention to lease the refreshment-rooms or dining-cars, but this will give the directorate power to do so if it were deemed advisable. I certainly do not want to convey the idea that it is the intention to return to the old system of leasing.

Mr. May: The conditions are satisfactory now.

The MINISTER FOR RAILWAYS: That is so.

Mr. Marshall: Not satisfactory, but a great improvement.

The MINISTER FOR RAILWAYS: The present system is indeed a big improvement. However, the Bill will empower the directorate to do whatever is considered necessary. These are the main features of the Bill, and minor matters contained therein can be dealt with during the Committee stage.

Mr. Marshall: What provision is there in the Bill to get over the difficulty mentioned in connection with the Traffic Act Amendment Bill?

The MINISTER FOR RAILWAYS: I am glad the hon. member reminded me of that point. In accordance with the promise made by the Deputy Premier when the Traffic Act Amendment Bill was before the House, a clause has been included in this Bill to ensure that no employee shall be penalised twice for the one offence.

Mr. Marshall: What do you propose to do during the transitional stage? Are the tramways to be conducted by a manager?

The MINISTER FOR RAILWAYS: Another Bill is to be introduced to deal with the tramways.

Mr. Marshall: When will we receive that Bill?

The MINISTER FOR RAILWAYS: As soon as it is printed. In fact, a reference to the introduction of the Bill is to be found on the notice paper. A further Bill will be introduced to deal with the appointment of a transport advisory committee, which body will have power to recommend various transport routes and the closing of railways. Another provision in the Bill will give the directorate power to write down any obsolescent plant that may be on hand. But if the Auditor General considers the writing down too drastic, he will be able to effect an alteration to rectify the position. I move—

That the Bill be now read a second time.

On motion by Mr. Marshall, debate adjourned.

BILL—WHEAT MARKETING.

Second Reading.

Debate resumed from the 14th October.

MR. TRIAT (Mt. Magnet) [8.20]: I do not disagree with the introduction of this Bill. If there was not any legislation by the Commonwealth to deal with wheat marketing, it would be quite right for us to pass the measure. Speakers on the Government side of the House impressed me as having the idea that members on this side did not favour the measure.

The Minister for Agriculture: I do not think that is so.

Mr. TRIAT: I heard one or two speakers say that there was opposition to the Bill from this side of the House, but I have failed to notice it. The member for North-East Fremantle thought the Bill had been introduced prematurely and was not required while Commonwealth legislation was in operation to control the position, and he did not think chaotic conditions would result if there were no State legislation. I repeat that I favour the Bill. I always favour legislation that will give the people who produce the goods a reasonable return for their labour.

Unfortunately, members on the Government side have not been able to give us much information as to what they consider to be a proper price for wheat. Each of the members on the Government side who has spoken is an actual grower of wheat.

Hon. J. B. Sleeman: The member for Mt. Marshall might work it out.

Mr. TRIAT: The member for Mt. Marshall was challenged on the point and was not able to give the House any particulars at all that would indicate what constituted a reasonable price for wheat, either for home consumption or for export. The member for Wagin is a wheat farmer, a young, capable-looking class of man, and he also was unable to give us a reasonable figure for growing a bushel of wheat. The hon. member was asked the question by way of interjection, but he was not able to take his eyes off the script from which he was reading and did not reply to the interjection. Obviously, the member for Wagin was not speaking from his own knowledge. He was evidently giving a speech written by somebody else, and was so intent on reading it that he could not take his eyes off the script to reply to the question. I do not object to any member reading his speech. It is very difficult for a man to stand in his place in Parliament and make a speech that is sensible and sound unless he has notes either to read from or to refer to.

Hon. A. H. Panton: A lot of the speeches would be better if they were read.

Mr. TRIAT: When people stand before the microphone, they read every word of their speeches and make no mistakes. Ministers, when speaking to their Bills, have notes to guide them. What I do object to is a member reading a speech composed by somebody else. I trust that new members, if they desire to read their speeches, will read only script that they themselves have prepared, and that if they include passages written by somebody else, they will refrain from reading them. The phrase "hammered out" occurred frequently in the speech of the member for Wagin. We know who uses that phrase and, therefore, it is obvious to us who wrote the speech. As I said, that member could not give us a reasonable figure as to the cost of producing a bushel of wheat.

Hon. F. J. S. Wise: The member for Irwin-Moore did so.

Mr. TRIAT: He is the only one who gave any particulars.

Hon. F. J. S. Wise: And he gave them with some authority.

Mr. TRIAT: He gave it on the authority of some wheat commission.

The Minister for Agriculture: It is necessary to quote some authority. The Commonwealth is holding an inquiry at the present time.

Mr. TRIAT: The member for Irwin-Moore was the only speaker who suggested a reasonable price, and he said 5s. 8d. a bushel.

Mr. Ackland: No, 6s.

Mr. SPEAKER: Order! The hon. member must not interject when out of his seat.

Mr. TRIAT: Well, 5s. 8d. was the minimum. The cost of growing wheat is a big question and to get down to details is very difficult indeed. In any other business transaction it is possible to ascertain by means of a costing method the exact cost of an article, whether it be an article of production or manufacture. The cost of producing the article can be definitely stated at so much each, or per dozen, or per gross. However, it is most difficult to work out a figure for wheat that would be reasonable to the grower and to the consumer. A Royal Commission that sat examined 524 witnesses, and amongst that number, actual farmers were able to say what they considered to be a reasonable price for wheat. When the figures are studied, however, one finds that they ranged from 1s. 1d. to 19s. 11d. per bushel.

Hon. A. A. M. Coverley: A very fair margin!

Mr TRIAT: Is it possible for any commission to ascertain the cost of producing a bushel of wheat when such a wide range is given as 1s. 1d. to 19s. 11d.?

Mr. Ackland: The later report will show the cost.

Mr. TRIAT: There is a lot of guesswork about that report. The report contained a lot of facts which, I think, should be investigated more closely. Many factors enter to influence the cost of growing wheat. I can speak with a little knowledge on the subject, and I may say that my experience of wheatgrowing was not a happy one. In 1910, I grew wheat and gained a little experience of farming. The two essentials to successful wheatgrowing are suitable soil and a satisfactory rainfall, irrespective of how good a farmer the man may be.

Hon. A. H. Panton: And good seed.

Mr. TRIAT: According to the report, the farmer who grew wheat at 1s. 1d. a bushel was an excellent man and the other who gave as his cost 19s. 11d. was a very poor farmer. It may be that the district was not suitable for the growing of wheat. In the report, the Commission said—

> However high the price of wheat within reason, there will still be some farmers who cannot grow wheat at a profit.

The Minister for Agriculture: Of course, that is so.

Mr. TRIAT: That would refer to the 19s. 11d. farmer. In considering a reasonable price for wheat, would the Minister include that farmer?

The Minister for Agriculture: No.

Mr. TRIAT: If we wish to arrive at a reasonable figure for growing wheat, it would not be right to include a man whose figure is 19s. 11d.

The Minister for Education: You would try to work on ordinary efficiency.

The Minister for Works: Yes, the f.a.q. farmer.

Mr. TRIAT: That expresses it; the f.a.q. farmer. I do not think it wise to take into consideration the figures of poor farmers. An f.a.q. farmer having good soil and a suitable rainfall could express an opinion as to the cost of growing a bushel of wheat, provided he was growing it on a wheat farm. I have in mind a 1,000-acre block, of which 300 acres would be sown each year. If the actual figures were obtained from f.a.q. farmers working under these conditions, it would be possible to index the cost price of wheat, just as the cost of anything else can be indexed.

Take the basic wage; there is an index figure for the price of goods, and each year, as the price fluctuates, so the basic wage rises or falls. There would be no occasion to hold another commission of inquiry. The index price of wheat could be determined and, as in the case of the basic wage, could move upwards or downwards. Consequently a commission would not have to be appointed every few months to ascertain the cost of

growing wheat. Let the real cost be found, set an index, and on that index operate the price. I cannot see that there is any occasion for inquiries to be made in the Wyalkatchem or Beverley area or anywhere else. Investigators could sit in Perth and give the actual cost for any property in a district, provided the farmer was employing proper methods, but with a variation of 1s. to 19s., of course there is no possible chance of arriving at a correct figure.

In inquiring into the cost of wheat, this Commission dealt very extensively with various kinds of costs. As far as I can gather, the Commission took as a base a 10-bushel average. Labour costs for the farmer and his family per bushel of wheat were set down at 34.37d., which is equivalent to 28s. 7½d. per acre for a 10-bushel crop. The average per acre for the State is about 10 bushels per acre. But that figure included the man who grew wheat at 19s. 11d. per acre, so it cannot possibly be the average cost. We have the good farmer and we have the bad farmer. I may be right or I may be wrong, but would it cost a farmer who produced 20 bushels to the acre 34.37d. to grow his wheat? Of course it would not.

Mr. Ackland: Mr. Mears looks after him!

Mr. TRIAT: I point out to the hon. member that we are trying to arrive at the cost of wheat. The good farmer is considered with the bad farmer. In any case, Mr. Mears has nothing to do with the consumer. There are many farmers who grow 20-bushel crops and the figure I have quoted, which is for a 10-bushel crop, would therefore have to be reduced by 50 per cent. I come now to the next item, interest. Interest was allowed at 19d. per bushel. Taking all the factors that I have mentioned into consideration it should be obvious to the House that that must be a false figure. It is not costing 19d. for interest. On a 10-bushel average, that would be equivalent to 16s. 8d. per acre for interest. What is the interest charged on? Is it charged on the farmer's land or on his machinery, or both? Again, can it be contended that the farmer will have to pay the interest for ever? When a farmer starts, he may owe £4,000 or £5,000 on his property, but we have also to consider the man who has paid for his property and owes nothing on it. He pays no interest. Is he called upon to allow 19d. for interest? Of course not! In my opinion this figure for interest is a long way out. In any case, the interest charge must reduce as the farmer's position improves.

Then we come to the item of power, 7.45d. There is much to be said about methods of farming. In America, where machinery and oil are cheap, I believe that power farming is essential; but in Western Australia, where neither oil nor tractors are cheap, there is a grave doubt as to whether horsepower is not better than machine power. It is very nice, we know, to sit on a tractor and pull a harvester, plough or seed-drill around a field. A farmer has not to get up at 4 o'clock in the morning to feed a tractor, but he must rise at that time if he has to feed a team of horses. Nevertheless, if he had horses, he would not at the end of the year have to pay big bills to the machinery and oil agents.

The Premier: But you do a lot more work.

Mr. TRIAT: But the farmer grows his feed and he would not have to import expensive machinery and fuel from America. I am of opinion that it would be better for a farmer in this State to use horses, because, as I have said, he could grow his own feed and would have the benefit of the natural increase of his horses. Therefore, the question of power is another about which I have grave doubts as to whether it should be included in arriving at the cost of producing wheat. If a farmer uses power, however, what I have already said applies; a farmer who grows a 20-bushel crop would not pay 7.45d. for power; he would pay about 3¾d. per bushel. The next item is maintenance, 10d. per bushel on a 10-bushel crop. Maintenance, of course, refers to maintenance of machinery and other things, but mainly machinery. On every farm, or nearly every farm, that I have visited in Western Australia—and I have visited many during the last few years—I was struck by the enormous amount of care bestowed by the farmer on his machinery! One could see a header harvester that cost £440 pulled around a field for a fortnight or so and then left in an open paddock, or pulled nearer to the home. No shelter was provided for it. It was left in the open until it was again required for use.

Hon. F. J. S. Wise: That is what you would call air-conditioned machinery!

Mr. Perkins: That does not happen very often.

Mr. TRIAT: It is a common practice to leave farm machinery in the open.

The Minister for Agriculture: The farmer is getting ready for an early start the following season!

Mr. TRIAT: That is the way the farmer treats his reaper and binder and other machinery.

Mr. Ackland: Come to my place for a week-end.

Mr. TRIAT: I do not come from the city. I have lived in the country and have visited many farmers, good farmers; but I am taking the case of the farmer into whose costs the Commission inquired.

Mr. Rodoreda: The average farmer.

Mr. TRIAT: No; the farmer who grows wheat at 19s. 11d. a bushel. That farmer leaves the delicate mechanism of his machinery open to the air to rust. If he should consider it worth while to put the machinery under cover, what does he do? He builds a thatch over it and the machine becomes a roosting-place for fowls. Members opposite know that perfectly well. Yet for that farmer 10d. per bushel is allowed for maintenance. Of course, if he looked after his machinery and gave it reasonable attention, it would not cost anything like that sum for maintenance. But take his motorcar, which does not earn 2s. for him on the farm and in which he joy-rides during the week-end. Does he leave that in the open for the fowls to roost on? No! He builds a garage for it—for the only thing that brings him no profit he builds a garage.

The Premier: Does the motorcar not save him time?

Mr. TRIAT: It costs him money. Joking apart, 10d. per bushel for maintenance of machinery is clearly too much. The member for Irwin-Moore was quite fair when he mentioned that the farmer should receive a price for his wheat which would be fair to all sections of the community. Whatever that may be, I agree, the farmer should receive it. Farmers should not be forced to work for nothing. If a farmer works hard, as no doubt he does, through long hours seven days per week—as he does at seeding and harvest, though probably at other times he does not work so hard—he is entitled to a fair recompense. This Commission considers that recompense should be £7 a week, or £364 per annum. That enters into the 34.37d. Therefore, the farmer would be entitled to £7 a week, which is not too little. He is entitled to a decent house in which to live.

Mr. Ackland: For which he pays rent.

Mr. TRIAT: For the house?

Mr. Ackland: Yes.

Mr. TRIAT: A small amount was allowed for rent, but it would not nearly approach the amount of rent paid by a worker on the basic wage. Although the hon. member made the statement that he believed in a fair price to all—the growers and the consumers—he was still rather anxious to get a maximum price for wheat, that is, 8s. a bushel plus another 8s. for the oversea market, which would increase the price of bread, according to this report, by 1d. per loaf. So he was prepared to give the man on a £7 a week job plus a decent house, the enormous price I have quoted—more than a fair price—and to ask the man who could not afford to pay any more, to give an extra penny per loaf for his bread. I cannot tie up his two statements.

If a farmer says, "I am going to farm and if I do no good I will carry the responsibility of the burden and go broke and nobody will be asked to assist me; but if I make good, I want the full price and expect it," I say, "Yes, you will get it." But to one who says, "I want assistance from the Government. If I do not get a fair price when things are bad, I want the taxpayers to dip into their pockets and give me a reasonable price; but when things are good I expect the full price," to that man I say, "No." That is the position as I view it today. The farmer is not prepared to stand up to all phases of his job. When things are bad he will ask the taxpayers to assist him and when prices are right and he is on top, he wants the full market value. He is not going to get it, not with my vote.

Mr. Mann: We will see about that!

Mr. TRIAT: He may get it but not with my vote.

Hon. A. H. Panton: The member for Beverley is one of the 19s. 11d. men!

Mr. Mann: We will see about that!

Mr. TRIAT: The hon. member can see about it, but I am telling him what I think.

Mr. Mann: I am going to reply to you.

Mr. TRIAT: I do not mind the hon. member replying. If he sticks to the facts, he will not be able to shake anybody in the House. Farmers talk of the terrible times they have and how bad things are. But the average farmer does not depend on wheat; he has a mixed farm. I can safely say that the average number of sheep on a farm is somewhere in the vicinity of 500. These produce wool at a minimum of 36d. per lb. and wool is fetching up to 50d.—that is greasy wool. But put it at the lock price, 36d. per lb.! I do not suppose the sheep in my district are the best, but the average sheep there will cut 13lb. of wool. In a farming district it would probably be about 10lbs.

The Minister for Education: Eight lbs.

Mr. TRIAT: Not eight lbs. I am talking about sheep not rabbits. Ten lbs. of wool at 36d. per lb. is roughly 30s. per sheep or £750 from 500 sheep. So farmers are not dependent on wheat but are getting this rake-off.

Hon. A. H. Panton: I was wondering what was making the member for Beverley so happy!

Mr. TRIAT: In this report £154 is allowed for sheep, £100 for pigs and poultry, and £50 for use of house and other advantages. The report is by a committee appointed by the wheat section executive of the Primary Producers' Association of W.A. to inquire into the cost of producing wheat in Western Australia.

Several members interjected.

Mr. TRIAT: I am quoting from a report of the Primary Producers' Association. I am not quoting from "The Worker." Surely members would not think that!

Mr. Ackland: What is the date of that report?

Mr. TRIAT: It is signed by W. J. Russell, C. C. Perkins, and J. H. Ackland.

Mr. SPEAKER: Will the hon. member get back to wheat?

Mr. TRIAT: I will be pleased to get back to wheat. It may get me out of some trouble. I am dealing with the cost of production on a farm and I think I am entitled to refer to sheep because they provide part of the return to farmers from their holdings. From 500 sheep—an ordinary decent class of sheep—the farmer can expect to get £750, that is with wool at 3s. per lb., which is not the top price. In a reasonable season he can expect nothing less than a 60 per cent. lambing which in respect of 500 sheep would give him 300 lambs. Fat lambs today at three months old will not bring less than 30s. each. Let us put them down at £1 and not the top price. In that case we find that the farmer has £750 from his wool plus £300 from the lambs or a total of £1,050 from that source alone.

The Premier: It sounds all right on paper.

Mr. TRIAT: The Premier knows that many men are getting a lot more than that and that many farmers get a lot more than crops of 10 bushels to the acre.

The Minister for Agriculture: I am enjoying your speech but I am wondering when you are going to get on to the Bill.

Mr. TRIAT: I thought the Minister would enjoy the truth.

The Minister for Agriculture: I want to hear something about the Bill.

Mr. TRIAT: The cost of growing wheat has been referred to by members opposite. I favour the Minister's Bill but I do not favour the method of setting out the cost of wheat. I am in favour of the Bill because I think it is essential if other Bills go out. The member for Irwin-Moore referred to the great geographical advantage enjoyed by Western Australia in regard to the growing of wheat. I agree with that. We are much closer to the Middle East and Malaya and India than are the Eastern States. But I would regret to think that anybody in Western Australia would attempt to take advantage of that fact to the disadvantage of people in the Eastern States who might be desirous of forming themselves into an Australia-wide pool.

Mr. Mann: The A.C.T.U. all over again!

Mr. TRIAT: I think the investigators appointed by the farmers' organisation all favoured an Australian stabilisation pool. The great advantage we have so far as the transport to the Middle East, India and Malaya is concerned amounts to about 13s. but that would be offset by growers in the Eastern States growing wheat cheaper than is the case in Western Australia and bringing down costs. If the farmers' representatives in this State sincerely intended to do something for their own people, it is a wonder they have not gone into the ques-

tion of freights in Western Australia for farmers who live at a great distance from the ports. I have never heard any farmer advocating a flat price so that the man who lived a long way from the port would enjoy a similar advantage to the man who farms closer to the port. The member for Irwin-Moore said we had a great advantage geographically in Western Australia on account of our being closer to India, Malaya and the Middle East.

Mr. Ackland: And Great Britain.

Mr. TRIAT: Yes, and Great Britain. Did the wheatgrowers ever give any consideration to the Western Australian farmer who lived a long way from a port, and was geographically disadvantaged as a result?

Mr. Ackland: If you came to one of our conferences you would hear.

Mr. TRIAT: Have the farmers agreed to give him a cheaper freight?

Mr. Mann: You should not ask a question like that.

Mr. TRIAT: It should be asked because it is a sound one The question of wheat costs is important, and I will support anything that will establish the true costs of wheat. If I were asked my opinion, although I am not a wheatgrower at present, I would say that wheat for home consumption should be available at cost price. That would not penalise the farmer very much, although it would take away some of his profits, because in that cost price would be included £7 per week for his labour, and incidental costs such as 10 per cent. for machinery maintenance, interest, and so on. As a result, the actual cost price to the producers would be something substantial. The wheatgrower would be giving to the Australian public something for what has been given to him in times of hardship.

I think, when it comes to export wheat, the farmer should be given the cost price plus 10 per cent., and at that cost price would include all the items I have already mentioned, such as maintenance costs, etc., and the balance should be placed in a stabilisation fund, not for the farmer—who has no right to it—but for his farm. If his children desired to carry on the farm, the equity in that fund would become their property, or if the farmer sold the property his equity in the fund would go with the farm, and the new owner would have the right to draw against it. That would give men on the land some equity, as a result of which they could say, "We will not be calling on the people for some payment to which we have no right." I have briefly set out the facts as I see them. I believe the price of wheat is not 5s. 8d. or 6s. a bushel, as mentioned, but some figure much lower.

I hope that the people investigating the cost price of growing wheat will arrive at an accurate figure, and that they will eliminate the men who cannot grow wheat under 19s. 11d. per bushel. I also hope that they will fix an index price for wheat so that there will be no need in future to worry about investigations into wheat prices, because the costs will be able to be adjusted according to the rise or fall in the index amount. I support the Bill but I realise it is of no significance because the Commonwealth Government is carrying on with its measure. But if it is required it will be here.

The Minister for Agriculture: That is the point.

Mr. TRIAT: The House can waste as much time as it likes on a measure which is of no consequence this year or next year, but it will get my support when it comes to the final vote.

MR. PERKINS (York) [8.54]: It is hardly necessary for me to say that there has been a great deal of dissatisfaction amongst wheatgrowers during recent years regarding the marketing of the Australian wheat crop. I am not criticising the efficiency of the Australian Wheat Board but, as most members know, that board has not been free to market the Australian wheat crop as it thought fit. It has not been able to market the crop so as to bring the maximum return to the growers of wheat. Various considerations have entered into the board's actions; they have come by way of direction from the Federal Minister for Commerce, to whom the board is responsible. The attitude adopted by the Commonwealth Government in dealing with the Australian wheatgrowers in recent years has come very close to the principle of the socialisation of our wheat industry. I say that because the attitude has been adopted of acquiring wheat under the terms of Section 51 (xxxi) of the Commonwealth Constitution, and not returning to the

growers the amount which the Australian crop has realised in the markets of the world, but the amount which the Australian Government thought fit to return to them. All sorts of deductions have been made from the total proceeds before the net proceeds have been handed back to the growers by way of dividend on their claims for compensation. That has led to a great deal of dissatisfaction on the part of the producers. Perhaps I should give examples of where these deductions have been made, in case my statements are questioned.

I will quote one instance which will probably be familiar to most members. It has been referred to by other speakers in this debate, and concerns the deal with New Zealand, whereby a large amount of wheat was sold to the New Zealand Government at a price, very little above half the value of wheat on the world markets. I have no doubt that in the first instance it was the intention of the Australian Government to let the growers bear the difference between the two figures, but as the result of very strong pressure by the growers' organisations, the Commonwealth Government apparently realised that it was following a very dangerous course, politically, and its attitude was altered so that finally it was decided that the major portion of the difference would be met by the taxpayers of Australia as a whole. The position is different in regard to other concessional sales. The sales of flour for home consumption within Australia have been covered by the flour tax legislation of 1938, wherein it is provided that wheat for human consumption in Australia should be fixed on the basis of 5s. 2d. per bushel at ports.

Hon. F. J. S. Wise: There was a sad story in the industry before that had to be imposed.

Mr. PERKINS: I will deal with that in a moment. No provision was made for wheat to be consumed within Australia by way of breakfast foods, stock feed, etc. Over the years during which the Australian wheat acquisition scheme has been in force, it has been the practice of the Commonwealth Government to direct the Australian Wheat Board to sell wheat for these other purposes, within Australia, at very much less than world parity prices. The growers have footed the Bill for these concessions which have been granted to other consumers of wheat within Australia. There have been other actions of the Australian Wheat Board called into question by the growers. Abundant evidence is available that the Commonwealth Government has been concerned with other than the actual market value of the wheat acquired from the growers in deciding how much should be returned to them. That constitutes a dangerous practice and one that the growers disagree with. When the Farmers' Union was formed in this State, among its objectives appeared the following:—

> To oppose all attempts to undermine the vital principle that the produce of the land belongs in its entirety to the producer, subject only to the payment of his just debts.

That is the policy of the Farmers' Union of Western Australia.

Hon. J. T. Tonkin: Does not this Bill violate that principle?

Mr. PERKINS: It does not. Because the Commonwealth Government has violated that principle there has arisen from the wheatgrowers a demand for the institution of a scheme to prevent any further violation of that principle.

Hon. J. T. Tonkin: If the wheat belongs to the farmer how can you compel him to put it into a pool, which is what this Bill sets out to do?

Mr. PERKINS: Up to date the Commonwealth Government has refused to institute any scheme such as would comply with the conditions that I have mentioned, and therefore, in order to protect the growers, it has become the duty of the State Government to introduce such a scheme. Notwithstanding the interjection of the member for North-East Fremantle, I believe that if this State marketing board or pool markets the wheat to the best advantage, without making the arbitrary reductions which the Commonwealth Government in recent years has been accustomed to instruct the Australian Wheat Board to make, it will not be violating the principle adopted by the Farmers' Union in the resolution to which I have referred.

The growers would not be so concerned at having these arbitrary deductions made from the returns they receive for their produce, notwithstanding that it does violate the principle they have adopted, had the principle always been accepted in previous

years—which the Commonwealth Government has been attempting to lay down in recent years—that a sufficient amount should be secured to the grower to reimburse his costs and see that he is not too badly off. On a balance over the years the wheatgrowers would probably not have been badly off financially under the principle, but on going back to the onset of the depression in 1930, we find that wheat prices fell to very low levels.

Hon. F. J. S. Wise: I think it was 2s. 8½d., Williamstown.

Mr. PERKINS: The actual pool prices per bushel paid in Western Australia—the fair average market return at an average siding in Western Australia—were as follows; 1930-31, 1s 10⅞d., 1931-32, 2s 8⅝d., 1932-33, 2s 5d., 1933-34, 2s 5¼d., 1934-35, 2s. 5d., 1935-36, 3s. 2¼d., 1936-37, when there was a poor crop in Australia, 5s. ⅛d., 1937-38, 3s 5⅛d., and 1938-39, 1s 10d. Those were the prices paid for all wheat for home consumption within Australia, whether for flour or stock feed. Those were the returns received, whether the wheat was for export or internal consumption. Is it fair that during a period of low world prices growers should be expected to take export parity and then, when prices improve and it looks as though, because otherwise the cost of living will increase somewhat, they should be paid export parity for only portion of their produce and a portion of their return should be arbitrarily taken from them?

Hon. J. T. Tonkin: It is neither fair nor economically sound.

Mr. PERKINS: I am glad to have that admission from the member for North-East Fremantle, because that is what happened.

Hon. J. T. Tonkin: I have never held any other view on that point.

Mr. PERKINS: It has not been fair to the wheatgrowers of Australia that such arbitrary deductions have been made in recent years. Members will understand the dissatisfaction of growers at the way in which the wheat has been marketed. During the years when prices were very low certain things happened which made it impossible to ignore what took place during those years regarding the returns to growers. It should be self-evident that the prices I have quoted were below the cost of production for many farmers. A number of growers were forced off their properties, and those who remained were prepared to accept low standards of living and in many cases had to run considerably into debt. Their properties were allowed to slip back and a great amount of repair work was left undone. It has only been with the better prices in later years that they have been able to catch up some of the ground they then lost.

Some members of this House had experience of the conditions at that time. The member for Forrest was farming in the far eastern wheat area in those days and must therefore know something of the privations endured by growers in those years. Should we not permit the growers who went through that difficult period and put up with hardships—in many cases sweating their families and seeing their improvements slipping back, while accepting a low standard of living—to reap some benefit of the higher prices now prevailing? Should they not be allowed to recoup themselves at a later stage by something more than just the cost of production? It is a pertinent point, and I make it to explain the attitude of the wheatgrowers. I think they have reason to resent some of the speeches made from the opposite side of the House during the debate on this Bill. Some of those members have endeavoured to put the wheatgrowers in a false light. Speaking as a wheatgrower and as one representing what is largely a wheatgrowing constituency, I desire to register my protest against that attitude towards the demand of the wheatgrowers for a say in the marketing of their produce now that prices have improved.

Hon. J. T. Tonkin: For my own enlightenment, could you quote one statement I made that put farmers in a false light?

Mr. PERKINS: I have not the hon. member's speech before me at the moment.

Hon. J. T. Tonkin: I think you would find it very hard to do so.

Mr. PERKINS: I will leave it to the hon. member to go through his speech for himself and see how it squares with my statement. There is the point referred to by the member for North-East Fremantle with regard to subsidies received by the producers during the years under consideration. The growers were in a very difficult position and, had it not been for the sub-

sidies they received from the Government, I am afraid the distress in the wheat areas would have been much more acute than it was and many more growers would have been forced off their farms. Over the years from 1930 to 1941 they were given as subsidies on their wheat production £21,202,000 and since the introduction of the flour tax legislation by Sir Earle Page in 1938, a further £4,500,000 was received from the proceeds of the flour tax. These were the benefits that the wheat producers of Australia received from the rest of the community.

If members will look at the Royal Commission's report, they will find at the back a table in which are set out the amounts that the citizens of Australia have received back from the growers by way of concessional prices since export parities rose above the fixed price maintained within Australia. If they look at column "I" in Schedule "A," they will see the total concessions made available to the consumers of Australia, which include the return on flour consumption as well as the concessional prices for all other wheat used within Australia, amounting to £70,564,000. That is the amount which the people as a whole received back as against the amount of £25,700,000 which the wheatgrowers received from them. I hope members generally will take note of that, and that the member for North-East Fremantle in particular will do so. That hon. member had a lot to say about the subsidies the wheat producers of Australia have received.

The figures I have quoted are absolutely authentic and show definitely that far from the producers receiving the subsidies that the member for North-East Fremantle would have the House believe, the boot is entirely on the other foot. Taking that long period from 1930, during part of which the producers received some benefits, on balance they have very considerably subsidised the consumers of wheat and wheat products in Australia. This inevitably raises the question of concessional sales of stock feed. The position is left somewhat open under the marketing Bill introduced by the State Government, but in any case the question of stock feed is a matter of high Government policy.

The wheatgrowers have always contended that if they are to be put on the same basis as other producers of every kind of commodity, primary and secondary, in Australia, then if there is to be any subsidising at all, it should be done by the taxpayers of Australia as a whole. That argument is very difficult to get past when recent history is considered. I realise that such a policy will create considerable difficulties for other people who are using wheat as stock feed, but I understand that some of those people—the ones that come to mind at the moment are the producers of eggs and bacon—are having their prices arbitrarily reduced in Australia as compared with export parity prices, in order to keep down the cost of living.

If there is any considerable increase in the price of wheat for stock feed, then it is reasonable to assume that the price of the commodities these people are producing should be adjusted accordingly, because it all comes within the scope of high Government policy. Once a concession is given to one set of producers at the expense of another set of producers, inevitably anomalies will be created.

Hon. F. J. S. Wise: They cannot be avoided.

Mr. PERKINS: They are inevitable. There is another point I desire to touch upon because it is of importance. It is very much open to question whether we in Australia are doing the right thing in using upwards of 25,000,000 or 30,000,000 bushels of wheat for stock feed. In the latest issue of Broomhall's "Corn Trade News," there is a report of a meeting of the International Emergency Food Council and among the recommendations adopted were the following:—

That Governments should exercise closer control over the supply and distribution of grain for human consumption and for feeding of cattle.

That the International Emergency Food Council, in assessing allocations, should consider whether a country applying for imports is allowing part of its own production of primary cereals to be used for feeding cattle.

That Governments should adjust the relationship of prices of livestock and those of grain in such a way that it is more profitable to sell grain for food than for cattle feed.

That no increase of bread or cereal rations should be authorized unless it is found necessary to satisfy minimum human requirements.

That rates of flour extraction should be maintained high.

That potatoes or soya meal or secondary cereals should be used to increase operating stocks this year, rather than imported grain.

That Governments should strictly supervise the use of cereals in manufacturing processes, and should attempt to find and utilise substitutes.

That stocks should be kept to the minimum.

With reference to the recent policy, to which growers objected because of the monetary effect upon themselves, whereby wheat for stock feed was sold in Australia at a very low figure as compared with actual sales for human consumption, it is clear that this has resulted in the very opposite taking place within Australia to what the International Emergency Food Council recommended. This is one occasion when the desires of the International Emergency Food Council and those of growers run parallel. There is another aspect; the arbitrary reduction in the returns to the wheatgrower has resulted in a curtailment of the expansion of production in Australia that would otherwise have taken place.

Hon. J. T. Tonkin: Do you believe in a minimum price?

Wheat Production Affected.

Mr. PERKINS: To anyone living in the country districts, it is evident that the disparity between the comparative price of wheat and other primary produce is resulting in wheatgrowers diverting their energies to the production of primary produce other than wheat, because a portion of the return from wheat is being taken from them whereas, in the other case, they are getting the full return.

Hon. F. J. S. Wise: The wool price has been a great factor.

Hon. J. T. Tonkin: Do you believe in the principle of a minimum price for wheat?

Mr. PERKINS: I come to another point which I hope the member for North-East Fremantle will answer instead of interjecting.

Hon. J. T. Tonkin: Why do not you answer my question?

Mr. PERKINS: Last year, when speaking on the Estimates of the Department of Agriculture, I referred to the principle behind the wool marketing scheme. Under that scheme, the growers receive practically the full value that their wool realises in the markets of the world. I told the then Minister for Agriculture, the member for North-East Fremantle, that I very much feared that a different principle was likely to be applied to the wheat industry; and I well remember the reply by way of interjection the hon. member gave at that time, for he told me that rumour was a lying jade. Unfortunately, it has been proved in that case that rumour had the position exactly right, and that a very different principle is being adopted in the marketing of our wheat crop as compared with the marketing of our wool clip.

Mr. Smith: There is a good reason for that, is there not?

Mr. PERKINS: Then I should like to know what the good reason is. One would think that, with a product like wool, of which there is a large supply on hand—there is a big surplus though, admittedly of lower grade, but it could be made into useful cloth for clothing the people—there would not be any great urgency to stimulate production.

Mr. Smith: Are not there international complications in respect to wheat?

Mr. PERKINS: Not that I know of, other than the recommendations of the International Emergency Food Council. The price of a product, which is not in particularly short supply, is being allowed to soar to any height on the markets of the world, but when it comes to a vital food such as wheat, action is taken that discourages growers from increasing their production and encourages them to divert their energies to greater production of commodities that are not in great demand. The policy adopted regarding wool is having an adverse effect on the production of meat. Anyone who follows the ram sales will have noticed that Merino rams are selling at high prices, while meat-producing rams are difficult to quit; in fact, there is a surplus of them.

As regards the terms of the Bill, it is impossible for members of this House or of the Commonwealth Parliament to ignore the constitutional limitations placed upon the Commonwealth in the marketing of primary produce. Section 51 of the Commonwealth Constitution provides—

> The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to (xxxi). The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws.

As members know, the Commonwealth has not power to make laws with respect to marketing unless control comes under inter-

state or international treaty. On three occasions, the people of Australia have been asked by referendum to agree to that power being referred to the Commonwealth, and on each occasion the people have refused to grant the Commonwealth that power. During the war, the Commonwealth operated under its defence regulations and carried on this year by stretching those regulations to the limit. Under its Defence (Transitional Provisions) Regulations it has managed to handle the current crop. It is most unlikely that those powers can be stretched any further to enable the Commonwealth to handle yet another crop. Therefore, I consider that the State Government has taken the only proper course open to it by introducing this legislation in good time. It should be passed this session so that whatever authority is set up will have a chance to make the requisite arrangements—much preliminary preparation is necessary—in order to be ready to handle the next crop. Failing this being done, a similar difficult position will arise next year as arose this year when no grower knew just where he stood and there was great uncertainty as to what would be done about the marketing of the crop.

What is going to happen in the other States, we do not know, but I assume that State Governments, whatever their political complexion, cannot afford to ignore the possibility of chaotic marketing conditions occurring for the wheat industry. Wheat is far too important a commodity; it affects too many other industries for any Government to ignore the difficulties that would arise if chaotic conditions were permitted to develop in regard to its marketing. The State Bill offers certain advantages. One definite advantage, with which I shall deal first and which has already been mentioned by the member for Irwin-Moore, is with regard to freight rates. We in Western Australia have a benefit of about 14s. per ton on wheat sent to various destinations—Malaya, China, Hong Kong, India, etc. It varies a little between different destinations, but it may be said to amount to approximately 4d. per bushel. A saving of 4d. per bushel over the whole of Western Australia's wheat crop represents a very considerable sum of money, and I think we should be lacking in our duty if we ignored the possibility that this advantage offers to Western Australian growers. Wheatgrowers in the Eastern States have the benefit of certain natural conditions. The large cities there give them, for many of their sidelines, a very valuable market the like of which is not available to wheatgrowers in this State.

Pigmeat Products.

For instance, in regard to our pigmeat products during the war, many members probably know that while pigs were selling at £8 and £9 a head in Western Australia, the same weight of pig was selling at £12 or £13 in the Melbourne and Sydney markets. What the reason was we were not able to find out, because the contract price for the United Kingdom was exactly the same. But pigmeats are used for many other purposes besides exporting, and undoubtedly the manufacturers in the Eastern States were able to pay the increased price which was denied to our growers. If producers in the Eastern States are able to obtain advantages of that kind by reason of their situation and because of the big cities there, surely we in Western Australia should not ignore this advantage of 4d. per bushel in freight which is open to us on account of our geographical situation. That advantage, of course, could be secured by setting up a State pool as against a Commonwealth pool. If the wheat goes into a Commonwealth pool I understand that freights also will be pooled and we will lose that advantage.

Hon. F. J. S. Wise: There is a tremendous advantage in being in the Commonwealth pool when the price falls below the home consumption price.

Mr. PERKINS: I was just intending to deal with that point. The next words I was about to say were that there were certain advantages to be gained by separating marketing from stabilisation. I have said nothing about stabilisation so far tonight, because I think it is outside the scope of this Bill; but I will say that many of our troubles during the war years were due to the mixing up of marketing and stabilisation. The arrangements made by the Commonwealth Government went through the one channel, the Australian Wheat Board, and the growers have never known exactly how much of their product was being diverted into so-called stabilisation funds, how much was going into concessional sales and what proportion the growers were receiving themselves.

The institution of a State marketing board, which would have practically the sole duty of marketing the wheat, would be to our advantage; we could leave the Commonwealth Government, which undoubtedly has the power, to deal with concessional sales by granting whatever subsidies are necessary in order to reduce the price to what the Commonwealth would regard as a suitable level for any particular type of consumer, whether he be the person making breakfast foods, feeding pigs or poultry, or putting the wheat to any other use. If the Commonwealth Government accepts the growers' advice and introduces a suitable stabilisation scheme, that scheme could be brought into being without being mixed up with marketing at all. The Commonwealth Government has its taxing powers and could impose an export tax on wheat which would return sufficient money for a stabilisation fund. However, whatever is done in that respect is certainly not our responsibility. My contention is that the Commonwealth Government has the power, if it has the will, to bring into being a stabilisation scheme satisfactory to the growers and presumably one that would be of benefit to the industry and the nation. I make this point very strongly. One of the advantages of a State pool is that it means the separating of marketing from stabilisation.

Hon. J. T. Tonkin: What would happen in the event of an international agreement?

Mr. PERKINS: That is my next point. Members opposite are just one step ahead of me all the time. I was intending to say that I have the gravest fears in that regard.

Members: Hear, hear!

Mr. PERKINS: We have had some experience of international wheat agreements. Officers of the Commonwealth Commerce Department have gone oversea and entered into all sorts of negotiations with other countries; and, as far as we can learn, those negotiations have primarily been for the purpose of keeping the price of wheat down.

Hon. F. J. S. Wise: All the international agreements have broken down on the price factor.

Mr. PERKINS: Whether that is so or not, there is a very grave suspicion indeed that the Australian representatives at those conferences went there to keep the international price of wheat down, rather than see it kept up to what we would regard as reasonable levels. A country such as Australia, which is a considerable exporter of wheat, would, one would think, be more concerned to obtain the maximum price for its wheat.

Hon. A. H. Panton: On what do you base that suspicion? I am merely asking for information.

Mr. PERKINS: Various reasons have been given. I do not know whether they have been made public, but I think the Leader of the Opposition has some suspicion that the figures given for minimum and maximum prices were very low indeed.

Hon. F. J. S. Wise: I do know that the attempt to arrive at the last agreement broke down on the price factor.

Mr. PERKINS: Probably it did. As a matter of fact, I think the prices suggested were so low at a time when the international price of wheat was rising that probably the Commonwealth Government got cold feet and was afraid to disclose the suggested maximum and minimum prices to the Australian wheatgrower. I say that very deliberately. In any case, the point which the member for North-East Fremantle made about international agreements is very dangerous from the growers' point of view. While these negotiations for an international wheat agreement were proceeding, it was suggested that possibly the Commonwealth Government could get over the difficulty of the refusal by the electors of Australia to refer the marketing power to the Commonwealth. It was suggested in some quarters at that time that if the Commonwealth Government made an international agreement with respect to wheat, whether with one or more countries, it could then come back and say, "We have made this international agreement; we have now to set up a Commonwealth marketing scheme in order to get control of the wheat." I understand that some legal men at that time considered there was a reasonable chance of the High Court accepting that contention. That being so, the growers are very much afraid that they will be saddled with political intervention in the marketing of wheat as long as the present Commonwealth Government remains in office.

Mr. Needham: That will be a long time, many years hence.

Mr. PERKINS: I was hoping that that period would not extend beyond two years from now.

Mr. Needham: Longer than that.

Hon. F. J. S. Wise: You know that there is not very much difference in the attitude of all Commonwealth Governments on this matter.

Mr. May: You can re-arrange your ideas on that point.

Mr. PERKINS: If the advice which I am receiving from the Opposition is correct, I am even more opposed to the Commonwealth's taking control of our wheat in the next year or two, because if the Opposition's ideas are right, we may be saddled with this political intervention for some longer period. If the worst happens, and the Commonwealth Government finds the other State Governments following Western Australia's lead and introducing State marketing schemes; and if the Commonwealth Government then feels it has been checkmated in this matter and starts searching for ways in which to circumvent the express wishes of the Australian electors—and the present Commonwealth Government does not seem to have any compunction at all about ignoring the wishes of the electors—it may start some more negotiations in regard to a wheat agreement.

It would be very easy to make a wheat agreement at present between a Government representing a wheat exporting country which desired to keep wheat prices low and a wheat importing country in whose interests it would naturally be to keep them as low as possible. If there is anything in the suggestion from the Opposition benches, and particularly from the member for North-East Fremantle, that there may be some latent power in the Commonwealth Constitution which would enable the Commonwealth Government to set up a marketing scheme by concluding some international wheat agreement with one or more countries, I fear that this political intervention I have been talking about may become a real factor in the future.

Hon. F. J. S. Wise: Without that, they have control of export to a large degree.

Mr. PERKINS: I agree that it is competent for the Government to place a tax on export wheat. It could impose a tax of 10s. a bushel and that would be quite legal.

Hon. J. T. Tonkin: I read carefully the report of the Royal Commissioners and they concede the point I mentioned, that in the event of an international agreement the Commonwealth would control the production of wheat in the various States.

Mr. PERKINS: That cannot be done in five minutes, and I am hopeful that we will establish a State wheat pool in the meantime and circumvent any such move. The point I am trying to make is that a marketing board should operate as such without any other considerations except the marketing of wheat to the best advantage. Then if there is any other proposal such as the setting up of a stabilisation fund, or obtaining wheat for a particular figure for home consumption, or any other consideration at all, that should be kept outside the marketing question. Then we would all know where we stood. If the Commonwealth Government wished to raise, say, £5,000,000 a year in order to set up a stabilisation fund and put a tax, say, of 3s. a bushel on export wheat—that is an arbitrary figure and will serve as an example—we would all know exactly where we stood. Again, if it wanted to subsidise stock feeders it could do that and obtain the funds it required. But, I repeat, we would all know exactly where we stood, and that is something the wheatgrowers have not known in the last three or four years.

Notwithstanding requests through the growers' organisation for details of the operations of the Australian Wheat Board and for balance sheets of the various pools, the Commonwealth Government has refused to give the growers that information. Therefore, I think I was justified in making the statement I did in the earlier part of my speech that the attitude of the Commonwealth Government in regard to the marketing of wheat in recent years has come very close to socialisation of the wheat industry. It is an attitude with which I do not agree, and I regard the State Wheat Marketing Bill as a means of getting away from some of the evils that have developed during the currency of the marketing schemes established by the Commonwealth Government to deal with war conditions.

On motion by Hon. F. J. S. Wise, debate adjourned.

BILL—DRIED FRUITS ACT, 1926, RE-ENACTMENT.

Second Reading—Ruled out.

Debate resumed from the 9th October.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [9.46]: I was obliged to be absent—

Point of Order.

Hon. J. B. Sleeman: On a point of order, Mr. Speaker, I would like to ask for your ruling. I claim that no discussion can take place on this Bill until such time as your ruling is given on the point of order I raised the other night. You rightly reserved your decision on that point of order. I had no objection to your reserving your decision for one day or two weeks or one month, but I would like to draw your attention to Standing Order 141 which reads—

> All points of order and matters of privilege at any time arising shall, until decided, suspend the consideration of the question under discussion. But the Speaker may, with the concurrence of the House, defer his decision and, in such case, the question then under discussion shall be adjourned sine die.

I take it, therefore, that no-one has a right to speak until you have given your ruling. There should not be one law for the Attorney General and another for the members of this House. If by chance it were possible for the Attorney General to speak, I know of half-a-dozen more who would also like to speak. But I claim that the Attorney General is not in order in saying anything on the question until we have your ruling.

The Attorney General: I was going to ask you, Sir, whether I could speak by the indulgence of the House. This is a point of order, and as I explained, I was obliged to be absent at the time it was raised. I know I am in the hands of the House, but the matter being of some importance, my intention was to ask whether the indulgence of the House could be extended to enable me to deal with it. I would have dealt with it previously had I been here.

Hon. F. J. S. Wise: Would it not be better to debate it on the Speaker's ruling?

Hon. J. B. Sleeman: The House cannot grant the Attorney General something which is opposed to a Standing Order.

Mr. Speaker: The hon. member has raised a question under Standing Order 141 to the effect that the discussion should be adjourned until after a ruling has been given. But of course the discussion referred to me for a ruling is the discussion on the second reading of the Bill. The adjournment sine die relates to the question being debated. As I understand it, the Attorney General is seeking to refer to the remarks of the member for Fremantle in search of a ruling. I think it would have been more in order if he could have made those remarks—he, or any other member—following those made by the member for Fremantle on the point of order. Before I make a decision, I would like to give the Attorney General, or any other hon. member who wishes to speak in regard to the point of order an opportunity to do so at this stage. I have no objection to anyone so speaking with the indulgence of the House.

Hon. J. B. Sleeman: Do I understand you have ruled that the Attorney General is quite in order in speaking?

Mr. Speaker: Yes, on the point of order; but not as a contribution to the debate on the Bill.

Mr. Marshall: Might I ask your ruling, Mr. Speaker? Can any discussion take place on a point of order when no ruling has been given by you? Standing Order No. 117 provides—

> When no question is before the House, no member shall be at liberty to speak, unless he states his intention to conclude by making a motion; and if any member objects, such intended motion cannot be proceeded with, unless handed to the Speaker and the question being first put.

Does the Attorney General propose to move a motion? The point is that the question upon which the member for Fremantle has raised a point of order has been suspended sine die. You, Sir, have given no ruling. I want to know whether we can discuss a point of order that has been raised when no ruling has been given by you.

The Attorney General: I have not looked at the Standing Orders because I was under the impression that if a point of order as to the validity of a Bill was raised, all members would have the opportunity to express their opinion on it before you, Mr. Speaker, gave your ruling. I think the question of the validity of the Bill before the House was raised by two members, if not more. They were both allowed to speak on the point of order although, specifically, there was no motion before the House.

Mr. Marshall: No ruling has been given.

The Attorney General: That is so, but a point of order was raised.

Hon. J. B. Sleeman: The Leader of the Opposition only mentioned it in his speech; he did not raise a point of order.

The Attorney General: Yes. I understand a point of order was subsequently taken by the member for Fremantle, and while I have not specifically looked at the Standing Orders, I would have assumed that every member would be entitled to speak on a point of order.

Mr. Rodoreda: On a point of order, I draw attention to Standing Order No. 143. When the member for Fremantle rose on a point of order the other evening, no one else had anything to say. Under the old Standing Orders of this House, you, Mr. Speaker, would have been compelled to give a ruling immediately. That was the practice of the House until this Standing Order was amended by giving Mr. Speaker leave to defer his decision, which you, Sir, have done. Nothing further in the matter has happened until now. Standing Order No. 143 provides—

> Upon a question of order being raised, the member called to order shall resume his seat, and after the question of order has been stated to the Speaker by the member rising to the question of order, the Speaker shall give his opinion thereon; but it shall be competent for any member to take the sense of the House after the Speaker has given his opinion.

Whether the Speaker defers his opinion or not, is immaterial. The latter part of what I have read is the point we are on now. Your opinion, Mr. Speaker, has not been given, and it is not competent for any member to debate a point of order until after you, Sir, have given your opinion.

Mr. Speaker: The position is that the Attorney General rose to ask the indulgence of the House in the making of a statement. Is it the wish of the House that he makes a statement?

Hon. A. H. Panton: That is not right. You, Sir, are calling on someone to make an objection. You must carry out the Standing Orders.

Mr. Speaker: If objection is raised, the Attorney General cannot speak. I have had a thorough search made of all the known authorities on parliamentary procedure, and can find no recorded instance of a Bill having been introduced in this way. The Bill mentioned in Craies "Statute Law" is not, in my opinion, in any way on all-fours with this Bill. The Prevention of Crime (Ireland) Act, 1882 (Imperial) in Section 15 re-enacted the Aliens Act, and to do that an Act was passed in 1808 which, prophetically provided for such a contingency. We have no such Act on our statute-book, and if it was necessary for the Imperial Parliament —a parliament with unlimited powers—to clothe itself with such an authority, it must be necessary for this Parliament to do likewise before a re-enacting Bill can be introduced.

It might be claimed that, when Captain Stirling first landed on the shores of this Colony, he brought with him both the common law of England and some of its statute law. But I cannot see that he could have brought with him the Acts of Parliament Expiration Act, 1808, for that Act was purely procedural with its application solely to the Imperial Parliament. Further, such a Bill as the one now under review has never been introduced into this Parliament, nor can I find that such a Bill has been introduced into any other Australian Parliament. I consider that the practice of introducing a Bill in this form is dangerous to the interests of this Parliament, for we do not know what repealed or expired Act could be revived in this way.

For the reasons that this Bill has not the force of the Imperial Act quoted as an authority, and is a dangerous precedent which could be followed with great disadvantage to this Parliament, I feel that as the protector of the rights and privileges of members, I must, for the reasons stated above, rule this Bill out of order.

Dissent from Speaker's Ruling.

The Attorney General: With great respect to you, Mr. Speaker, and in order to test the opinion of the House and so that members may consider the implications involved I move—

> That the House dissent from the Speaker's ruling.

Hon. J. B. Sleeman: Do I understand that the Attorney General is moving, Mr. Speaker, to disagree with your ruling?

Mr. Speaker: That is what he has said.

Hon. J. B. Sleeman: I hope he does so and that he will not as he did on a previous occasion, make a speech against the Speaker and then withdraw his motion.

Mr. Speaker: Order! The Attorney General may proceed.

The Attorney General: The member for Fremantle has a long memory. I cannot recollect the occasion. This is a matter of some importance in the sense that it is a happening that may occur again, and I think the House should understand what is involved. That is my only reason for seeking to have the matter reviewed by the members of the House. This is a sovereign Parliament as far as the control of its proceedings is concerned, and it is quite within its powers as a sovereign assembly to proceed to enact a statute by a revival Act, or by the introduction of a new Bill. As far as the British Parliament is concerned, the mere fact that it passed the measure referred to by you, Mr. Speaker, in connection with revival Acts, is evidence of its sovereign powers, because it was able by that legislation to emphasise and state the circumstance that the British Parliament possessed the power to revive an Act which had expired.

Just as the British Parliament had the power to pass an Act to deal with expired Acts generally, the same inherent power would lie in this Parliament to pass a measure as to procedure for reviving expired Acts, and even if we have not passed such a measure, the inherent power still remains with us to reinstate legislation by revival if we wish to do so. Allow me to say a word on temporary Acts which are understood to be measures passed for a definite period of time—very often annually, and sometimes for an expressed number of years. Such temporary Acts are of two kinds. One kind involves a prohibition to do certain things—to take one example—and while that Act continues in force the prohibition remains and people cannot do the things that they are restrained from doing by that legislation. When that Act expires—if it does expire either intentionally or inadvertently—its operation terminates without dislocation of any particular matters that have become established under it.

Let us take an Act like the Financial Emergency Act, which reduced rates of interest in general by 22½ per cent. When that Act expired it simply meant that after the expiry date rates of interest could be charged without a reduction of 22½ per cent. If we desired to revive legislation of that kind it would be quite convenient, and no-one would be in any way damaged or inconvenienced, if an altogether new Act were brought in which, from the time of its introduction, reduced rates of interest by 22½ per cent. There is another class of temporary Act which is usually thought to be likely to continue for some considerable period, under which a definite and far reaching organisation is created and operates; under which engagements are made and there are continuing rights and duties. That is a very different type of temporary Act.

Hon. A. H. Panton: What is wrong with bringing down the Bill properly?

The Attorney General: I will tell the hon. member that in about two minutes. I desire first to explain the difference between the two classes of temporary Acts. I can well understand that it may not be a desirable practice to enable Acts to be revived by the method we are using here, if there has been no organisation or continuing function built up under the expired Act, but we come now to the Dried Fruits Act, which was passed in 1926 and was in force continuously for 21 years in this State. That Act was passed in 1926 and was due to expire—having been given a four-year period—on the 31st March 1930. It has been continued at intervals for differing periods of two years, three years, and once, I think, five years. It was last renewed by this Parliament in 1944, for a further period of two years, to expire on the 31st March, 1947.

When the present Government took office it found that, by inadvertence, the Dried Fruits Act had expired on the 31st March, the renewal legislation not having come before the parliamentary session of last year. I believe that that was an oversight and that it had not been the intention that the Dried Fruits Act should expire. When I ascertained that position I referred to the Leader of the Opposition—which I thought was the proper course—and told him what steps I thought the Government should take. He was good enough to acquiesce in general in the steps proposed. The steps proposed were these: That the Dried Fruits Board should be requested by the Government to continue to exercise its functions, the Government informing the board that it would place the matter before Parliament at the next session and ask that the legislation should be continued and that the acts of the board in the intervening period should be confirmed.

Under the Dried Fruits Act there is set up a board which has a duty and power to

register packing sheds and packers of dried fruits from time to time as they commence business. It has power to acquire dried fruits, by purchase or compulsorily. It has power to appoint a secretary and inspectors, and it has a duty to inspect vineyards and dried fruits. It has a whole series of continuing duties and obligations. Having said so much, I come now to the specific point raised by the member for Murchison with his customary penetration. The first thing that we might ask ourselves, I presume, is whether it was reasonable and proper that the Dried Fruits Board should have been asked to continue its duties and inspections for the protection of this important industry, or whether it should have been allowed to lapse and go out of existence, dismissing its officers, abandoning its organisation and letting the whole thing go.

Hon. A. H. Panton: There was never any intention of that.

The Attorney General: I do not suggest that there was.

Hon. F. J. S. Wise: I made my support of the parent Act very clear.

The Attorney General: Letting it lapse could not have been entertained.

Hon. A. R. G. Hawke: What about dealing with the Speaker's ruling?

Mr. Rodoreda: That is what we are supposed to be discussing.

The Attorney General: You must allow me to deal with this, Mr. Speaker, in the necessary detail, in order to make the position plain. When the Government asked the Dried Fruits Board to continue to operate, that body had to continue to operate under the Dried Fruits Act, 1926, as continued. That was the Act which set out its duties and under which its organisation was created; under which the dried fruit growers and packers and everyone else concerned knew exactly what the powers and duties of the board were and what the powers, duties and rights of the various people in the industry were. In the intervening period since the 31st March last the board has therefore been operating under the Dried Fruits Act, 1926, as continued. If we do not revive this Act in the way proposed, but bring in a new measure—which I have no doubt would be the same measure, but which might be amended—under what authority would the board have been acting in the intervening period?

Hon. F. J. S. Wise: Under retrospective powers given to it.

Hon. A. H. Panton: It would not be the first time we, in this House, have done that.

The Attorney General: Let us examine that for two minutes.

Hon. A. R. G. Hawke: Come on, get on with the Speaker's ruling.

The Attorney General: I am going to take my time.

Hon. A. H. Panton: That is obvious.

The Attorney General: It is obvious, and I will demonstrate it. We could say to the board, in effect, "You have been operating without any power at all from the 31st March, 1947, until the time when the Act is passed by Parliament," but that would be a very curious situation to have arise in preference to the logical and simple course involved by this Bill, under which we say that the legislation that operated for 21 years, and under which the organisation was built up, is re-enacted. Under the present measure we say that the legislation that expired by inadvertence is revived to operate as from the day on which it expired, and that all that the board has done under the legislation that expired, and that we are now reviving, is confirmed. That is simple and logical.

By way of illustration, let me assume that it may be possible that another Bill at some future time and one of a similar character may, by inadvertence, lapse through want of renewal. The Government of the day, Parliament not being in session, as was the case with respect to the Dried Fruits Act, would go to the responsible board and say, "Will you carry on your functions until Parliament is able to deal with the matter?" On your ruling, Mr. Speaker, I claim, with great respect, that the Government could not say, should any such instance arise in the future, "Carry on under your old Act," because the Government would well know that under the ruling that has been given, the old Act could not be revived. All the Government could say would be, "Carry on under no Act at all but under some Act that may be passed at some future date, the contents of which we have no knowledge."

Hon. F. J. S. Wise: Let us abide by the Speaker's ruling, introduce another Bill to deal with the matter, and it will go through at the one sitting.

The Attorney General: I am glad of that assurance.

Hon. F. J. S. Wise: There has never been any doubt on the point.

The Attorney General: I am glad of the hon. member's co-operation, which he has given me throughout. However, I feel that on some future occasion it will be extremely difficult to ask such a board to continue its functions when it knows it will have no charter at all, seeing that the Act under which it operated could not be revived, and that it would have to continue under the terms of some future Act that had to be passed and the contents of which it would not know. I feel that any Government would hesitate to request a responsible body to continue its functions under legislation, the contents of which it did not know.

Hon. J. T. Tonkin: If you cannot do it, no matter how desirable the course may be, you simply cannot do it.

The Attorney General: However desirable it may be, the hon. member says that, because it is against practice——

Hon. F. J. S. Wise: No, that is Mr. Speaker's contention.

The Attorney General: —the Government cannot do it. It has been done by the British Parliament.

Hon. F. J. S. Wise: Not in this way.

Mr. Marshall: And never in Australia.

Hon. A. H. Panton: We are scared stiff of what may happen in the future if you get away with this.

The Attorney General: Such a case may not have arisen in Australia.

Hon. A. H. Panton: A simple way out has been suggested to you by the Leader of the Opposition.

The Attorney General: As I said, it may not have arisen in Australia.

Hon. A. H. Panton: We do not know what may happen if you start this sort of thing.

The Attorney General: There is no limitation upon the power of Parliament to operate in this way. The mere fact that the British Parliament passed an Act to deal with the revival of measures generally, provides an instance indicative of the sovereign power that Parliament possesses. The mere fact that we have not passed a procedural Bill to deal with the revival of lapsed Acts does not get away from the fact that the sovereign power to take that course vests in Parliament, as it does in the British Parliament.

Hon. F. J. S. Wise: But that was done by a specific Act in 1808!

Hon. A. H. Panton: Which is a very long time ago.

The Attorney General: The inherent power in Parliament was the same in 1808 as it is today.

Hon. J. B. Sleeman: No, it is not the same.

Hon. F. J. S. Wise: It is quite different.

The Attorney General: I feel that we are right in exercising our sovereign powers in the manner suggested. In the circumstances, I hold that Parliament would be abandoning, under Mr. Speaker's ruling, the sovereign rights it now possesses, a power that has been exercised by Parliament in Great Britain and, by the abandonment of that sovereign right, future Governments may be placed in a very difficult position.

Mr. Speaker: Is there any seconder to the motion?

The Chief Secretary: I second the motion. It has been suggested that the course adopted by the Government cannot be followed, but palpably that contention is wrong.

Hon. A. H. Panton: Anything can be done, if you have a brutal majority.

The Chief Secretary: That is so. On the other hand, if what is proposed were against the law or against the Constitution, it could be pointed out that it could not be done. That is self-evident. If the course were outside the provisions of the Constitution or the sovereign powers of the Parliament, then there would be no difficulty in determining that Parliament had exceeded the law, because it cannot exceed its constitutional rights. That is absolutely clear.

Hon. J. B. Sleeman: I thought you were going on to speak about the nationalisation of banking and indicate that that matter is to be taken to court.

The Chief Secretary: That is quite correct. The Attorney General has contended that the course proposed is within the sovereign powers of the House, and he is undoubtedly right. There can be no argument on the point, if only because, with a brutal majority, as the member for Leederville mentioned, anything can be done. The only question

to be decided is whether the procedure suggested is that which should be adopted.

Hon. A. H. Panton: That is the point.

The Chief Secretary: It must be quite clear that it can be done, as being within the power of the House. That being so, let us get back to the question of procedure, for it is a matter of procedure and not of law. The question is whether the procedure is acceptable——

Mr. Rodoreda: Or dangerous.

The Chief Secretary: That is the whole question. We should adopt a commonsense point of view. Let us not get tangled up in matters of procedure——

Hon. A. R. G. Hawke: Like the Government did yesterday.

The Chief Secretary: British law has always avoided being tied up by procedure and Parliament, which is the highest court in the land, has always avoided it, too. I think it is for members to say whether the course adopted is reasonable from a commonsense point of view.

Mr. Needham: The Attorney General has not received much assistance from his junior counsel.

The Chief Secretary: Is it not clear in this instance that, whereas an Act has been inadvertently allowed to lapse and members generally agree that it should be in operation——

Mr. Rodoreda: With amendments, may be!

The Chief Secretary: No, without any amendments. The Leader of the Opposition has said that this particular Act should be re-enacted as it stands——

Hon. A. H. Panton: If brought down properly.

The Chief Secretary: The Leader of the Opposition said that the Act should be in operation.

Mr. Rodoreda: He was not speaking about this Act only.

The Chief Secretary: Is it not commonsense, therefore, to permit the Act to be renewed by a simple Bill which provides that it shall be deemed to be in force from the date it lapsed.

Mr. Triat: Why not bring in a new Bill and have it put through at the one sitting?

The Chief Secretary: Because this seems to be the logical and ordinary point of view.

Hon. A. H. Panton: An extraordinary point of view.

The Chief Secretary: I suggest that the ruling of the Speaker was incorrect and that the House should disallow it.

Hon. F. J. S. Wise: I am greatly surprised that the Attorney General, either because of pique or obstinacy, has moved to disagree with your ruling, Mr. Speaker. When speaking to the Bill the other evening and in voicing the objection, based not only on Craie's statute law but also on the Imperial Act of 1808, that it was not right for the House to consider the Bill, I did not raise the question on a point of order. I preferred to leave it to the good sense of the Attorney General to take advantage of my suggestion, which was that a Bill be introduced on the lines of the parent Act, containing also a validating clause, that would cover all the acts of the Dried Fruits Board since the expiry of the Act. That suggestion was not acceptable and I desire to ask a question of the Attorney General and his junior. Since your ruling, Sir, is very clear on the point that we cannot proceed in the way proposed by the Government—and you have given authority to show that it cannot be done in this way and that your ruling is based on an examination of procedure and precedent—I would ask the Attorney General what his authority is for saying that the introduction of the Bill and the attaching to it of the parent Act does, in fact, validate that action.

Would it not be competent for anybody, if we adopt this course, which is against your advice, Sir, to challenge the Act after it has come into operation? Is it not likely that the actions of the board since March, 1931, could be challenged because of the fact that the Bill had been challenged? Would it not be better to introduce a Bill on identical lines with the parent Act with the addition of a validating clause? Surely that is the obvious way to overcome the difficulty! I pointed out to the House that I had no objection to the Act and that I was anxious to assist the Government to make the necessary provision in the proper way. That is where I stand now. Since the board has no charter, would it not be better to suspend Standing Orders and put through the parent Act, plus a validating clause at the one sitting, which would not only meet the situation, but would also overcome all the objec-

tions that may arise against re-enacting the expired legislation as proposed?

Mr. Triat: I listened very carefully to the remarks of the Attorney General, though I did not take much notice of his legal partner. The Attorney General told us that the Act expired in March and that since then the Dried Fruits Board has operated without authority. I have looked up the preamble to the Bill and I find it set out that the Dried Fruits Act expired on the 31st day of March, 1947. The proposal is to re-enact the statute and to continue it only until the end of this year, and I presume that, in the ordinary course of events, the House by that time will have gone into recess for a month or two. Therefore, the board would then be in the position in which it finds itself today.

The Attorney General: If the statute is re-enacted, a further Bill can be introduced.

Mr. Triat: Then another Bill would have to be introduced to continue the Act after December.

The Attorney General: Yes.

Mr. Triat: The Leader of the Opposition has offered the Government to assist in putting a fresh Bill through at one sitting, and this being so, why go to the trouble of re-enacting the present law and then introducing another Bill to continue it after December, unless there is some reason for so doing?

Hon. A. H. Panton: I hope the Government will accept the advice of the Leader of the Opposition. I agree with the Chief Secretary that this House can do just as much as the majority will permit it to do. When I entered the House many years ago, I asked an experienced member, Hon. W. C. Angwin, about something that had struck me as being peculiar. I asked, "Can they do that?" and he answered very pertinently, "The House can do anything it likes so long as there is a majority in favour of it." I appreciate that the Government has a majority; no doubt it was fixed up at teatime tonight.

The Chief Secretary: What was fixed up?

Hon. A. H. Panton: I warn the Government that if it is going to over-ride, simply because it has a majority, not the Constitution but Standing Orders and all the usages of the House of Commons under which we work by putting up such a Bill as this, it will be the end of constitutional government in this State. Irrespective of how impartial Speakers may be in future when giving their rulings, they will do so with the full knowledge that the majority will be against them if the Government desires to take certain action. No. 1 of our Standing Orders reads—

In all cases not provided for hereinafter—

I notice that the member for Sussex is laughing. I hope that when he has been a little longer in the House, he will respect the traditions under which we have worked so long. Members opposite who talk so much against Communism are introducing it now by the action they are taking—"Tear up the Constitution so long as you have a majority." I was about to read Standing Order No. 1—

In all cases not provided for hereinafter, or by sessional or other orders, resort shall be had to the rules, forms and practice of the Commons House of the Imperial Parliament of Great Britain and Northern Ireland, which shall be followed as far as they can be applied to the proceedings of this House.

We have another authority called "May" to guide us and you, Sir, have doubtless considered that authority very thoroughly. I occupied that Chair for five years, and I can imagine that the officials assisting you also considered the question very thoroughly. I am not worried at all about the dried fruits Bill. The Leader of the Opposition has given a definite assurance of his assistance, and when it comes to an assurance on behalf of his Party, it is as good as the Premier's assurance given for that Party, even though he has not the same amount of discipline. I said I am not worried about the dried fruits Bill, but I am worried about our observing the traditions as we have done over the years. I should like the Government also to feel worried about this matter. During its first few weeks in office, it has introduced a measure which Ministers in their hearts must know is wrong, and they have been told by you, Sir, that it is wrong, and I hope, therefore, that the Government will not persist in this course of action. There is nothing to retract. The Government has the matter in its own hands. Why does it not do the proper thing? If it forces this matter to a division, then it will go down in history that the Government—the McLarty Government—is prepared to use its majority even to smash the Constitution of this Parliament and the traditions of the Mother Parliament.

Mr. Shearn: I merely wish to make one or two observations, first, to disillusion the member for Legderville as to what will be done by a brutal majority, assuming that

his remarks had some reference to what happened earlier in the session. I also wish to deal with your ruling. I support the observations of those Opposition members who have spoken and dealt with the Standing Orders. Members will recall that on a number of occasions, when the present Opposition was in power, I allied myself with the rulings of the then Speaker. Irrespective of what the circumstances are, we must not flout or ignore the Standing Orders which have governed this Parliament for so many years. If we do, I do not know where we shall get in the future. Again, I am influenced by the assurance given earlier by the Leader of the Opposition that he will facilitate the passage of this legislation. In view of its importance and the necessity to maintain our parliamentary traditions, I feel, Mr. Speaker, I should let the Government know at once that I support your ruling.

Mr. Rodoreda: I am astounded at the action of the Attorney General in moving to disagree with your ruling, Sir. Had the Attorney General done so after you had given a snap decision, he might have had some excuse; but in the circumstances, when you and your assistants have had a week or more to investigate the position thoroughly, I must say that I regard his action as astounding. In disagreeing with your ruling, the Attorney General did not touch upon the subject-matter of the decision at all.

Mr. Speaker: Order! There is too much conversation proceeding.

Mr. Rodoreda: The Attorney General confined himself to debating the Bill and the effect that your ruling would have upon it. But what we are debating now is a matter of principle, not the Bill. Any Government in future might decide to introduce another such Bill which would require drastic amendment before the House passed it, and what position would we be in then? This precedent is too dangerous to introduce into the House. The Attorney General made great play about the sovereign powers of the British Parliament and of this Parliament. In spite of the sovereign powers of the British Parliament, that Parliament thought it necessary to pass a Bill to give itself the power to do what we are attempting to do now. The right procedure to follow in this case would have been for the Government to introduce a similar measure and have it passed by both Houses of Parliament, and not, by a brutal majority, to give itself the power to do what it now proposes. I am very pleased to note the opposition to the Attorney General's motion to disagree with your ruling.

Hon. J. B. Sleeman: This Bill might be described as the illegitimate child of the Government. It is a very dangerous child and should be strangled at its birth, because if it is allowed to live there will be serious repercussions later. We shall wake up some day and find other Bills being introduced in the same manner as this Bill has been introduced. The procedure is quite illegal. If this were the House of Commons instead of the Western Australian Parliament, members would not have had the privilege of disagreeing with your ruling. Your ruling would have been final. We are supposed to be more democratic and so our Standing Orders provide that a member may disagree with your ruling, if he considers a Bill to be out of order. There is no precedent, either in this Parliament or any other Parliament in Australia, for what has been done.

As long ago as 1882, when, owing to the great Irish crisis, the British Government decided to re-enact the Aliens Bill for a term of six months, it introduced a Bill in the House of Commons for that purpose. In those days, British Bills contained a short clause which provided that the measure could be repealed or amended in the session of Parliament in which it was introduced. That does not now obtain in England. A Bill can now be introduced and repealed or amended in the same session of Parliament. We have a similar provision in our Interpretation Act, and so we can also repeal a Bill in the same session in which it was introduced. I hope the Government will listen to reason and withdraw this Bill, especially in view of the assurance of the Leader of the Opposition that he will facilitate the passage of a similar measure.

Hon. A. R. G. Hawke: The Government has bungled the procedure on the last two days, mainly on the advice of the Attorney General.

Hon. J. B. Sleeman: I pointed out while speaking before on this Bill that, as framed, it would expire last March. That

is how the Government bungled the Bill; it even went through the Committee stage containing a provision that it was to expire last March. Then someone woke up, had a brain wave, and altered the expiry date to December.

The Chief Secretary: You had a share in that.

Hon. J. B. Sleeman: I did not, but I did have a share in rectifying another Bill which the Chief Secretary bungled. That was to have finished in the year 1148.

Mr. Speaker: Order!

Hon. J. B. Sleeman: The Government is now going to introduce another Bill to to make sure that the Bill does not finish in December. Why not make one job of it, introduce a Bill and insert in it a clause validating what has been done since the Act expired? I shall not weary members further. I feel sure the House will support your ruling, Sir. I think it is correct.

The Attorney General: In view of the feeling that has been expressed, I would ask the leave of the House, with the permission of my seconder, to withdraw the motion and that it should accept the assurance that another Bill will be brought down, as has been suggested.

Motion, by leave, withdrawn.

Debate Resumed.

The MINISTER FOR AGRICULTURE: I bow to your ruling, Sir, and ask for leave to withdraw the Bill.

Mr. SPEAKER: The Bill is ruled out.

Bill ruled out.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

In Committee.

Resumed from the 9th October. Mr. Perkins in the Chair; the Chief Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 1 had been agreed to.

Clause 2—agreed to.

Clause 3—Amendment of Section 59:

Mr. STYANTS: I move an amendment—

That after the word "amended" in line one the words "by deleting the words 'shall be a British subject, and' in Subsection (2), lines two and three" be struck out with a view to inserting the following words "after the word 'subject' in line two of Subsection (2) insert the words 'or an ex-serviceman or a worker who served in the Merchant Navy or Merchant Marine of an Allied Nation during the period of World War II.'"

The proposal in the Bill is to strike out the provision that in order to obtain a certificate as an enginedriver under the Act a man has to be a British subject. That would leave it to a member of any nationality under the sun to become qualified and obtain a certificate to drive an engine in this State. I have had a look at the past history of this measure and find that the words "must be a British subject" were not in the original measure of 1904, but were inserted in the Act of 1921. Although I have looked up the "Hansard" debates both in this House and in another place to find reasons for the insertion of the words, I have not succeeded. I realise that my amendment has imperfections, but it does provide for everything that the Minister asked for and removes many of the objections one could raise to the proposal in the Bill.

My objection to the striking out of the words "must be a British subject" is that it would mean that Southern Europeans would be permitted to become qualified drivers and to drive winding engines at some of the big mines in the goldmining industry of this State. It would also permit Germans to do so. There are many Southern Europeans who have lived in this State from 25 to 30 years but have never deemed it worthwhile to become naturalised British subjects or to bring their wives and children to this country. If we adopt the suggestion outlined in the Bill it will mean that any one of those men would be able to qualify and be in a position to drive a winding engine raising or lowering Australian miners. I have no racial prejudice, but I have to bear in mind that in the district I represent there is a fair amount of racial animosity.

The member for Mt. Marshall and the member for Canning were associated with the 2/28th Battalion which is a Goldfields regiment. They will realise—particularly the member for Canning who lived on the Goldfields—what the position is. What would be his reaction if he were a worker in a mine in an underground position and found that someone with whom he had had unfavourable associations in North Africa,

either as a prisoner of war or as gaoler of that particular man, was in charge of a winding engine which lowered and raised him to and from his work in the mine? This provision would allow Germans also to come here and qualify within 12 months. Many of them speak English fluently and, if they had a mechanical knowledge, would be able to qualify in a very short time. But they would be just as objectionable as the Southern Europeans.

It is true there are men of Southern European nationality who drive hoists on the Golden Mile, but everyone of them is a naturalised British subject and I have no objection to them. No great hardship would be imposed on the few genuine cases that may be affected adversely by the amendment by being required to have a period of five years' residence in this country and to become naturalised, after which they would have all the liberties and freedom that British subjects enjoy. Enginedriving is a responsible occupation and great care should be exercised in deciding to whom we shall extend the privilege of engaging in it. Whether a man happens to be driving a winding engine in the mines or an engine on a timber mill or one in a factory, he has the lives and limbs of employees in his charge to a very great extent.

It would be wrong to leave this qualification wide open so that the nationals of any country could qualify, obtain a certificate and drive this particular type of machinery. The Enginedrivers' Union on the Goldfields has a distinct objection. It has no objection to the American or the Dutchman being permitted to qualify. The amendment will be suitable to the enginedrivers if agreed upon. While I admit there may be some objections, either real or imaginary, to my amendment, it provides everything the Minister asked for when he introduced the Bill, and it prevents many of the objections that could be raised by adopting the suggestion of the Minister, as outlined in the Bill, to strike out the words "British subject" and so leave the way open to every national under the sun to qualify as an enginedriver, and operate an engine in this State.

Progress reported.

House adjourned at 10.53 p.m.

Legislative Council.

Tuesday, 21st October, 1947.

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

QUESTION.

GOVERNMENT MOTOR VEHICLES.

As to Number, Control and Fuel Allocation.

Hon. C. F. BAXTER (on notice) asked the Minister for Mines:

(1) Seeing that further liquid fuel restrictions have been imposed, will the Minister state—

(a) What allocation of fuel is made to the Government?

(b) Has there been a reduction commensurate with that of private users?

(2) What is the number of motor vehicles used by the Government—

(a) motorcars;

(b) runabouts?

(3) What control is there over the use of such vehicles?

(4) Is it permissible for Government officers to use Government vehicles during week-ends and holidays?

(5) What is the number of Government vehicles, other than ministerial cars, bearing private number plates?

(6) What is the reason for such?

(7) Will the Government initiate a pool to control the use of Government motor vehicles?