

ing the matter of a house which has been shut up for months and yet the meter shows that the consumption of water has been greater than it was when the house was occupied. We endeavour to get the best possible meter. When complaints are made regarding excess charges and I feel that a bit of common sense is wanted, I generally exercise my power and write the amount off. If the member for North Perth (Mr. Smith), when he gets the water supply report, will turn to Table A, he will find all the information he requires. He will find that the aggregate surplus of income over expenditure during the years which have gone is £97,528, and, deducting a certain amount paid off debentures in 1912, there is a net surplus of £76,000. We shall have to keep adding to the expenditure on our water supplies in order to keep pace with the increased demands for water. We can raise only another penny or so and, if I raise that penny the hon. member will blow me up for rooking the people and, if I do not raise it, the hon. member will blow me down for failing to make the revenue and expenditure balance, so I shall have to throw myself on the mercy of members.

Vote put and passed.

Vote, Other hydraulic undertakings chargeable to revenue, £32,663:

Mr. GRIFFITHS: I wish to speak at some length on this vote and, as the hour is late, I move that progress be reported.

Motion put and passed.

[The Speaker resumed the Chair.]

Progress reported.

*House adjourned at 11.47 p.m.*

## Legislative Council,

*Wednesday, 26th November, 1919.*

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

## QUESTION—RAILWAY LOCOMOTIVES.

Hon. H. STEWART asked the Minister for Education,—With reference to the Government Railways—1, How many locomotives are in use? 2, The number of different types or classes? 3, How many locomotives of each type are fitted with spark arresters or preventives, effective when running on Collic coal? 4, The number of locomotives of each type which, on 30th November, 1918, were fitted as in Question 4?

The MINISTER FOR EDUCATION replied: 1, 303 in actual work at present. 2, 25. 3, All locomotives are fitted with spark arresters and the following, viz., Class D, 2; Class E, 24; Class Ec, 2; Class F, 8; Classes O and Oa, 17; Class R, 4; Class M, 1; total, 58, have been fitted with an improved type and are effective on Collic coal under the best conditions; but perfect spark arresting, together with perfect steaming is not yet arrived at. 4, Class C, 3; Class D, 1; Class E, 6; Class Ec, 1; Class F, 1; Class G, 1; Class N, 2; Class O, 4; Class R, 1; total, 20. Note.—In the case of the C, G, and N engines referred to in paragraph 4, the improved type of arrester has been removed, as it interfered with the steaming of these particular classes of engines.

## LEAVE OF ABSENCE.

On motion by Hon. J. Cornell leave of absence for six consecutive sittings granted to Hon. J. E. Dodd (South) on the ground of ill health.

## BILL—ROAD DISTRICTS.

Further re-committal.

On motion by Hon. J. Nicholson Bill again re-committed for the purpose of further considering clauses 211 and 249 and a new clause to stand as Clause 269.

Hon. J. F. Allen in the Chair, the Colonial Secretary in charge of the Bill.

Clause 211—What shall be rateable property?

Hon. A. LOVEKIN: Yesterday Mr. Nicholson moved that a proviso be added to this clause, beginning with the words "provided further that nothing herein contained shall exempt the Crown or any trading concern." I have looked into the matter and found that the sponsors for the State trading concerns have laid it down that they must trade fairly and equitably with private concerns. The Minister in charge of them admits that they should trade on an equitable footing with private concerns. There is some difficulty about the Crown paying taxes, but when the Crown trades it becomes a trader and therefore should be amenable to the conditions which operate against all other trading concerns. Take the case of two timber mills, one a State trading concern and the other a private concern. Both are cutting up the roads in a road district. The Gov-

ernment concern pays no rates, but the other is called upon to pay not only the ordinary rates but an increased rate due to the extra damage done to the roads by the State concern, which is contributing nothing. It is my intention, therefore, to move the amendment which was moved by Mr. Nicholson yesterday and defeated, but omitting from it the words "the Crown or." I move an amendment—

That the following proviso be added:—  
 "provided further that nothing herein contained shall exempt any trading concern under the "State Trading Concerns Act, 1916," from liability from rates under this Act in respect of any land used or occupied by any such trading concern."

The MINISTER FOR EDUCATION: Before discussing the merits of the proposal, I should like a ruling as to whether it is competent for this Committee to insert in a Bill a provision which will have the effect of imposing a tax on the Crown.

The CHAIRMAN: I can find nothing in the Standing Orders to say that the Bill shall not be amended by the Council. I rule that the amendment is in order.

The MINISTER FOR EDUCATION: We have already discussed this matter once. The Government cannot accept the amendment. It is futile to say that State trading concerns are not the proper functions of the Crown. It is not for any hon. member to say what are the proper functions of the Crown; that is decided by the Government in power. These trading concerns have been established, they are the proper functions of the Crown, and to tax them is to tax the Crown. As a matter of fact the Government pay indirectly for the maintenance of roads; the Government pay subsidies in all directions and assist by the construction of railways and of many other facilities. When the community as a whole decides to go in for trading concerns those concerns remain the Crown, and cannot be taxed.

Hon. J. NICHOLSON: I submit that the rating of a State trading concern is not the rating of the Crown. The trading concern is established under a special Act and is carrying on business which ordinarily other members of the community would carry on themselves. Once the Government embark on these pursuits the Government must take all the responsibility attendant on them. It is unfair on the part of the Government to even oppose the proposal that these trading concerns shall pay their fair share of taxation. They are drawing profits from the public. If, as the Minister says, the trading concerns are the Crown, then, as these trading concerns become more gigantic, the position will be that our numerous State industries will enjoy an exemption from all rating and taxation, which clearly is unfair when they are competing with private enterprise. As Mr. Lovekin pointed out, when the Trading Concerns Bill was before Parliament, those who were supporting that Bill strongly urged

that the trading concerns should undertake their responsibilities just as the private trading concerns have to. If the State trading concerns do not bear their proper share of taxation the taxpayers in the district where those concerns are situated are compelled to pay a higher rating, so as to maintain the roads. I support the amendment.

Hon. A. SANDERSON: To try to alter the opinion of the Committee once it has been given is a most objectionable practice. The real trouble in respect of this discussion is that we have not made up our minds whether or not we are in favour of State trading concerns. What is the use of saying that a State trading concern is not the Crown? Of course it is the Crown, both in the legal and in the political sense. It is hardly arguable. If the amendment is carried it will serve to show that the Committee cannot make up its mind from one day to another. Every argument used by Mr. Nicholson is an argument against the whole principle of State trading concerns. The Federal Government are going in for State trading concerns, and they propose to import their stuff free of all Customs duties. If the amendment is carried, and if we are to be consistent, we shall have to be most strongly opposed to State trading concerns, the greatest of which is the wheat pool. If the amendment is carried it will be an agreeable surprise to me, and will be evidence to me that we are going to entirely reverse the policy of the country and attack the State trading concerns root and branch. We ought to tax the railways. The Minister tells us the Government are indirectly contributing to local taxation by the distribution of money to the road boards. We know that that source has practically run dry. I will vote for the amendment, in spite of the objections I have to the methods by which it has been brought before us.

Hon. A. J. H. SAW: I listened with interest to the arguments yesterday on an amendment practically on all fours with that now before us. I finally decided to cast my vote in favour of the amendment, mainly on the ground that it seemed reasonable that if the State trading concerns are cutting up the roads they should contribute something towards the maintenance of those roads. To-day I am going to reverse my vote. No doubt it is competent for the Committee, after a thing has been disposed of one day, to have it brought up for re-consideration the next day; but I object to that. Formerly, I believe, the favourite of Phillip, after a blow from Phillip drunk, appealed from Phillip drunk to Phillip sober. This Committee yesterday was not full, but very nearly full, and in any case I object to appealing from an empty Chamber to a full one.

Hon. Sir E. H. WITTENOOM: We are only wasting time discussing this matter because the leader of the House has told us that we cannot impose taxation on the Government. If we did start that where would it stop? Whilst the leader of the House is correct in saying that we cannot impose

taxation on the Government, that is no reason why this argument should be dropped for the reason he gave, and that was because the Government gave so much in subsidies. They give nothing by way of subsidy now; the upkeep of all roads is done now by taxing the land. With regard to Mr. Sanderson's remarks on the subject of recommitting Bills, this is a matter which is entirely in the hands of members themselves. Many hon. members do not attend the sittings of Parliament as regularly as they might, and if a clause is thrown out in a small House it is reasonable to expect the Government to submit the matter again to a full House.

Hon. A. LOVEKIN: I realise the Crown cannot be taxed, but under the Trading Concerns Act itself, it is shown that trading concerns are not under the Crown. Section 4 of the Trading Concerns Act, 1917, says—

The expression "trading concern" means any concern carried on with a view of making profits . . . or of entering into any business beyond the usual functions of State Government.

This special Act, therefore, takes these concerns away from the Crown.

Hon. H. MILLINGTON: Yesterday I opposed this matter and I see no reason to alter my views to-day. The hon. member tells us what the limitations of the functions of the Government are. Does he mean to tell me that it is not the function of the Government to protect the interests of the people, or to do the work they were sent here by the people to do? I do not know where he gets his limitations as to what the Government can do. These things have been thought out by other members who have their own ideas as to what are the functions of the Government. In regard to State trading concerns, the Government have not entered into competition with other traders merely for the fun of the thing. In every instance there have been good reasons. As a matter of fact, in almost every instance trading concerns in this State have been started primarily for the protection of the people, and with the consent of the people. That being so, at some time or other the people of the State thought it was a function of the Government, by entering into competition with traders, to protect the interests of the people. If the Government consider it is worth their while to enter into competition with others, that action then becomes a legitimate function of Government, notwithstanding what the newest of new members may have to say. He tells us that we are going outside the functions of Government. I object to those prehistoric ideas being set down as a guide for a modern Parliament to follow. It is about time some people realised that we are living in the twentieth century, and that we do not need to be told what are the functions of Government.

The CHAIRMAN: I should like to give further consideration to the point raised as to whether the clause is in order, and I would be glad therefore if further debate were postponed.

On motion by the Minister for Education, further consideration of clause postponed until a later stage.

Clause 269—Application of proceeds of sale:

Hon. J. NICHOLSON: I propose to amend the third paragraph of this clause, which reads, "In payment of any moneys due under any mortgage to the Agricultural Bank." The clause as drafted does not provide that protection which is necessary for other mortgagees besides the Agricultural Bank. The clause sets out how the proceeds of a sale are to be applied: firstly in the payment of costs and expenses, secondly in the payment of all unpaid rates, and thirdly in payment of any moneys due under mortgage to the Agricultural Bank. There is no objection to the first and second paragraphs. The third paragraph does not take into consideration the position of other persons or banks who are, or may be, holding a mortgage in priority to the Agricultural Bank. As a rule, the Agricultural Bank always takes a first mortgage, but there are cases where they have taken as additional security a second mortgage over some other land. Such cases arise, and may arise in the future. All that I am seeking to do is to move an amendment so that the interests of other mortgagees may be protected. I move an amendment—

That the words "to the Agricultural Bank" be struck out and the following inserted in lieu: "secured over the said land to any person, company, or the Agricultural Bank in the order of priority of such mortgages."

The paragraph will then read, "In payment of any moneys due under any mortgages secured over the said land to any person, company, or the Agricultural Bank in the order of priority of such mortgages."

The MINISTER FOR EDUCATION: I do not think the hon. member is altogether ingenious. Why did he not tell the Committee that the effect of his amendment would be to put all other mortgagees up before the road board, who under the clause as it stands come in thirdly, after the Crown and the Agricultural Bank? The carrying of the amendment would mean that the road board would come in sixthly. In order to meet some case which never has arisen but may possibly arise, Mr. Nicholson desires to put all other mortgagees on top of the road board.

Hon. J. NICHOLSON: I am prepared to move, later, that paragraph "thirdly" should come after the present paragraph "fourthly." As the clause stands, the Agricultural Bank are put in a preferred position, coming in even before a first mortgagee.

Amendment put and negatived.

Clause put and passed.

New clause:

Hon. J. NICHOLSON: I move an amendment—

That the following be added to stand as Clause 249: "Notwithstanding the provi-

sion contained in the last preceding section no trustee, attorney, or agent who is an owner within the meaning of this Act shall be liable for any sum in excess of the amount for the time being held by such trustee, attorney, or agent on behalf of his cestui que trust or principal."

I spoke on this new clause yesterday. The definition of "Owner" includes a trustee, an attorney, and an authorised agent. The office of trustee is very often gratuitous. Now, a trustee might not have sufficient funds in hand to meet the rates, and then he would, under the Bill as it stands, be personally liable for the rates. Similarly, an attorney might find himself personally liable.

The MINISTER FOR EDUCATION: I cannot accept the amendment. The provisions in this Bill are those which have been the law for years and years, the underlying principle being that the local governing authority should not be prejudiced by the owner's absence. If the owner goes away and places another person in his position, that other person should be responsible. The trustee or agent would have his recourse against the owner.

Hon. J. Nicholson: But the road board would have their recourse against the owner. New clause put and negatived.

[The President resumed the Chair.]

Progress reported.

#### BILL—TRAFFIC.

##### Assembly's Message.

Message received from the Assembly notifying that it had agreed to amendments Nos. 1 to 7, 9, 11, 12, and 13 made by the Council, but had not agreed to amendment No. 8, and had agreed to amendment No. 10 subject to a further amendment in which it desired the Council's concurrence.

#### BILL—PRICES REGULATION.

##### Report of Committee.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.20]: I move—

That the report of the Committee be adopted.

Hon. Sir E. H. WITTENOOM (North) [5.21]: I move an amendment—

That the Bill be recommitted for the purpose of further considering Clause 3.

Hon. J. J. Holmes: Also Clause 11.

Hon. R. J. Lynn: And Clause 17.

Hon. A. Lovekin: And Clause 14.

Hon. J. W. Kirwan: I understand that Mr. Cornell, who is not present, desires the recommitment of the Bill for the purpose of further considering Clause 22.

The PRESIDENT: The amendment to the motion of the Minister for Education is that the Bill be recommitted for the purpose of further considering Clauses 3, 11, 14, 17, and 22.

Amendment put and passed.

##### Recommittal.

Hon. J. F. Allen in the Chair; the Minister for Education in charge of the Bill.

##### Clause 3—Commissioners:

Hon. Sir E. H. WITTENOOM: I move an amendment—

That the words "three Commissioners" be struck out, and "one Commissioner" inserted in lieu.

I understand that the matter has been well debated during my absence, and therefore I give no further reason for my amendment than that I move it on the score of economy. I regard the Bill as absolutely superfluous, but I voted for the second reading for two reasons: firstly, because if the House had not carried it we would have been accused of shielding profiteers; secondly, because I am certain that the Bill, if enacted, will remain absolutely inoperative. In not one of the speeches delivered on the second reading did I hear even a single instance of profiteering mentioned. The measure will be futile; or the only harm it will do will be that of causing unnecessary expense to the country.

The MINISTER FOR EDUCATION: Sir Edward Wittenoom's remarks are just what one would expect from an opponent of the Bill. However he may have voted on the second reading, he is an avowed opponent of the Bill. Therefore he does not want to see the work done thoroughly. He has moved his amendment as he said, purely in the interests of economy. No doubt he would like half a commissioner if it were possible to reduce it to that. We are not concerned exclusively with the question of economy. We should have efficiency. We want a commission who can do the work thoroughly and satisfy the public. Yesterday Mr. Holmes referred to a remark I made in connection with the representation of interests. In a community like this, there are concerned in a Bill of this description three distinct sections, the producer, the trader and the consumer, and I believe we shall get a far better commission and one more likely to do justice to all parties and to satisfy the public if we have a commission composed of a man who is thoroughly familiar with trade and commerce; a man who knows exactly the position of the producing interests and a third who would look after the matter almost entirely from the consumer's point of view. Mr. Holmes suggested a member of the Trades Hall. I do not suggest anything of the kind. The representative of the consumers might be a member of the Trades Hall or a professional man or any man not entirely interested in production or distribution. All these interests should be represented on a commission of this kind, and I

do not think it possible to get all the qualifications combined in one commissioner.

Hon. J. J. HOLMES: One might almost doubt the sincerity of the leader of the House. He has told us that the Government want three commissioners and the Bill provides for two assessors. Although the Government have such a desire to deal with this matter thoroughly and properly, when they introduced the Bill in another place it provided for only one commissioner. Now the leader of the House tells us that, in order to get the work done thoroughly, it is necessary to have three commissioners and two assessors. So far as I can see this means two assessors in each district. A commissioner going into a town would have the power to appoint two assessors and we shall have the country full of commissioners and assessors before we know where we are. The Minister said there are three interests which should be represented on the commission, the producer, the trader and the consumer. The hon. member might have said that the three interests concerned are the Labour party, the Country party, and the Government. The two interests, the Labour party and the Country party, have pushed the Government in another place into providing three commissioners. Yet the Government brought down what they considered was a perfect Bill providing for one commissioner.

Hon. Sir E. H. WITTENOOM: I do not like to adopt the "tu quoque" or the "et tu Brute" attitude, but when the leader of the House suggested that I was trying to kill the Bill, it brought to mind his statement when he was moving the second reading. He said that high prices were due to the wonderful plentifulness of money and no doubt that is correct. If any statement was required to show that the Bill was unnecessary, it was the statement which has fallen from the Minister.

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

Ayes . . . . .	12
Noes . . . . .	13

Majority against . . . 1

#### AYES.

Hon. E. M. Clarke	Hon. E. Rose
Hon. J. Duffell	Hon. A. Sanderson
Hon. J. Ewing	Hon. H. Stewart
Hon. V. Hamersley	Hon. Sir E. H. Wittenoom
Hon. J. J. Holmes	Hon. G. W. Miles
Hon. A. Lovekin	(Teller.)
Hon. J. Nicholson	

#### NOES.

Hon. C. F. Baxler	Hon. J. W. Kirwan
Hon. H. Carson	Hon. R. J. Lynn
Hon. H. P. Colebatch	Hon. C. McKenzie
Hon. J. Cornell	Hon. H. Millington
Hon. J. Cunningham	Hon. A. H. Panton
Hon. J. A. Greig	Hon. A. J. H. Saw
Hon. J. W. Hickey	(Teller.)

Amendment thus, negatived.

Hon. J. CORNELL: I move an amendment—

That the following be added to Sub-clause 1, "one of whom shall be a judge of the Supreme Court or a duly qualified barrister or solicitor of any State of the Commonwealth or of England of at least seven years standing and practice who shall act as chairman."

I was of opinion that the commissioner should be a judge of the Supreme Court. That was defeated and I found myself today in the anomalous position of having to vote for three commissioners or one commissioner and, in the latter event, chancing whether he would be a judge of the Supreme Court. I had no reason to hope that if one commissioner were appointed, he would be a judge of the Supreme Court and therefore I voted for the three commissioners.

Hon. J. Duffell: And you have not got any more hope now.

Hon. J. CORNELL: At least one member of the commission should be specially qualified and he should act as chairman. If we are going to get any satisfaction from the commission, we must have a chairman who is qualified to sift the evidence and guide the commission. The Government are not likely to get such a person unless they appoint a judge or offer a solicitor a decent remuneration. I do not contend that the commission should be representative of the three sections of the community mentioned by the leader of the House. In the Arbitration Court, we have majority decisions, but I have yet to learn of any decision which has given universal satisfaction. During the war two similar pieces of legislation were brought into operation in New South Wales and South Australia, and in each case a member of the legal profession has been chosen to do the work—in the case of South Australia Professor Jethro Brown, and in the case of New South Wales a judge of the Supreme Court.

The MINISTER FOR EDUCATION: I do not question the qualifications which the hon. member suggests, but I do question the wisdom of limiting the selection of the Government in what may be a dangerous fashion. It may be difficult to get a man who is otherwise qualified for the position but who does not possess the qualifications set out by the hon. member.

Hon. Sir E. H. WITTENOOM: I must protest against a judge of the Supreme Court having anything to do with this. The whole thing is a commercial matter, and we want experienced men. To place a judge there would be to put him out of place. In the Arbitration Court we have two experts beside the judge. They never agree, and the decision on most important matters affecting the State is left in the hands of an academic lawyer, one who I do not suppose has ever employed a labourer in his life or earned a penny except through the medium of the law. The judge of the Arbitration Court then says, "We will have a compro-

mise and will give them half each." The Arbitration Court is an absurdity, and each of the three or four judges who have acted as president has done so with great reluctance. It would be out of place to ask a judge to take a position on this Commission, where so much knowledge is required of a commercial nature, of which it would be impossible for him to have any experience. I must oppose the amendment.

Hon. J. CORNELL: It is not provided that the decision of the three commissioners should be unanimous.

Hon. Sir E. H. WITTENOOM. Then we ought to have only one.

Hon. J. CORNELL: And that one should be a judge. The leader of the House says this may restrict the choice of commissioners, and Sir Edward Wittenoom says we might appoint a man who knows nothing about the work. In the case of the Arbitration Court, years ago hon. members insisted on having a judge as president, but to-day they will not have a judge to preside over this commission.

Hon. J. A. GREIG: If we appoint a judge as one of the commissioners, and as chairman he notifies the Government that certain people have done certain things which make them, in his opinion as chairman, liable to a conviction, a fine, or imprisonment under the Act and the Government proceed against such person, it seems to me that this person may go into the court with the decision of the judge hanging over him, with the knowledge that the judge has already found him guilty before he comes up for trial, with very much less chance of proper treatment than he would have if three ordinary people had dealt with him before the commission.

Amendment put and negatived.

Hon. J. CORNELL: I move—

That Subclauses 3 and 4 be struck out.

These provide that two commissioners shall form a quorum, and that they may sit together, and unless they both agree they can arrive at no decision, without calling in the third member. If the decision of the commission is to be the decision of two out of the three members, then the whole of their sittings should consist of three members. If the two do not agree the whole thing will have to be gone over again. I would be in favour of each commissioner having separate powers to act on his own responsibility.

Hon. J. J. HOLMES: You could have got over the difficulty by voting for the one commissioner.

Hon. J. CORNELL: That would have given me the position I desire. If one commissioner did not sit there would be no sittings, and if the three commissioners did not sit there should be no sittings.

Amendment put and negatived.

Hon. A. LOVEKIN: I move—

That Subclause 7 be struck out.

I object to the publicity which this will give to the private affairs of a trader. This subclause was put in by the Opposition in another place. The commissioners under Clause 17 will have power to probe into the banking accounts, the indebtedness, and the rate of interest of a person's concern and make a report to the Minister. If that report is laid on the Table of the House it will be very disastrous for many traders. There is no necessity for this to be done, because if an hon. member wants to see a report and it contains nothing objectionable the Minister can lay it upon the Table of the House. If the report contains some private matter, which it would be unfair to the trader to disclose, the Minister could refuse to allow it to be laid on the Table.

Hon. J. DUFFELL: It would be demanded.

Hon. A. LOVEKIN: I feel sure that the Minister would have the majority of members behind him if he refused to place such a report on the Table of the House.

THE MINISTER FOR EDUCATION: I realise that circumstances may arise under which it is possible that an injury may be done to some person. After all is said and done publicity has been the feature of all price-fixing and profiteering legislation enacted last year. If the hon. member reads the reports of the Interstate Commission he cannot help feeling impressed by the fact that the value of the inquiry has been in the publicity given to it. If any other method of publicity is preferable to this, let us try it, but I think there should be some method of publicity.

Hon. A. LOVEKIN: I have no objection to the commissioners making necessary inquiries, but I object to the publication of their reports and recommendations in the form contemplated by Subclause (7). It would not be fair to lay on the Table the details of a private business.

Hon. Sir E. H. WITTENOOM: Was not this subclause a compromise made in another place, as against advertising the reports and recommendations in the newspapers?

The Minister for Education: That is so.

Hon. J. J. HOLMES: I should be prepared to support the provision if I could see any good to be derived from it. One of the objects of the Bill is to reduce prices. How are the prices to be affected by the laying on the Table of the commissioners' reports and recommendations? Surely it will be sufficient to lay those documents before the Government.

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

Ayes	..	..	..	9
Noes	..	..	..	14

Majority against .. 5

#### AYES.

Hon. E. M. Clarke	Hon. R. J. Lynn
Hon. J. Duffell	Hon. E. Rose
Hon. V. Hamersley	Hon. A. Sanderson
Hon. J. J. Holmes	Hon. J. Ewing
Hon. A. Lovekin	(Teller.)

## NOES.

Hon. G. F. Baxter  
 Hon. H. Carson  
 Hon. H. P. Colebatch  
 Hon. J. Cornell  
 Hon. J. Cunningham  
 Hon. J. A. Greig  
 Hon. G. W. Hickey  
 Hon. G. W. Miles

Hon. J. Nicholson  
 Hon. A. H. Panton  
 Hon. A. J. H. Saw  
 Hon. H. Stewart  
 Hon. Sir E. H. Wittenoom  
 Hon. H. Millington  
 (Teller.)

Amendment thus negatived.

Clause put and passed.

Clause 11—Contravention of prices and rates:

THE MINISTER FOR EDUCATION: I had no intention of recommitting the Bill or the clause either, but since it has been re-committed, I think it is my duty to test the feeling of the Committee as to the amendment inserted last evening, when after "Act," in line 9 of Subclause (2), the words "provided that this part of the subsection shall not operate where Section 16 of this Act has been complied with" were inserted. I move—

That the words inserted last evening after "Act," in line 9 of Subclause (2), be struck out.

I do not think any notice was given of the amendment. The object of the amendment, we were told, was that when a person had complied with Clause 16, which prescribes that a price list of foodstuffs on sale shall be conspicuously exhibited, he should be exempt from the operation of Clause 11. It is most unusual to provide in an Act of Parliament that when a man complies with one provision, he shall be exempt from complying with another; because every person is compelled to comply with every provision in the measure. The amendment assumes that a person, by complying with one provision, can avoid another. As a general principle, the master should be responsible for the actions of his employees.

Hon. J. J. HOLMES: There is no attempt in the amendment to contract the employer out of his liability. The object of the amendment is to protect the employer against the employee who, contrary to the employer's instruction, sells goods at a higher price than is provided for. The principals of many of our business houses are not in this State at all, but are at their head offices in other States. The employee may be selling at a higher price and pocketing the difference, and subsequently the employer becomes liable to imprisonment for the action of his employee.

Hon. J. CORNELL: I cannot understand the desire of some hon. members to contract the employer out of his responsibility for the action of his employee. Take the mining industry: Do we find our mining legislation so framed as to contract the mine manager, or the company, out of liability for the action of an engine-driver who, by a slip, causes the death of 20 men in a cage? If, under the Bill, an employer were brought to court for

the action of his employee, and if he proved to the court that that action was against his instructions, surely the court would not punish him beyond fining him a nominal sum.

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

Hon. A. LOVEKIN: I am amazed at the opposition displayed by the Minister. The clause provides that where an employer gives full instructions to his employee not to do a certain thing and the employee from negligence or other reasons, disobeys the instructions, he renders the employer liable. That is against my idea of justice, and the only safeguard the employer can have is the proviso which was inserted last night.

Hon. V. HAMERSLEY: The clause is admirable with the addition which was made to it last evening. The proviso gives every safeguard that could reasonably be asked for by anyone.

THE MINISTER FOR EDUCATION: I want to make it quite clear that I was prepared to accept the decision of the Committee last evening. I have been forced into the position I am taking up now. Hon. members decided to recommit every clause which was fully debated last night. If we are to have a re-test on all these matters, what could I do but ask for a re-test on this question as well? I would gladly have accepted the decision of the Committee last evening.

Hon. J. J. HOLMES: The whole of our procedure provides for re-consideration. Even when a measure reaches the third reading stage the rules of the House provide that we can go over the whole proceeding again. Therefore the Minister to bring a red herring across the trail is not fair. It is time that it was known outside that the Government realising they have the support of a party in this House, are attempting to push things through by brute force.

Hon. R. J. LYNN: It is a pity that these recommittals take place. I realise it is essential to have the right to recommit and it is often necessary to recommit a Bill, but what we are doing now is to reiterate all the arguments which were advanced on this particular clause last evening. I do not think that if the prices stated in the Bill are exhibited in a prominent place any employee would extract from the client a higher rate than he would otherwise get.

Hon. J. NICHOLSON: I voted in support of the addition of the words which the leader of the House has moved to strike out. The arguments which have been brought forward to-night have not caused me to alter my opinion. It is important that the words should be retained. After the consideration given to the matter last night it would be unfair to delete the words now. It cannot be the intention of the Government to indict upon an innocent employer the injustice of a conviction if he has complied with the provisions of Clause 16.

Amendment put and negatived.

Hon. J. J. HOLMES: I move an amendment—

That the following proviso be added to paragraph 2:—"Provided that an employee by whom the foodstuffs or necessary commodities are sold or offered for sale as aforesaid shall also be guilty of an offence against this Act."

My object is to make the employee liable to a conviction as well as the employer.

Hon. J. CORNELL: I oppose the amendment. The employer is protected under Clause 16 and the amendment will only apply, therefore, to persons who do not exhibit the schedule of prices provided for. Therefore no protection should be granted to either the employer or the employee. Any one who contravenes Clause 16 is not entitled to protection.

Hon. J. J. HOLMES: If the employer posts a list in a conspicuous place the list is available to the employee as well as the public. The employee can only deliberately work against the interests of his employer by selling at a higher rate. If an employee is under sentence of dismissal he can ruin his employer before he leaves by acting in contravention to Clause 16.

Hon. A. LOVEKIN: This will give protection to the employee, because if an employer tells him to sell at a higher price than is provided the employee can refuse, because he himself will also be responsible.

Hon. J. CORNELL: If an employer has posted a notice in a conspicuous place he has complied with the provisions of Clause 16, and, whether he or his employee sells at a greater or lesser price than the proclaimed price, by virtue of his conforming to Clause 16 he will have such protection that neither the employer nor the employee will be liable under the provisions of the Act.

The MINISTER FOR EDUCATION: The proviso that was inserted only protects the employer in the case set out in Subsection 2. The only provision he can claim is when he can prove that the prices were posted in accordance with Clause 16, and that the sale was made by the employee against his express instructions. I think that is wrong, but as the Committee has decided upon that, someone should be responsible, and I therefore accept the amendment. The position then is that the employer is primarily responsible, but if he can prove that he has complied with Clause 16, then the employee should suffer. Someone should be made to suffer.

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

Clause 14—Refusal, etc., to sell at fixed prices:

Hon. A. LOVEKIN: I have consulted the Crown Solicitor, and he has prepared an amendment to which I do not think the Minister can have any great objection. Under the clause a person is compelled to sell his goods. If he refuses and is prosecuted for refusing, he can set up two defences, which

are set out in paragraphs (a) and (b) of Subclause 2. But they do not provide sufficient protection for the trader. The owner of the goods may have paid more for them than the prices fixed. I move an amendment—

That the following be added to stand as paragraph (c) of Subclause 2:—"or (c) there were exceptional circumstances which in the opinion of the court justified the refusal or failure to supply the foodstuffs or necessary commodities."

Hon. J. CORNELL: I accept it that action against the trader can only be taken on the recommendation of the commissioners?

Hon. A. LOVEKIN: No; the commissioners will recommend the prices.

Hon. J. CORNELL: They will inquire into the affairs of the trader and report that certain action shall be taken, whereupon the Government will act. After the commissioners have recommended the Government to prosecute, the court is to decide upon the exceptional circumstances. To my mind the only man to get protection under the Bill will be the trader.

The MINISTER FOR EDUCATION: I do not attach much importance to the amendment. The court, in dealing with all cases, will have regard to the whole of the circumstances.

Hon. H. MILLINGTON: This appears to be an attempt to water down the clause until it can be made to mean anything or nothing. It is a poor book-keeper who cannot establish exceptional circumstances. Moreover, provision for exceptional circumstances is already made in Subclause (3). Those shrewd enough and with the necessary legal advice will dodge the provisions, whereas the ordinary trader will endeavour to comply with them. It is dangerous to provide loopholes for the evasion of the provisions. The Bill is intended to keep the trader in order, not to provide innumerable court cases. I prefer the clause as it stands.

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

Ayes .. .. .	7
Noes .. .. .	16

Majority against .. 9

#### AYES.

Hon. J. Ewing	Hon. R. J. Lynn
Hon. V. Hamersley	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. J. Duffell
Hon. A. Lovekin	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. H. Carson	Hon. H. Millington
Hon. E. M. Clarke	Hon. A. H. Pantou
Hon. H. P. Colebatch	Hon. E. Rose
Hon. J. Cornell	Hon. A. J. H. Saw
Hon. J. Cunningham	Hon. Sir E. H. Wittenoom
Hon. J. W. Hickey	Hon. H. Stewart
Hon. J. W. Kirwan	(Teller.)
Hon. C. McKenzie	

Amendment thus negatived.



Clause put and passed.

Clause 17—Percentage of profit to be ascertained:

Hon. R. J. LYNN: I ask the Committee to consider the advisableness of deleting this clause. This is a Prices Regulation Bill and I take it it is not the intention of the Government to make it a Prices Publicity Bill. In Clause 4 the commissioners have full power to examine witnesses, take evidence on oath and require the production of documents, books, and papers. That is all which is necessary to carry into effect the title of the Bill. Clause 17 empowers the commissioners to investigate certain matters quite irrelevant to the title of the Bill.

Hon. J. Cornell: How will they arrive at the cost of any article?

Hon. R. J. LYNN: The earlier clause will enable them to do that. This is a most inquisitorial clause. I agreed to the appointment of three commissioners, but it could never have been intended that this measure should be made a publicity measure. What occasion is there for inquisitorial commissioners to inquire how much money a certain firm borrowed and from whom it was borrowed? It would be of no importance to them to know by whom any company or corporation was being accommodated with capital. As all the evidence will be laid on the Table of the House, the operations of any business firm might be laid bare to the public. If we delete the clause, it will restrict this publicity which would be so undesirable. If the Government desire that thrift and industry shall no longer count, and that no one shall be allowed to operate without submitting his transactions to publicity, then we have only to pass the clause.

The MINISTER FOR EDUCATION: I hope members will not confuse the two issues. One is the question of what information should be obtained by the commissioners to enable them to make their recommendations and submit them to the Government so that the Government will know the basis on which the recommendations were made; and the other is a matter of publicity. Under some price fixing Acts, the commissioners have power to give in the Press publicity to anything they think fit. Under other Acts, the proceedings are held in open court. It has been decided here that publicity shall be obtained by placing certain papers on the Table, but do not let us confuse that with the information the commissioners desire to enable them to arrive at a decision, which information is proper to guide them in fixing prices. One of the things the commissioners should obtain is the percentage of profit made.

Hon. H. MILLINGTON: The clause is most important. I can quite understand that when certain prices are fixed, there will be an outcry that injustice has been done. One of the methods employed in other parts is to inflate the amount of capital invested in the business. This has been done in the Eastern States in order to charge a large amount

for interest, and there have been instances of watered stock. If reports are placed on the Table of the House, this information will be desirable. Complaints were made regarding the actions of the commissioners under the previous price fixing measure. When the commissioners make their recommendations, it will be necessary to show on what their recommendations were based. Mr. Lovekin argued last night that this had nothing to do with the fixing of prices but, according to the evidence placed before the Interstate Commission, this has everything to do with the fixing of prices. The commission should have the widest range of inquiry and, where they have to substantiate their evidence, they should have an opportunity to state these particulars. Since complaints will probably come to this House, it will be as well to have all the evidence. I wish to quote a case in which the evidence given on behalf of the company was undoubtedly conflicting. The following is from the Federal "Hansard":—

Lt.-Colonel Abbott asked the Minister for Trade and Customs—1, Whether his attention has been drawn to a paragraph which appeared in the "Daily Telegraph," Sydney, stating, "When the Necessary Commodities Commission met this afternoon, Mr. Justice Edmunds said he intended to draw the attention of the Texas Oil Company to the San Francisco 'Bulletin's' quotation of the price of petrol in America, 10½d. per gallon, which was at variance to the price stated in evidence before him"? 2, If so, as the price ruling at present in Tamworth and district is 15s. per tin, while, according to the above quotation, in America it is 3s. 6d. per tin, duty being at the rate of 1d. per gallon—4d. per tin, totalling 3s. 10d. per tin, can the Minister state to what the abnormal difference in price (11s. 2d. per tin) is due; and what action, if any, the Government intend to take to cope with the evident profiteering in this article?

This shows that the officers made statements which had the effect of clouding the issue. They maintained that an enormous amount of capital was involved and thus misled the commission, and Mr. Justice Edmunds called attention to it. It was such a glaring case that the Minister promised to make inquiries into the matter. The power to inquire into the percentage of profit should be specifically given.

Hon. J. DUFFELL: This is the most important clause of the Bill. It has not yet been pointed out that there is room for victimisation under the clause. The businesses to be tackled by the commissioners should be grouped. For instance, the commissioners might harass one particular drapery firm out of all the drapery firms in Perth. Those firms trade under very different conditions. One of them manufactures a large proportion of its goods in the Eastern States, and can invoice those goods at a price to suit itself and thus obtain an advantage over other firms compelled to buy in the open market.

The clause needs amendment, and I suggest it be postponed until to-morrow, when I hope to be in a position to move an amendment. As it stands, the clause will give the commissioners and their retinue a good deal of information which it is not advisable they should have. Especially is it undesirable that the business affairs of one particular firm should be exposed.

Hon. R. J. LYNN: I have never heard a member to such disadvantage in this Chamber as Mr. Millington to-night. The amendment moved by Mr. Lovekin last night would have enabled the commissioners to state in their report to the Minister the basis on which they arrive at a price. Yet Mr. Millington voted against that amendment.

The Minister for Education: Mr. Lovekin intended to move that amendment, but he did not move it.

Hon. R. J. LYNN: Mr. Lovekin was prevented from moving it because the Committee refused to delete certain words. If the information furnished to the commissioners is not sufficient to enable them to determine the proper price to their satisfaction, they can recommend the Minister to fix a price; and that price may be such as to wipe the firm out of existence. There is no need for this inquisitorial clause, under which, as Mr. Duffell has pointed out, there may be victimisation. As regards the reserved profits of a particular company, or such an individual as a small storekeeper, how can the commissioners arrive at the percentage of profits that the company or the storekeeper shall make as the result of a reserve fund built up in the course of 10, 15, or 20 years?

Hon. G. J. G. W. Miles: That profit is capitalised.

Hon. R. J. LYNN: Mr. Miles may have capitalised profits through a bank overdraft and have them represented by goods. But under this clause is the percentage of profits to be arrived at on the amount of the capital in the business including the reserve fund, which may be represented in many directions? Take the large retailers in this city—Foy & Gibson, or the Bon Marche, or Boan Bros.; how many times do they turn over their capital during 12 months? There is no reply to that question. Take the case of a storekeeper in a remote district. He has a capital of, say, £500 to start with; and he becomes involved and borrows perhaps £500 from a money lender. Under our law he cannot be charged more than 10 per cent. interest; but he may be paying 20 per cent. Now, what percentage of profit is it proposed, under this clause, to allow that man on his capital in order that he may make a living? Suppose that the commissioners say that his percentage of profit shall be only 10, and that it is impossible for him to exist in the locality under 20 per cent. profit because he has not the turnover; then what is to be done? Is the man to be closed down, or are the people of the district to do without him? Under this clause the commissioners have full power to examine not only witnesses, but all the books of a trading concern. If with

all that information before them they are unable to arrive at a decision, what business of theirs is it, how much capital is in the concern, and how much borrowed money? Moreover, the information obtained by the commissioners is to be submitted to the Minister, who will immediately table it in Parliament. Every phase of a business investigated is to be laid bare in both Houses of Parliament. If the Committee, realising that the commissioners will have such powers under the Bill, are prepared to concede these powers as reasonable, I have nothing further to say.

Hon. J. J. HOLMES: There is no objection to the commissioners having this information but the House will insist, and reasonably I think, that all reports and recommendations must be laid on the Table, though for what purpose I do not know. It is quite enough for the commissioner to have the information. Let it end there. This clause did not appear when the Bill was introduced in another place. It was put in at the instigation of the Trades Hall party. The Government never intended that this should be an inquisitorial Bill.

Hon. G. J. G. W. MILES: I am going to support the retention of the clause. It is to the interests of the traders to give that information to the commissioner. In reply to the argument used by Mr. Lynn, if a man is trading and has a capital of £10,000 and makes a profit of £1,000 a year, that amount is capitalised and in 10 years eventually he has a capital of £20,000.

Hon. R. J. Lynn: But why should Parliament have this information?

Hon. G. J. G. W. MILES: There is no reason why the commissioner should not obtain that information. The wholesale distributors have capital invested in huge premises, and they are supposed to be profiteering. During the recent strikes they had no supplies coming forward, but they had big staffs to maintain and when stocks did arrive, they had to keep their staffs employed overtime. These are the people who are accused of profiteering. They are not afraid of letting anyone see their books.

Hon. R. J. Lynn: Why did you vote against Clause 17?

Hon. G. J. G. W. MILES: I supported it. I voted for the retention of it.

Hon. R. J. Lynn: Look at the division list.

The CHAIRMAN: Order!

Hon. G. J. G. W. MILES: I voted for the retention of this clause last night, and if Mr. Lynn was not competent to know which side of the House I was on it was his fault. In fixing prices the commissioner will take into consideration the amount a man has invested in his business, and the turnover. I intend to support the retention of the clause.

Hon. R. J. LYNN: Referring to the previous speaker, I do not know whether it was competency or consistency to which the hon. member referred. What I interjected was no reflection on him.

The CHAIRMAN: The hon. member cannot discuss the conduct of another hon. member.

Hon. R. J. LYNN: The hon. member stated that in order to regulate prices a basis should be arrived at by the commissioner.

Hon. G. J. G. W. Miles: I voted for the retention of the clause.

Hon. R. J. LYNN: Undoubtedly. Mr. Lovekin tried to delete certain words. The hon. member will find on the Notice Paper the clause which Mr. Lovekin desired to insert, and which the hon. member says now should be the basis on which to arrive at the price to be fixed. If the hon. member is right in his contention the commissioners, by virtue of the powers they will have, will know how much the hon. member himself has in his business at Marble Bar and how much he places to reserve account.

Hon. G. J. G. W. Miles: On a point of order; I want to know why the hon. member is descending to personalities in bringing my business into this discussion.

The CHAIRMAN: The hon. member must not impute motives.

Hon. R. J. LYNN: I am not imputing motives. I am merely using the hon. member's name as an illustration. I again assert that if he desires that every transaction he has in connection with his business operations, should be known by this House, he knows full well that in supporting this clause the Government will have that knowledge. There is no reflection on the hon. member. He may not be afraid of disclosures which indicate the state of his business, but there are others who are not so anxious that these things should be made known. I have no wish that anyone should know the full amount of my trading operations, how much I owe the bank, or how much I may have borrowed from my friends, although I do not know that I have many friends from whom I could borrow. Immediately the papers are laid on the Table of the House they become public property. If it is considered a fair and reasonable proposition that these disclosures should be made available to the public I have no further argument to offer. It was never intended that this should be a publicity Bill.

The Minister for Education: That is not intended.

Hon. R. J. LYNN: Then why have it in? So long as the commissioners are in a position to establish that the rate for a commodity is fair and reasonable in connection with production of it, it is not reasonable that all disclosures relative to the conduct of the business should be laid on the table of the House.

The MINISTER FOR EDUCATION: I did not say it was not necessary; I said it was not intended to place on the table of the House details of people's business.

Hon. R. J. LYNN: How will you prevent it?

The MINISTER FOR EDUCATION: It will never arise; it can never happen. This clause provides that the commissioners in

making their recommendations shall give to the Government such information as they consider necessary in regard to certain matters. They will not give the evidence; they will give the facts on which they base their recommendations in regard to prices. What I objected to was the striking out of that portion of the clause which enabled the commissioners to give information regarding profits made on capital invested.

Hon. H. MILLINGTON: I do not read into this clause that the commissioners would necessarily give all the details on which their report is based. I read the clause to mean the percentage of profit in relation to capital.

Hon. R. J. LYNN: There is no schoolboy who could not work out the capital.

Hon. H. MILLINGTON: The commissioners will be quite capable of dealing with the question of the amount of turnover to the amount of capital. It may be necessary to disclose the percentage of profit in certain cases, and if the commissioners think that to justify their recommendation they must place this in the report they may do so.

Hon. J. J. HOLMES: The leader of the House does not intend that this shall be an inquisitorial court, but this is a matter in which the commissioners themselves are supreme. Anything the commissioners like to report must be placed upon the Table of the House if hon. members ask for it.

The Minister for Education: That is so.

Hon. J. J. HOLMES: The leader of the House cannot say what the commissioners will think fit to put into their report.

Hon. J. CUNNINGHAM: It is important that the clause should stand as printed. We know that particulars regarding the operations of companies in Australia have frequently of late been reported in the Press, as in the case of the Vacuum Oil Company, whose stocks were shown to have been watered in order to hide their real operations.

The Minister for Education: It is the intention to make the report public.

Hon. J. CUNNINGHAM: If anything will deter profiteering in this State it is the provision in the Bill to make known to the people the extent to which they are being profiteered. It is necessary that we should know the capital involved in each business and all the available information regarding it.

Hon. J. J. Holmes: Do you mean that Parliament should know all that?

Hon. J. CUNNINGHAM: Yes. This is the very essence of the Bill. The clause exists for the purpose of checking unscrupulous traders who have been robbing the public. I intend to vote against the amendment.

Hon. A. SANDERSON: Can we get any assurance that this is the last time we are going to deal with this clause?

Hon. J. J. Holmes: We can deal with it again on the third reading.

Hon. A. SANDERSON: It is difficult to know what attitude we are to take up now. It will depend on the Minister whether anything is laid on the Table of the House or not.

Hon. J. J. Holmes: Nothing of the kind.

Hon. A. SANDERSON: The Minister will no doubt use his discretion. This idea of supporting the second reading and trying to kill the Bill in Committee does not appeal to me. Whoever is opposed to the clause under consideration is opposed to the Bill. I am not going to lend myself to the repeated recommitment of the Bill to further consider points already exhaustively dealt with.

Hon. J. J. HOLMES: The tabling of the reports and recommendations of the commissioners is not within the discretion of the Minister. That is definitely provided in Subclause (7) of Clause 3. Mr. Cunningham has explained what happened in respect of the Vacuum Oil Company. If the exposure of the Vacuum Oil Company would in any way reduce the price of kerosene in Australia, it would be something to be thankful for; but it will merely result in shipments of kerosene intended for Australia being diverted to other countries, leaving Australia without kerosene. Had I the power to do so, I would put the Vacuum Oil Company in gaol.

Hon. R. J. LYNN: If I could think that the Minister had discretion in respect of placing the report of the commissioners on the Table, I should not worry. But it is mandatory on the Minister to lay those reports on the Table. Apparently Mr. Cunningham has not read some of the clauses to which he was referring. The Bill gives power to the commissioners to obtain all information respecting capital account. After that information is obtained and the commissioners present their report in respect of the capital account, including borrowed money, and the percentage of profit made by any trader, why should such report be laid on the Table? I should be glad if progress were reported on this in order to afford time for further consideration.

The Minister for Education: We are no further ahead now than we were a week ago.

Hon. J. NICHOLSON: There is a great deal in what has been said by the mover of the amendment. Whilst it may be argued that the words in the early part of the clause are permissive, still one knows from experience that those entrusted with the powers will look upon them as powers to be exercised compulsorily. Here the commissioners are permissively authorised to obtain information in respect of capital account. The fact that the commissioners may ascertain these particulars will not be assisted by this clause, because they may ascertain all that information under the extensive powers given in Clause 4. If

the commissioners can ascertain all that is necessary under those powers, why re-enact it again in this provision? If I thought the commissioners would be precluded from making a thorough investigation into all necessary matters, I would not hesitate to support the clause, but as the commissioners are fully empowered by Clause 4, it would not be in the interests of those concerned that their private affairs should be set forth in a report to be laid upon the Table of the House. No one knows better than the leader of the House that reports have to be accompanied by the fullest information, but will this assist us in our deliberations on the matter? If the affairs of one trader are investigated and the report is laid on the Table of the House, the information will go abroad to competitors and it may be of such a nature as to result in great loss to the trader whose affairs are disclosed. This is a fair and legitimate assumption. The commissioners are to fix and determine prices and they do not need the provisions of this clause.

Hon. G. J. G. W. MILES: If the powers are already contained in Clause 4, as has been contended by Mr. Lynn and Mr. Nicholson, why do they take exception to Clause 17?

Hon. J. NICHOLSON: It is to save the commissioners setting out this matter in their report.

Hon. G. J. G. W. MILES: The commissioners will have too much to do to report on everyone's business. Only in case of profiteering will they make a report to the Minister. If there is no profiteering, what has a trader to fear? If a man is profiteering, it is quite right that the information should be given to the public.

Hon. H. STEWART: I agree that Clause 4 gives all necessary powers to investigate but there may be cases in which the commissioners would deem it advisable to report the percentage of profit on the capital. A joint stock company have to prepare a balance sheet and show how they deal with their profits, and Clause 17 will not put a trader in any less favourable position. We are looking for trouble if we think the commissioners are going to bring in reports giving the details of capital invested and interest, etc., paid in the various businesses.

Clause put and a division taken with the following result—

Ayes	..	..	13.
Noes	..	..	7
Majority for			6

#### AYES.

Hon. C. F. Baxter	Hon. C. McKenzie
Hon. H. Carson	Hon. H. Millington
Hon. H. P. Colebatch	Hon. A. Sanderson
Hon. J. Cunningham	Hon. A. J. H. Saw
Hon. J. A. Greig	Hon. H. Stewart
Hon. J. W. Hickey	Hon. G. W. Miles
Hon. J. W. Kirwan	(Teller.)

## NOMES.

Hon. E. M. Clarke  
 Hon. J. Ewing  
 Hon. V. Hamersley  
 Hon. A. Lovekin

Hon. R. J. Lynn  
 Hon. J. Nicholson  
 Hon. J. J. Holmes  
 (Teller.)

Clause thus passed.

Clause 22—Duration of Act:

Hon. R. J. LYNN: I oppose the clause. In view of the large majority in favour of this measure, I do not intend to resort to tactics which the leader of the House has adopted in the past, namely, to attempt to defeat the measure on the third reading. I believe it is the opinion of the majority of members that this measure should not remain in force for only 12 months. If a department or organisation of three commissioners and a staff is to be created, the Committee should give the measure more than 12 months duration. The organisation to be created under the Bill can hardly be established before next March, and the expense involved is not justified for the sake of a department which, perhaps, would exist only eight months. The biennial election for this Chamber takes place next year; and the measure, if this clause is passed, will have to be brought before any new members for re-enactment. I desire to throw on the Government the responsibility of introducing a Bill to repeal the measure.

Clause put and passed.

[The President resumed the Chair.]

Bill reported with amendments, and a message accordingly forwarded to the Assembly requesting it to make the amendments; leave being given to sit again on receipt of a message from the Assembly.

### BILLS (2)—FIRST READING.

1, Anglo-Persian Oil Company, Ltd. (Private.)

2, Electoral Amendment.

Received from the Assembly.

### BILL—KALGOORLIE FRIENDLY SOCIETIES INVESTMENT VALIDATION.

Message received from the Assembly notifying that it had agreed to the Council's amendments.

### BILL—CONSTITUTION ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [9.52]: This Bill is certainly one of the most important, and so far as this Chamber is concerned may prove one of the most controversial, that the Government have to present during the present session. I know it is quite unnecessary for me to ask that hon. members shall

give the measure their very close and careful consideration. Possibly it may be regarded as interesting to this House more particularly because it purposes to make some amendments in the franchise of the electors for the Legislative Council. With out at the moment arguing whether the proposed alterations in the franchise are desirable or not, I would very earnestly place this phase of the question before hon. members. When a proposal is submitted by the Government and is approved—in this case approved with some alterations—by the Legislative Assembly for an amendment of the franchise for the Legislative Council, it will I know be considered by members of this Chamber as their bounden duty to their constituents and to the country generally that they should give that proposal every possible consideration. The franchise for the Legislative Council has not been altered for the past eight years. We move in changing time. We can look at scarcely any country in the world without finding that during a much shorter period than the last eight years vital changes have been made in its Constitution; and those countries in which the lesser change has been made in the Constitution are the countries which have been blessed with statesmen who

... knew the season when to take

Occasion by the hand, and make

The bounds of freedom wider yet.

I would suggest—as one who strongly believes in the system of two Houses of Parliament, and one who just as strongly believes that it would be futile and useless to have two Houses of Parliament elected on the same franchise—that if this Chamber desires to retain the high regard it has in public opinion it should show a readiness to move with the spirit of the times and to broaden its franchise from time to time as circumstances may suggest. In addition to commending this Bill to the very serious consideration of hon. members on the ground that it contains that provision regarding the franchise, I also wish to make it clear that that is not the only, nor to my mind the most important, provision of the Bill. The different objects of the measure are set out briefly in the memorandum prefaced to the Bill. The effect of Clause 2 is to enable women to be elected as members of Parliament. Clause 3 relates to the qualification of Council electors. It re-enacts the householder qualification in an amended form, and confers the franchise on returned soldiers. Clause 4 corrects Section 16 of the Act of 1899, inasmuch as a joint occupier cannot claim the householder qualification. The only exceptions under the existing laws to the disqualification arising from an interest in a contract with the Government, are contracts in relation to Crown lands, and contracts made by companies. These exceptions are extended by Clause 5. Clause 6 adopts the provisions of the Constitution Act of the Commonwealth, whereby a member does not vacate his seat by acceptance of Ministerial office. Clause 7 enacts the amendments re-

commended by the report of the joint select committee of the Council and the Assembly appointed to inquire into the procedure on money Bills. Clause 8 is a similar provision to that of the South Australian Act, No. 959, Section 15, and aims at securing a uniform date for Legislative Assembly elections. So that in this Bill there are six separate and distinct proposals involved—the first, that of conferring the right upon women to sit as members of Parliament if elected; the second, amending the household qualification of electors for the Legislative Council and conferring the franchise for the Legislative Council on returned soldiers; the third, in regard to contracts entered into between members of Parliament and the Crown; the fourth, exempting Ministers on the acceptance of office from the necessity for seeking re-election; the fifth, dealing with the relative powers of the two Houses in regard to money Bills; and the sixth dealing with the date of general elections. As regards Clause 2, I am sure it is unnecessary for me to labour the question at all. All that clause does is to strike out of the definition of "person" the words "in Sections 15, 16, 17, 26, 27, and 28." The effect of that amendment will be to make the definition of "person" an individual of either sex. Under that amendment and the amendment contained in paragraph (b), there will be no bar because of sex against a woman nominating as a member of Parliament. That, I think, is an amendment entirely within the spirit of the times, and it is in uniformity with the wishes of members of this House, who, by a large majority a few days ago, decided that women should not be debarred from occupying appointments as justices of the peace merely because of their sex. Clauses 3 and 4 deal with the amendment of the franchise of the Legislative Council. The section of the Act dealt with under this clause is 15. It is not proposed by the Bill to amend the whole of the qualifications of an elector of the Legislative Council. At the present time these qualifications are set out in four subclauses. The first qualification is—

Has a legal or equitable freehold estate in possession situate in the electoral province of the clear annual value of £50 sterling.

That is not interfered with in any way by the present Bill. The third qualification is—

Has a leasehold estate in possession situate within the province of the clear annual value of seventeen pounds sterling.

The fourth reads—

Holds a lease or license from the Crown to depasture, occupy, cultivate, or mine upon Crown lands within the province at a rental of not less than £10 per annum.

None of these qualifications is interfered with in any way. Qualification No. 2 in the Act of 1899 as amended by the Act of 1911 is proposed to be amended by the Bill. That qualification is known as the household qualification. When the Act of 1899 was amended in 1911 it was distinctly

stated in Parliament over and over again, and it was the undoubted impression of the public, that it meant that any person who paid £17 per annum in rent for a house was entitled to a vote for the Legislative Council. It was ruled, however, by the then Attorney General—and I have not the slightest doubt that his ruling was correct—that it did not mean that at all, but what it did mean was that the rent paid must be sufficient to defray all outgoings, such as rates, taxes, etc., and to leave a surplus value of £17 per annum. So that, as a matter of fact, the qualification actually agreed to by Parliament eight years ago was a very much higher qualification than Parliament intended. That in itself would, to my mind, form a very strong justification not merely for the amendment of this provision now, but would have formed a strong justification for this amendment at any time during the past eight years. In introducing this Bill the Government have merely sought to set up the position that it was thought was set up eight years ago, and the Bill when introduced in another place then provided—

The term "dwelling-house" means any structure of a permanent character, being a fixture to the soil, which is ordinarily capable of being used for human habitation, and in respect whereof the occupier is liable for and pays a rent at the rate of not less than six shillings and sixpence per week, or which is of a rental value of not less than six shillings and sixpence per week, irrespective of rates and taxes.

Had that clause been agreed to by another place the effect would have been to alter the existing Act merely to the extent of saying that anybody paying that rental would be entitled to vote. The provision respecting the payment of rent at the rate of not less than 6s. 6d. per week irrespective of rates and taxes was struck out in the Legislative Assembly, and the clause as it now appears before this House makes provision purely for a residential qualification. Subsection 2 of Section 15 of the Constitution Act, instead of reading as it does now, will read—

Is an inhabitant occupier as owner or tenant of a dwelling-house within the province.

For the purpose of this qualification the term "dwelling-house" means—

Any structure of a permanent character being a fixture to the soil which is ordinarily capable of being used for human habitation, the term includes part of a building when that part is separately occupied as a dwelling.

Provision is also made that when a dwelling-house is only part of a building, and any other part thereof is in the occupation as a dwelling of some person other than the occupier of the first-mentioned part, such first-mentioned part shall not be a dwelling-house within the meaning of this section, unless it is structurally severed from such other part of the building, and there is no direct means

of access between such parts. That would apply in the case of flats. Provision is also made that no person shall be qualified by reason of being a joint occupier of a dwelling-house, and—

Where a person inhabits a dwelling-house by virtue of any office, service, or employment, and the dwelling-house is not inhabited by anyone under whom such person serves in such office, service, or employment, such person shall be deemed to be an inhabitant occupier of such dwelling-house as a tenant.

The only feature of this provision which may be deemed unsatisfactory is that there is not a sufficiently clear definition of what a dwelling-house is. That, however, is a matter which may be thrashed out in Committee. In introducing the measure the Government did set up the condition that 6s. 6d. a week should be the rental value, and it was thought that that would give effect to the Constitution Act, 1899, as it was amended in 1911. However, I do not intend to labour that question of the franchise at this stage, because it is only one of the provisions of the Bill which may be fully discussed, and if hon. members desire, amended in Committee. There is next another important provision in the Bill that the franchise shall be conferred upon returned soldiers. That is a provision about which I have no doubt members will take different views. My attitude is entirely consistent with that which I have taken up with regard to the Legislative Council franchise, not only ever since I have been a member of this House but ever since I have taken an interest in politics in this State. I have always contended it should not be a question of how much. Anybody who assumes all the responsibilities of citizenship should be entitled to all the privileges and powers of citizenship. If a man by taking unto himself a wife establishes a home and assumes to the utmost of his ability the responsibility of citizenship, no matter how small that home may be, he is entitled to all the privileges of citizenship, and it should not be argued that because his home is not as good as others he should not have the right. He is a full citizen of the State, and I have argued that a man who did not do this, who had neither acquired property which bound him in any way to the State, nor married, nor established a home which was equal to assuming all responsibility of citizenship, had no right to complain if in some directions he did not have all the rights and privileges of others who had assumed those responsibilities. It may be contended that a man who goes away to fight for his country also discharges all responsibilities of citizenship, and on the broad question of principle I find it impossible to say that that man who has fought for his country has not merely by the assumption of responsibilities of citizenship acquired the right to exercise all the privileges of citizenship. There is one point I would bring under notice in connection with his question of the franchise. At the present time there are on the rolls

of the Legislative Assembly 166,954 electors. There are on the rolls of the Legislative Council 60,972 electors, and amongst those there are quite a large number who have votes in a number of provinces, so it can be fairly assumed that approximately one-third of those entitled to vote for the Assembly have votes for the Legislative Council. At the last general elections in the contested districts, so far as the Legislative Assembly was concerned, 62 per cent. of the electors went to the poll, but when we turn to the Legislative Council elections, which were held on the 11th May, 1918, we find that in the contested districts—I am not taking the total enrolments—the number of electors who recorded their votes was only 35 per cent. These figures are worthy of some consideration. I will ask hon. members to inquire whether these figures do not suggest that probably the time is ripe for at all events giving serious thought to a proposal which will result in the enrolment of a certain number of electors, and for that reason vitalising more interest in the elections of this Council. I know there are a good many districts in which it has not been customary during recent elections for a certain party to put up a candidate at all, for the reason perhaps that it was not considered that that party's representative would have a chance. Therefore, it will be argued that the reason for the small percentage of votes is the lack of interest in the contest. That is probably so. It is a significant fact that deserves a good deal of consideration, that at the last biennial elections only 35 per cent. of the electors on the rolls in the districts in which there was a contest thought it worth their while to go to the poll. That is all I propose to say at this moment on the question of the franchise. Clause 4 is comparatively unimportant, and it is merely intended to make clear that the joint occupier of a house cannot claim household qualification. Section 16 of the Constitution Act provides—

Where any premises are jointly owned, occupied or held on lease or license within the meaning of the last preceding section by more persons than one, each of such joint owners, occupiers, leaseholders, etc.

The clause of the Bill provides that the words "occupied" and "occupiers" be struck out. Clause 5 is undoubtedly one of great importance. It amends Section 35 of the Constitution Act. Before turning to Section 35 it is necessary to see exactly what is provided by Section 34 of the Constitution Act. Undoubtedly this section was never intended to apply to a condition of affairs such as we have in Western Australia at present. I do not know how old this section may be. If I read it hon. members will realise how difficult it is to apply it to a State like Western Australia, where the Crown does so many things in regard to which it has to enter into contracts with almost every one of its citizens. Section 34 reads—

If any person, being a member of the Legislative Council or Legislative Assem-

bly, shall directly or indirectly, himself, or by any person whomsoever in trust for him, or for his use or benefit, or on his account, enter into, accept, or agree for, undertake or execute, in the whole or in part, any such contract, agreement, or commission as aforesaid, or if any person being a member of the said Council or Assembly, and having already entered into any such contract, agreement or commission, or any part or share of any such contract, agreement, or commission, by himself, or by any other person whomsoever in trust for him, or for his use or benefit, or upon his account, shall, after the commencement of the next session of the Legislature, continue to hold, execute, or enjoy the same, or any part thereof, the seat of every such member shall be void: Provided that nothing in this or the last preceding section shall extend to persons contributing towards any loan for public purposes heretofore or hereafter raised by the Colony, or to the holders of any bonds issued for the purpose of any such loan.

An exemption is made in favour of members of Parliament, and that exemption is under Section 35 of the Constitution Act. It reads—

The foregoing provisions shall not extend to any contract, agreement, or commission made, entered into, or accepted by any incorporated company where such company consists of more than twenty persons, and where such contract, agreement, or commission is made, entered into, or accepted for the general benefit of such company, nor to any contract or agreement in respect of any lease, license, or agreement in respect to the sale or occupation of Crown lands.

These are the only two exemptions that members of Parliament enjoy from the general provisions that they must not enter into any contract with the Crown. At present, with State steamships, State sawmills, the Agricultural Bank, the Industries Assistance Board, the wheat pool, and other matters, it is almost impossible for any citizen carrying on business in certain directions to avoid entering into contracts with the Government. The purpose of the Bill is not to open the door to improper practices, which would be undesirable, but to make the position entirely clear. The Bill provides that Section 35 of the Constitution Act is amended by adding the following words:—

The foregoing provision shall not extend to any contract or agreement not being a contract for the construction of any public works within the meaning of the Public Works Act, 1902.

Obviously the original intention of the clause was to prevent members of Parliament from contracting for public works, and that intention is still maintained. To instance what I mean I may refer to contracts made in the ordinary course of business with the Commissioner of Railways or

under the Government Savings Bank Act of 1906, or with any person or body charged in a corporate capacity with the administration of any Act or of any State trading concern, or with an authorised agent of the Minister of the Crown charged with the administration of the Wheat Marketing Act 1916, or the control of State farms, smelters, or batteries. I cannot see that any exception can be taken to the addition of these words. It will undoubtedly make the position clear and make the position of members of Parliament tolerable, which it might not be in the existing circumstances.

Hon. J. Nicholson: You recognise the definite position of State trading concerns under the Bill.

The MINISTER FOR EDUCATION: It is necessary to recognise the position. I know that the position of State trading concerns is defined in another Bill. The hon. member was taking objection to it this very afternoon.

Hon. J. Nicholson: That is the reason why.

The MINISTER FOR EDUCATION: The necessity for a provision of the kind must be obvious to hon. members. The next provision is in regard to members resigning their seats in Parliament when selected as members of a Ministry. That is a provision on which there is room for a great difference of opinion, and one which can well be thrashed out at the Committee stage. In the Commonwealth Constitution there is no such provision at present. Ministers on selection are not required to submit themselves to re-election before their constituents. The same alternation has been made in a number of other places. Whether it is desirable to make it here is a matter for hon. members to decide. I do not know that there can be any difference of opinion as to the necessity for Clause 7. Only this afternoon we found it necessary to adjourn the consideration of a Bill because the position as between the two Houses in regard to money Bills was not clear. In Clause 7 the Government are merely endeavouring to embody the agreement arrived at between the Standing Orders Committee of the two Houses. That being the case, I think it can be taken for granted that it will be approved of by members of this Chamber. It entirely protects the privileges of the House and contains certain improvements. At present it is competent to argue, and has been argued, that because a Bill incidentally appropriates revenue for some purpose such as the payment to inspectors, it is a money Bill. If this is agreed to there can be no question as to what is a money Bill and what is not. There can be no question as to what the powers are in regard to money Bills.

Hon. A. Lovekin: Will this meet the point raised this afternoon?

The MINISTER FOR EDUCATION: If this was in operation it would be easy for



the President or the Chairman of Committees to rule on the point raised. The Bill says—

Except as provided in this section, the Legislative Council shall have equal power with the Legislative Assembly in respect of all Bills. A Bill which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation. Bills imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect, and shall deal with one subject of taxation only. A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

In a previous portion of the clause the following is given, "Bills appropriating revenue or moneys or imposing taxation." These are the money Bills. The latter portion of the clause shows what can be put in a money Bill and what cannot be put in one. If this clause is agreed to there can be no possible dispute as to what is a money Bill and what is not. If it is a money Bill it must deal with, as stated here, only the one thing. If it is not a money Bill, there is no restriction upon the powers of the Legislative Council. In regard to all other Bills, the powers of the Legislative Council are the same as the powers of the Legislative Assembly. Personally, I think from the point of view of the Legislative Council this amendment is highly desirable. It will place us in a position in which the Legislative Council ought to be placed, because it is entirely proper that in regard to strictly money Bills there should be a certain limitation placed upon the Legislative Council. The popular Chamber is the money Chamber. It always has had rights and privileges in regard to money Bills. We do not propose to alter this. What we have contended over and over again is, that it is not right and in accordance with the proper privileges of this Chamber that a Bill should be made a money Bill and should also contain a number of other things, and that because it is a money Bill the rights and privileges of this Chamber in regard to other matters contained in the Bill should be seriously curtailed. The last provision of the Bill is to my mind the most important of all. I do not hesitate to say that much trouble, difficulty, bad legislation, and bad government have taken place in this State during the last 14 years—more than any hon. member can imagine—because of the disturbance there has been in the matter of our Parliamentary sessions. It was the practice to hold the general elections sometimes in April or May. Parliament then assembled in the natural course of events towards the end of June or sometime in July. The session lasted, accord-

ing to the amount of business to be transacted, until about Christmas time, so that the three sessions ran through their ordinary course. There were three complete sessions of Parliament, there was an interval of a few months, and then there were the general elections. In circumstances like that there was never any excuse for the Government not to be prepared with their business, and no excuse for the Government not to present their financial statement and Budget at a reasonable time, in order to give Parliament an opportunity of considering them. In 1905 there was a dissolution of the Legislative Assembly in, I think, September. Parliament was elected and it became necessary to open the first session in November. The Constitution Act, Section 21, provides—

Every Legislative Assembly shall exist and continue for three years, from the day of the first meeting thereof and no longer; subject, nevertheless, to being sooner prorogued or dissolved by the Governor.

When the election of 1905 was held, in October, Parliament, I think, met in November and that Parliament had to terminate in November, three years later. That has been the practice followed during the whole of the 14 years with a few exceptions. I say without hesitation that the public is entitled to regard this as a reflection on both Houses of Parliament, that we have allowed this to go on without attempting to put it in order. The first session of each Parliament has met in November and the previous Parliament has had to be dissolved two or three months before its proper time, in order that the elections might not be held in the Christmas season. Because of the necessity for dissolving two or three months before the proper time, Parliament did not attempt to deal with the finances of that year, and the Government did not submit any Estimates of revenue to be passed by Parliament. Possibly it was a new Government, or, if an old Government, one which had just passed through a political campaign, and emerged from the elections; whichever it was, the Estimates were not ready. That started the practice of the presentation of the Estimates after more than one-half of the year had gone by. There would then follow the second session held about the normal time, and this would be followed by the third session held about the normal time. It would then be necessary for the same Parliament to hold a fourth session, and this has been the case for the most part during the last 14 years. Two have been normal sessions and two have been, generally speaking, utterly useless sessions. The fourth session would be held in the shadow of the general elections. No attempt would be made to deal with the finances and in that year the Estimates would not be presented to Parliament. They would not be presented to the dying Parliament and they could not be presented to

the new Parliament until December, or, as in many cases, after the Christmas holidays.

Hon. J. J. Holmes: You could remedy that without amending the Act.

The MINISTER FOR EDUCATION: I do not see how that is possible. We cannot make sure that the general elections will be held in April and that Parliament will then meet in June or July, as things are at present.

Hon. J. J. Holmes: It is in the hands of the Government.

The MINISTER FOR EDUCATION: No, it is not. I know the hon. member would suggest that the Government could ask the Governor to dissolve Parliament at an earlier date. But the Governor would not do it, except for good reasons. To avoid having an election at Christmas, the Governor has for years past consented to dissolve Parliament a month or so sooner than it would be dissolved by effluxion of time; but if the Government went to the Governor and said, "We had better have an election in May," I do not think the Governor would agree. The clause in the present Bill does not purport merely to get over the present difficulty; it provides that no such difficulty shall ever arise again. The provision, which has been copied from the South Australian Act, reads as follows:—

Subject to being sooner dissolved, and notwithstanding the limit of time prescribed by section twenty-one of the Constitution Acts Amendment Act, 1899— (1) Whenever any Legislative Assembly would expire by the effluxion of time between the last day of August of any year and the first day of February next thereafter, such Legislative Assembly shall continue up to and including the day next preceding such first day of February and no longer: (2) Whenever the Legislative Assembly would expire by effluxion of time between the last day of January and the first day of September of any year, such Legislative Assembly shall cease and determine on the last day of January of that year.

The result will be that in cases where a general election is held and Parliament meets at the end of the year as a result of a dissolution, the life of that Parliament is extended by two or three months in order to get back to the correct time. Where a general election is held earlier in the year, the life of the Parliament is shortened by two or three months in order to get back to the correct time. The present Parliament met on the 20th November, 1917. It would expire by effluxion of time on the 20th November, 1920. If it is admitted that it is desirable we should get back to the April election and to the meeting of Parliament in the middle of the year, with three sessions in each Parliament, the only question is as to by which process it shall be done. Shall we do it by extending the life of Parliament by three months, or by shortening the life of Parliament by nine months? It can hardly be denied that the more reasonable course is to cause the least violence to existing conditions; that is to say, it is preferable to ex-

tend the life of Parliament by three months rather than to curtail it by nine months. I would again impress upon members the fact that some of these clauses are essential to the good government of the country, while there are other clauses which may be regarded as controversial. Every member is entitled to his opinion, and on those controversial clauses I shall be prepared to listen to anything hon. members have to say. I move—

That the Bill be now read a second time.

Hon. A. SANDERSON (Metropolitan-Suburban) [10.35]: I will be very brief. Unquestionably we are on the eve of constitutional changes, Imperial, Federal, and State. The Bill, coming at this time and from this Government is certainly an amazing performance. It is not even mentioned in the Governor's Speech. If the Minister has convinced me of one thing more than another in the course of his remarks, it is the advantage of elective Ministries. If the hon. member had been an elected Minister in this House, quite free from all official trammels, depending on the vote of the House for his position, we should never have had to listen to the speech we have heard from him to-night. It astonishes me that the hon. member can make these utterances on matters of first class importance. We know what is going on in regard to Imperial issues. We can leave that out, although it has a bearing on this subject. The changes in the Federal Parliament constitute a matter of importance on which we have a right to demand from the Government of the day a distinct policy. What have we got? Nothing at all, except a report by a public servant, in which he gives his opinion. On the one big question of interest to us, the financial question, this commissioner reports that the proposals of the Federal Government look like leading up to unification. I care not whether it is a Labour platform, or unification, or the changes proposed by the National Government; there is a big issue on which we have a right to demand of the State Government, with their access to official channels of communication, that they shall give us a lead on a question which vitally affects the future of Western Australia and particularly affects this Chamber. I should have thought it would go without saying that if the speech to which we have listened is to be taken seriously, we should have had some notice in the Governor's Speech of the coming of this Bill. I see no reference whatever to the Bill in that Speech. Hon. members must have listened with amusement and a certain amount of contempt to the argument put forward in regard to the soldiers. We know what is going on in the Federal arena, the shameless and shameful bidding between the two parties in that Parliament for the vote of the soldiers. It is one of the most discreditable performances in the election.

Hon. A. H. Panton: It is no worse than it was in 1917.

Hon. A. SANDERSON: I am sorry to disagree with the hon. member. I think I can satisfy him that he is wrong in his interjection. But let that pass, and come back to the question of the franchise to be given to the soldiers in this State. What is the purpose of that? Let us study closely the remarks of the Minister in support of that policy. I have a proposal which I would apply to both Federal and State circles in regard to the constitution of these Houses, which since their inception always has been a matter of extraordinary difficulty. Making it a property qualification, I frankly admit, does not get over the trouble; it is open to a hundred objections. But there is one solution which has nothing whatever to do with soldiers or with being married, namely, the question of age. If we are to have a chamber of revision it should be a chamber representing the aged as opposed to the youth of the country. This is a very reasonable and sensible solution of this vexed question, which does not occur in the British Constitution, but is found in all these imitations of the Mother of Parliaments, with the second House franchise based on property. We are told that the most important clause in the Bill is the last one, which is the explanation of our legislation of the last five years. It is not of primary importance whether we assemble in October and have the election in March or in November, but it is of some little importance, and might be considered. If it is regarded as really important, why was no mention made of it in the Governor's Speech? In regard to money Bills—a question which has taxed the Colonial Office and the constitutional authorities for the last hundred years, especially when we recall that the British Empire was dismembered on this question of taxation—the recommendation of the select committee seems, on paper, a masterly piece of work. But if there is one thing outstanding in the British Constitution, it is the spirit in which that Constitution is administered. In regard to that, let me read the following remarks by the leader of the House when he assumed office—

The intention of the present Government in regard to finance is to restore full Parliamentary authority. I think I could not express our policy in that respect any better if I spoke for half an hour. We desire in all these matters to restore the authority of Parliament. In every respect it is the desire of the Government to restore the authority of Parliament in dealing with the State finances.

What is the use of a provision like this, defining the powers of the Council in regard to finance, when this speech of the leader of the House, which does breathe the spirit of Parliamentary Government, is so much waste paper? Parliament has very little control, and apparently less every year, over the finances which it is called upon to be responsible for. On the question of the decided elections for the Legislative Council, I at once admit that

the hon. member's explanation was a fairly reasonable one and that his experience and the experience of all of us in these elections make them almost as difficult to understand as the weather. On a careful analysis of the latest election referred to, surely it was obvious in one or two of the larger districts where there was no political principle at stake—the personal rather than the political element entered into it—that the electors showed their opinion by an abstention from the poll. If we have each to interpret his own view of the election from the paucity of voters or otherwise, I should have no hesitation in saying that I went to the electors on the question of unification, to ask that I might be authorised to continue to deal with this big question of the relationship between the State and the Commonwealth as I had been doing, and which I thought was all tending in the direction of unification. However, a great many people who were not prepared to vote against me abstained from voting, because they did not wish to endorse what I had hoped they would endorse by a large majority, namely my attitude regarding this tendency to unification. This is a comparatively unimportant matter in connection with the Constitution, and each member can interpret the paucity of voters at a particular election as he thinks fit. The clause which seeks to make it unnecessary for members appointed to ministerial rank to seek re-election, will admit of some discussion in Committee. I do not wish to repeat now what I propose to say in Committee. I shall certainly tell the Minister at once that courtesy demands we should give this matter consideration in Committee. I have no hesitation in voting for the second reading, but one or two brief references might be permitted to this question of the re-election of Ministers. If we had nothing else to guide us, we have experience. Do not let us forget that nearly everything in our Constitution has been handed to us as the most precious experience of the most experienced men in the Old Country. Some people seem to think the British Constitution grew up in a night and that no one cared anything at all about it. Let members read the pages of history, the pages of debate in connection with the granting of responsible Government to this country, to say nothing of the whole of the history of British Colonial Constitutions. Let them read the pages in the Imperial Parliament on the granting of our Constitution, and they will realise that every care was taken by the most highly trained minds of the British Empire to produce and give us the very best thing we could have to develop this country. There were very good reasons from the history of the British Empire why that should have been done. This, however, is the academic side of the question. Let us get down to practical politics. Let us consider the history of Western Australia during the last few months and see if there is not some very good reason why electors should control all

our Ministers. Look at the position of the leader of the House. Some time ago we had him taking an affectionate farewell of the Council through the columns of the Press because he was going to assume a position of authority in another Chamber. If it had not been for a fear of the electors, that change would have been made. Now we are asked to wipe out that safeguard. I am not prepared to support such a proposal. Regarding the amendment to give women the privilege of becoming candidates for Parliament, I was in the members' gallery of the New Zealand Parliament when the first franchise Bill for women was put through, and I had an opportunity to discuss it with many people who voted for this great innovation, including the Hon. W. P. Reeves; and I could never see from that day to this how anyone, having conceded the franchise to women, could possibly or logically deny their right to stand as candidates for the Chamber. We see how admirably the British Constitution has worked in the Mother land. After that gigantic change of giving the women the franchise, it almost went without saying that they had permission to become candidates for the House, and I believe there are some women sitting in the House of Commons now. I have finished my remarks on the Bill. I would put in one plea to the Government to ignore the Bill altogether. We shall pass the second reading no doubt, and there will be a long discussion in Committee. We look to the Government to make some attempt to deal with our internal finances. We know perfectly well that, without dealing with a big constitutional affair with the Federal Government we cannot handle our State finances satisfactorily. There are two big issues before the public, and it is very much to be regretted that we are absolutely deprived of the services of the leader of the House because he is a member of the present Government. Whether it will be possible to amend the Bill to provide for elective ministries, I do not know, but I am very well satisfied that as things are going in this country, and remembering the refusal of the one big party which used to be called the Liberal party, and which I believe is now called the National party, the absolute refusal of that party I say to be guided by any principle at all, we should take refuge in the direct responsibility of an elective ministry. Let us elect the leader of the House responsible to no one else but the House, absolutely regardless of colleagues outside and of Cabinet, responsible only to us; and then let us have the benefit from him of his wide knowledge and experience of affairs and his extraordinary ability to make the worse appear the better cause.

On motion by Hon. J. J. Holmes debate adjourned.

*House adjourned at 10.54 p.m.*

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*Wednesday, 26th November, 1919.*

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

### QUESTION—PASTORAL LEASES, RESUMPTION.

Mr. MALEY asked the Premier: 1, Does any Act give power to resume pastoral leasehold outside the South-West division for uses of a similar nature? 2, Does he intend to make any provision to satisfy the demands of the Returned Soldiers' Association branch at Geraldton for closer pastoral settlement in the Murchison district? 3, Will he consider the question of acquiring the leaseholds of the late Francis Pearce, who is supposed to have died intestate, as a beginning of some definite scheme in this direction?

The PREMIER replied: 1, Yes. 2 and 3, The matter is receiving consideration.

### QUESTION—ARBITRATION COURT AGENT.

Mr. O'LOGHLEN asked the Premier: 1, What public departments have retained Mr. Alecock during the past two years as agent or advocate before the Arbitration Court? 2, What amount has been paid to Mr. Alecock during that period?

The PREMIER replied: 1 and 2, The information required is being obtained from departments and will be supplied at a later date.

Mr. O'Loghlen: To-morrow?

The PREMIER: If possible.

### QUESTION—APPLES, EXPORT.

Mr. PICKERING asked the Premier: 1, In view of the small price received by fruit growers for apples exported to England during last season, consequent upon the