

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

### *Assembly's Message.*

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 2, 5 and 6 made by the Council and had disagreed to Nos. 1, 3 and 4.

## BILL—METROPOLITAN MARKET ACT AMENDMENT.

### *Assembly's Message.*

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

*House adjourned at 6.13 p.m.*

## Legislative Assembly.

*Thursday, 4th December, 1941.*

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

## QUESTION—EDUCATION.

### *Costs of Technical Instruction.*

Mr. J. H. SMITH asked the Minister representing the Minister for Education: 1, Has the Government given consideration to the statement of the W.A. Teachers' Union that the cost of technical education in Western Australia is 1s. 0¾d. per head of the population, whereas the cost per head

for the whole of Australia is 2s. 5d.? 2, Is the Government taking any action to extend the facilities for technical education?

The MINISTER FOR THE NORTH-WEST replied: 1, Yes. 2, Plans for the expansion of technical education in this State are now being prepared; their implementation will necessarily be dependent upon finance.

## QUESTION—RAILWAYS.

### *Amherst Road Crossing.*

Mr. J. HEGNEY asked the Minister for Railways: 1, Is he aware that statements have been circulated in the Greenmount district that it is the intention of the Railway Department to close the Amherst road crossing between Helena Vale and Swan View? 2, Will he inform the House whether there is any truth in such statements?

The MINISTER FOR RAILWAYS replied: 1, No. 2, There is no such present intention.

## QUESTION—FISHERIES.

### *As to Research Vessel.*

Mr. BERRY asked the Premier: 1, Have tenders been called for the building of the fisheries research vessel? 2, Has any tender been accepted? 3, When may we reasonably expect this necessary work to commence? 4, Where is the vessel to be built? 5, Are the materials and labour to be used exclusively Western Australian where practicable?

The MINISTER FOR INDUSTRIAL DEVELOPMENT (for the Premier) replied: 1, No. 2, See answer to 1. 3, Negotiations in connection with the building of the vessel are now proceeding between the State and Commonwealth officers and the construction of the vessel will commence early in the New Year. 4, Western Australia. 5, Yes.

## QUESTION—STEEL PRODUCTION.

### *As to Use of Charcoal.*

Mr. NORTH asked the Minister for Industrial Development: 1, Is it a fact that the production of steel in this State by a modern charcoal process is being investi-

gated? 2, Would this process, assuming a prosperous industry, involve the use of charcoal at a rate above the capacity of the Forestry Department to replace the timber used?

The MINISTER FOR INDUSTRIAL DEVELOPMENT replied: 1, Yes. 2, No.

### LEAVE OF ABSENCE.

On motion by Mr. Doney, leave of absence granted to Mr. Thorn (Toodyay) on the ground of urgent public business.

### BILL—RESERVES (No. 2).

#### *Second Reading.*

**THE MINISTER FOR LANDS** (Hon. F. J. S. Wise—Gascoyne) [4.35] in moving the second reading said: This is the Bill which usually appears in the House towards the close of every session. It deals with all those areas affected by the sections of the Land Act which render Parliamentary approval necessary for the varying or alteration of reserves. Many matters now need Parliamentary approval. This is one of the occasions, too, when it is impossible to speak extemporaneously because it is necessary that the House should have the minutest detail and fullest information in respect of the areas concerned. Members will find in this Bill that each clause following the preamble and short title, deals with a specific area in some part or other of the State, and for which Parliamentary approval for variation is necessary.

The first matter dealt with refers to an area at East Perth. The Kindergarten Union has been endeavouring for some time past to obtain a block of land at East Perth on which to erect a kindergarten school. The Perth City Council holds Perth Lot 018, coloured blue on the plan which will be submitted to the House. That land has been held in trust for municipal purposes. The council has agreed to transfer it to the Kindergarten Union provided that, should the union cease to use it, the land would revert to the council. As the land is held in trust the council has no power to transfer it, and legislative action is, therefore, necessary to achieve what is desired. The Bill provides that should the Kindergarten Union be dissolved, or no longer require the

land, it shall revert in His Majesty and be used for municipal purposes, and again be vested in the City of Perth. The Bill also seeks to protect a mortgagee to whom money is still owing by the Kindergarten Union under any mortgage on this land, in the event of the area becoming revested in the City of Perth.

The next matter dealt with in the Bill refers to an area in the electoral district of the member for Greenough (Mr. Patrick). This land is Victoria Location 7505, and coloured blue on the plan (No. 2), which will be submitted. It is held by trustees under a 99-years' lease for the purpose of a racecourse. Only one of the trustees still survives, and he is desirous of having the area vested in the Three Springs Road Board. That board is agreeable to taking over the racecourse and converting it into a better sports ground to be available for the use of the general public of that district. The local race club is in accord with the proposal and, in fact, supports the handing over of the area to the road board. The practice of handing reserves of this nature over to road boards is strongly supported by the Lands Department. Although from time to time a few legal objections have been raised in some cases, in this instance the view of the majority in that district is that the land should be vested in the road board. It will be in the best interests of the district to have the land developed for recreation purposes generally rather than used for the one purpose of a racecourse.

Another clause deals with an area in Boulder—Boulder Lot 661 which is held by the Mayor and councillors of Boulder in trust for municipal purposes—an electric light station—and Boulder Lot 394 which is held by the Mayor and councillors of Boulder in trust for a fire brigade station. These lots are not now required for those purposes as both the electric light station and the fire brigade station have been erected elsewhere. Since the land was given in trust to the Mayor and councillors of Boulder, it is necessary to have legislative authority to vary the purpose for which it may be used. These two lots, together with Lot 663 lying between them, contain the building of an old electric light station, and the council desires to sell this building to the Boulder Police Boys' Club. The attitude of the department is that it would be better for the matter to be dealt with in this manner and

have the land revested in the Crown and re-allocated for the new purpose rather than that it should be given to the council to sell. The council is prepared to agree to these lots being revested in the Crown in order that one or more of them, as may be considered desirable, may be disposed of for the purpose of a police boys' club under the provisions of the Land Act. The Bill will therefore revest these two lots in His Majesty.

A clause deals with an area in the district of the member for Nelson, namely Reserve 12361 at Yornup, shown on plan 4 which will latter be submitted to the House. At one time this was a very prosperous place. The area was set apart for a race-course and recreation ground, and 999 years' lease was granted to the trustees of the Bridgetown Racing Club in 1915. Two of the trustees have died and the surviving trustee has no objection to the land being surrendered to the Crown. It is not required for the purpose of a racecourse and, as there is a demand for land in this locality, it is proposed to cancel the reserve and make it available for selection. The land has been lying vacant for nearly 20 years and as a reserve does not serve any useful purpose.

A further clause deals with an area in the vicinity of Preston Point. It is proposed to subdivide certain areas held by the Crown for the purpose of the Workers' Homes Act. In order to carry out an effective subdivision, it will be necessary to exclude portion of Class A reserve 7800 situated south-westward of the Lower Canning-road, as shown on plan 5 which will be submitted later. This portion of the reserve is cut off by the road and the subdivision will be facilitated if this area is made available for workers' homes, together with adjoining land.

There is another clause dealing with an area in the district of the member for Nedlands. It is in the extreme western part of his district and is really the intersection between the military reserve and Cottesloe Beach. The Nedlands Road Board has been very active in the beautification of that part of its district fronting the beach. The board has spent a considerable amount of money and taken a keen interest in the development of the areas lying between the military reserve and the area of the Cottesloe municipality.

Mr. North: It is in the Claremont district.

The MINISTER FOR LANDS: But it is in the Nedlands road district. The member for Nedlands deserves full marks for his attention to this matter. He has not let up in his efforts. After the road board had an opportunity to develop some parts of the adjoining area, he persisted in this matter and put up a case, with the result that although this site was once taken over by the Commonwealth Government, it is now available for vesting in the Nedlands Road Board. The area is one of several lots that will be known to members who travel down the main road towards the beach at North Cottesloe and Swanbourne. It is very rough country consisting of undulating sandhills, and the road board has done a lot of work there. The intention is to make a survey and prepare the area for the better use of the citizens. The board has expended an amount approaching £3,000 on an area adjoining this reserve and it is proposed to grant this lot to the board to be dealt with as it thinks fit. The board has made the beach in the vicinity of these areas a very attractive place.

The last clause of the Bill deals with an area which was originally granted to the Coolgardie Municipal Council to be held in trust for a miners' institute, and a building was erected for that purpose in 1897. On the abolition of the municipality, the land became the property of the Coolgardie Road Board and the building was removed to the Town Hall site in Bayley-street. Lot 64 thus became vacant. In 1934 the then members of the Coolgardie Road Board, not being fully aware that they had no power to dispose of this lot, sold it for the sum of £10. Since then the area has changed hands several times. A cottage has been erected on it by one of the purchasers. The present occupier purchased the land and a building that had been erected on it by a previous owner, and is now asking that the title be transferred to him. The title, however, is still in the name of the road board, but the board cannot execute a transfer, in view of the trust, without Parliamentary authority. The board took over all the assets and liabilities of the municipality that existed prior to that time.

Mr. Doney: Was the title possessed by the previous occupiers?

The MINISTER FOR LANDS: No. The land was vested in the road board, which thought it had power to sell it. It did not,

however, possess that power, and was not legally authorised to sell the land to the person who built a cottage upon it. That power could only be given by Parliament.

Mr. Donèy: Were there any other occupiers of the land?

The MINISTER FOR LANDS: Only the municipal council, which erected a building upon it and subsequently pulled it down, and re-erected it on the present town hall site. Several transfers have been effected, although there was no free title to the land.

Mr. Doney: They are the instances to which I am referring.

The MINISTER FOR LANDS: Those concerned were not aware that they had no right to give transfers, and have all along acted in good faith.

Hon. C. G. LATHAM: The trouble was that they did not complete the transfers.

The MINISTER FOR LANDS: The present occupier purchased the land in good faith, and it is now desired that the action of the Coolgardie Road Board be validated, and that it be empowered to effect a transfer free from the trust. The transaction is a clear one, and there is no harm in it. The present owner has a right to a title in the land. These are all the particulars of the areas referred to in the Bill. I also lay the necessary plans upon the Table of the House. I move—

That the Bill be now read a second time.

MR. MANN (Beverley) [4.53]: I have examined the plans referred to by the Minister. From the point of view of the party to which I belong, there is no objection to the Bill.

HON. C. G. LATHAM (York) [4.54]: Usually the only need for a Bill of this class is when it deals with Class A reserves. The Land Act provides that no alteration can be effected with regard to a Class A reserve without the authority of Parliament. Sometimes, of course, complications arise, such as those referred to by the Minister for Lands. In the case of most of those mentioned, the Minister has been good enough to let me see his notes. We still continue to find lands held by trustees. That is a practice we ought to obviate, because it is a very bad one. When I was Minister for Lands, I endeavoured to avoid that sort of thing. There is no continuity of trust in many of those instances. I know of a case where one

person became the sole owner of a valuable piece of property. Had it been desired, the property could have been put in the name of that person and disposed of by him.

The Minister for Lands: The officers of the department are discouraging that practice, as far as possible.

Hon. C. G. LATHAM: When property is vested in a local authority, there is some continuity of trusteeship.

The Minister for Lands: Or some incorporated body!

Hon. C. G. LATHAM: Even incorporated bodies are known to have gone out of existence, but that does not occur as frequently as in the case of persons who pass on as a result of effluxion of time. I rose merely to point out that I hope the practice will be discouraged to the utmost possible extent. I know that in many country districts the local people feel that because they are a small community certain lands should be vested in trust for their use, but there is always a danger attached to such a practice. I remember that a very valuable piece of land was placed under my control and that of two other men without even a trust being attached to it. The other two men died, and eventually the land was surrendered. That was a case of fee simple land. I was glad to hear the Minister for Lands interject that the department was discouraging the practice to which I have referred. If we possibly can, we ought to abolish it.

MR. McDONALD (West Perth) [4.56]: The Minister for Lands was good enough to afford me an opportunity to inspect his notes, and I support the second reading of the Bill.

MR. J. H. SMITH (Nelson) [4.57]: I support the second reading. The only matter that affects me is in regard to the racecourse reserve. That has been held by trustees. Two of those gentleman have died, and the survivor has written to the Lands Department asking that the property be thrown open for selection. The racecourse and the club have ceased to exist as such for the last 20 years, and the land will never be used for its original purpose. It contains fair agricultural land, and an applicant for it, a man with three sons, is available. I hope the Bill will be passed.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## **BILL—ROAD CLOSURE.**

*Second Reading.*

**THE MINISTER FOR LANDS** (Hon. F. J. S. Wise—Gascoyne) [4.58] in moving the second reading said: This is the usual Bill brought down towards the end of the Parliamentary session dealing with all matters appertaining to roads which have to be dealt with legislatively. There is not much action during the year in connection with roads outside of those which are dealt with by administration or by Executive Council authority. Those which form the subject-matter of this Bill are roads which cannot be so dealt with, and must be dealt with legislatively.

The first road referred to in the Bill is in an area at Carnarvon. At the request of the Commissioner for Native Affairs, it is proposed to set apart an area shown in Plan 1, which will be submitted later, as a reserve for natives. The area includes certain streets which it is necessary to close and being situated within a municipal district, they can only be closed by Act of Parliament. There is no departmental or legal objection to the closure. Members who know the town and adjacent parts will recollect that the area concerned is situated just opposite the range of the common in a very windswept locality, which is never likely to be required or used. It will, however, form a very suitable area for enclosure for the use of natives.

Hon. C. G. Latham: You say it is wind-swept. The poor natives will have to live there.

**The MINISTER FOR LANDS:** The area abuts on the windswept locality. The Leader of the Opposition knows that part quite well. It adjoins the commonage. It is about one mile from the town and many years ago was originally cut up for allotments. Roads were surveyed, but the land is unlikely to be required or used for its original purpose.

The next matter dealt with in the Bill concerns the Albany municipality, which has acquired the whole of the land coloured

green on plan No. 2 for the purpose of recreation. It is known as Centenary Oval and contains streets and rights-of-way, coloured in blue on the plan, which it is necessary to close for subsequent inclusion in the oval. The Albany municipality supports the proposal and there is no departmental objection.

A further clause deals with an area of land near Thomas-street and the entrance to King's Park. Under the Reserves Act (No. 2), No. 36 of 1929, that portion of land shown on plan No. 3 was excluded from the park, the purpose being to form a semi-circle at the entrance to the park, which involved the removal of the lodge and other improvements. That project, however, has been abandoned and the King's Park Board now desires to re-include this portion in the park, which will obviate the necessity for the removal of the lodge. The department, the Town Planning Board, and the Subiaco Council are in agreement with the proposal.

That portion of King's Park-road shown in blue on plan No. 4 was dealt with in a similar manner to the above under the same Act, the proposal being also in that instance to remove the lodge, make other improvements, and form a larger circus at the main entrance to the park. The proposed alterations and improvements have been carried out and the lodge has been re-erected inside the park boundaries. The new pipe-line fence, however, was not erected on the surveyed boundary as fixed by the Reserves Act (No. 2) of 1929, the result being that the area coloured blue on plan No. 4, although part of King's Park-road under the provisions of the Act, is actually within the park fence. Therefore the King's Park Board desires its closure as part of the road and its re-inclusion in the park. The City Council is in agreement with the proposal and there is no objection from the department and the Town Planning Board. The closure seems desirable considering that the improvements made are in the nature of a permanency and there seems to be no need to have a small portion as a road.

Hon. C. G. Latham: The King's Park Board wants it back?

**The MINISTER FOR LANDS:** Yes. Clause 5 relates to land between Joel-terrace and the river, abutting on to a big area dedicated and used as a park and recreation ground. A small portion of the land forms

a short road and is shown in blue on plan No. 5. As this road is no longer necessary, the Perth City Council holding all the land abutting on it, it is desired to close it in order that it may be included within the park. There is no departmental objection.

The Roman Catholic Church desires the closure of Gray-street, Geraldton, as shown in blue on plan No. 6. The church acquired all the adjoining land shown in green for the purpose of establishing a charitable institution known as Nazareth House. During last session the closure of portion of Alfred-street was agreed to. The church has since acquired further adjoining property, and developed, beautified and added it to the grounds in which Nazareth House stands. It is now desired to close Gray-street in order that the land may be acquired by the church and incorporated in the adjoining property. Neither the Geraldton Council, the department nor the Town Planning Board has any objection to the closure. On closure the land in the road will revert to the W.A. Trustee Company, which has agreed to transfer it to the church.

Another clause deals with an area in the Bassendean Road Board district. Members will recall a debate that took place last session when an objection was raised to the closure of portion of Dodd-street. The objection was raised by the member for Guildford-Midland (Hon. W. D. Johnson) and the House supported him, and consequently that part of the Bill was not proceeded with, pending further negotiations with the owner of adjoining land.

Mr. Patrick: It was a subject of litigation.

The MINISTER FOR LANDS: Yes. The litigation was not proceeded with and although we had some difficulty in arriving at an equitable arrangement with the owner, the Crown has purchased the area in question and it has now been vested in the Workers' Homes Board. The Crown, as owner, desires that that portion of the road should be closed in order to carry out the contour and improvements which have been proceeded with and will to all intents and purposes be a permanency. There is no objection from the road board or from any of the adjoining owners to the closure of this area. All legal action has been discontinued and a settlement was reached with the former owner.

Another area dealt with is Carse-street, shown in blue on plan No. 8. The land coloured green on both sides of the street has been acquired by the Perth City Council for the purpose of a park, known as Peet Park. The council desires the closure of the road and the granting of the land to it with a view to its being incorporated in the park. The land in this street at present belongs to the original holder of the adjoining subdivision, but as the land on both sides of the street has been acquired by the council and there is ample road access for blocks in the locality, there is no objection to the closure on the part of the department and the Town Planning Commissioner also supports the proposal.

The remaining clause deals with an area adjoining the Royal Agricultural Society's grounds at Claremont. The society has applied for the closure of the remaining portion of Royal-avenue as shown in blue on plan No. 9. New roads have been set out, as shown in brown, in the vicinity, in view of which the portion now referred to is not required, and the proposal is to close it and dispose of the land to the society, together with an adjoining area of Crown land shown in red. There is no objection from the department, and the Claremont Council concurs in the proposal. It is not proposed to charge for the land, as it was resumed from the society without payment. I move—

That the Bill be now read a second time.

MR. McDONALD (West Perth) [5.10]: The Minister afforded me an opportunity to read his notes and I support the second reading.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## BILL—LICENSING (PROVISIONAL CERTIFICATE).

*In Committee.*

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

Clauses 1, 2—agreed to.

Clause 3—Extension of time with respect to provisional certificates:

The MINISTER FOR JUSTICE: I move an amendment—

That in line 3 all the words after "Act" be struck out and the following inserted in lieu:— "Where since the fifth day of December one thousand nine hundred and forty and prior to the commencement of this Act a provisional certificate has been granted under section sixty-one of the principal Act to any person, such person may, subject to the requirements of any Commonwealth law or regulation affecting the same, make application under section sixty-two of the principal Act for a publican's general license, in pursuance of such provisional certificate, at any sitting of the Licensing Court held at any time during the prescribed period, and the time specified in such provisional certificate and the time limited by the conditions indorsed on or attached to such provisional certificate (whether such times or either of them shall have expired or not) are hereby extended until the expiration of the prescribed period and the said conditions shall stand amended accordingly."

I think the general consensus of opinion was that this measure should not have general application but should apply to the one provisional license we know to be in existence. The amendment is designed to give effect to that desire. I have spoken to the member for West Perth about it and he stated that the amendment met with his wishes.

Mr. McDONALD: As the Minister has indicated, the amendment covers the point I raised during the second reading debate and I support it.

Mr. SEWARD: During my second reading speech I accused the Minister of misleading the House with respect to the application of the National Security regulations, and I must again take exception to his statement this afternoon. The amendment he has proposed does not, as he suggested, apply to one provisional certificate only.

The Minister for Justice: There is only one provisional certificate outstanding.

Mr. SEWARD: The amendment starts off by saying, "Where since the 5th day of December, 1940, and prior to the commencement of this Act a provisional certificate has been granted under Section 61 . . ." The Minister cannot give the Committee an assurance that no other provisional certificate will be granted between now and the time when the Bill is passed by the Legislative Council. Even in the case of the one pro-

visional certificate to which references have been made, the court in granting it knew that the applicant could not comply with the conditions attached to the certificate. If the court did not have that knowledge it should have been possessed of it. As to the certificate that has been granted, the applicant is to enjoy protection until 12 months after hostilities cease. We do not know when the war will end and the Bill may mean that he will be able to hold his certificate for a period of 10 years. Conditions may change in the meantime and considerably greater value may attach to the certificate in future than attaches to it today. The holder of the certificate might sell his interest in the meantime. In my opinion the amendment is too loose and vague. If the Bill has reference to one provisional certificate only, why is not that certificate described, as it is in the "Government Gazette"?

The Minister for Justice: That would mean the introduction of a new Bill.

Mr. SEWARD: I do not care what it may mean. I want the matter dealt with properly. I am getting a bit suspicious regarding the apparent reluctance to make definite provision that the Bill shall apply to the one specific provisional certificate. I oppose the amendment.

Mr. Hughes: The provisional certificate has a number attached to it and we could insert that and other particulars.

Mr. SEWARD: Yes, and then there would be no question of misleading members, or providing a loophole for someone else who may be granted a provisional certificate also to enjoy similar benefits.

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

Clause 4, Title—agreed to.

Bill reported with an amendment and the report adopted.

### *Third Reading.*

Bill read a third time and transmitted to the Council.

## **BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.**

### *Council's Amendments.*

Schedule of six amendments made by the Council now considered.

*In Committee.*

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

No. 1. Clause 2: Delete.

The MINISTER FOR LABOUR: The clause deals with the definition of the term "worker," and the amendment embodied in it was for the purpose of bringing domestic servants within the scope of the definition. The object of the Council's amendment is to prevent the provisions of the Industrial Arbitration Act being extended to cover domestic servants. On several previous occasions the Legislative Council has refused to include domestic servants under the Act. The desire of the Government is to give these workers an opportunity to approach the Arbitration Court with a view to having their wages and conditions of employment inquired into so as to secure an award governing the industry. Two classes of workers—domestic servants and farm workers—do not enjoy the protection of the Act. Yesterday the Legislative Assembly in Victoria agreed to bring farm workers under the wages board system there, and I think that we in this State during this session should make it possible for domestic servants to enjoy the benefits of our industrial laws. I move—

That the amendment be not agreed to.

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

No. 2. Clause 5—Insert after the word "consolidate" in line 15 the words "or divide."

The MINISTER FOR LABOUR: Under Clause 5 the Arbitration Court is provided with additional facilities one of which is to consolidate references and other matters brought before it. The Legislative Council desires the Court to have power also to divide references. There is no objection to the amendment. I move—

That the amendment be agreed to.

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

No. 3. Clause 8—Delete all words from and including the word "Notwithstanding" in line 16 down to the end of the paragraph.

The MINISTER FOR LABOUR: The Council's amendment relates to the second paragraph of the proviso set out in Clause

8 (b) and seeks to delete the following words:—

Notwithstanding anything hereinbefore contained any parties bound by an award may at any time enter into an agreement varying all or any of the terms thereof, and subject to the express sanction of the Court such agreement may be registered by the Court and shall become binding on the parties to the agreement.

The main reason for this proposed addition to the Act was to enable parties to take action, whenever considered necessary or desirable, to have altered the terms of an award or industrial agreement, particularly in regard to one dealing with a new industry operating for the first time in this State, without having to wait for 12 months to elapse before any variation could be legally made to it. It is felt that if this additional power is given, industrial dislocation may well be avoided in connection with new industries, which in all probability will be established here in the reasonably near future. I therefore move—

That the amendment be not agreed to.

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

No. 4. Clause 13: Delete proposed new Section 174A.

The MINISTER FOR LABOUR: The proposed new section aims to authorise an officer of an industrial union of employees, authorised in writing by the president and secretary of the union, to enter any place or premises wherein members of the union or persons of the same occupation as members are engaged, for the purpose of interviewing those members or persons, but only during the lunch hour or other non-working period. And there are additional provisos. The proposal in the Bill is entirely reasonable. Most of the employers in this State already give to union officers the right set out in the Bill with a view to its establishment in the Act. Surely we have reached the stage when there should be the fullest measure of understanding and co-operation between employers and representatives of unions. That is especially desirable at the present time, when employers and employees are co-operating to ensure the greatest possible output from industry. I move—

That the amendment be not agreed to.

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



No. 5. Clause 13: Insert after Subsection (2) of proposed new Section 174B, on page 6, the following:—"Penalty for breach of either of the above subsections shall not exceed fifty pounds."

The MINISTER FOR LABOUR: When we altered the wording of the relevant part of Clause 13 in Committee, we struck out the penalty provided, and failed to re-insert it. The Legislative Council has done that. I move—

That the amendment be agreed to.

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

No. 6. Clause 14, Second Schedule, paragraph 5: Add at the end of the paragraph the following words:—"or to the interpretation of awards or industrial agreements."

The MINISTER FOR LABOUR: This amendment deals with the schedule to the Bill. It was moved in the Legislative Council by the Government, and therefore I move—

That the amendment be agreed to.

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

Resolutions reported and the report adopted.

A committee consisting of the Minister for Labour, Mr. Needham and Mr. Watts drew up reasons for not agreeing to certain of the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

## **BILL—STAMP ACT AMENDMENT.**

Returned from the Council without amendment

## **BILL—METROPOLITAN MARKET ACT AMENDMENT.**

### *Council's Amendments.*

Schedule of two amendments made by the Council now considered.

### *In Committee.*

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

No. 1. Clause 2, paragraph (b), proposed new subsection (2a):—Insert before the word "No" at the commencement of the

proposed new subsection (2a) the figure and parenthesis "(1)."

The MINISTER FOR AGRICULTURE: To agree to this amendment implies agreement with amendment No. 2, which is consequential upon it. I move—

That the amendment be agreed to.

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

No. 2. Clause 2: Delete the second paragraph of the proposed new subsection (2a), and insert in lieu thereof paragraphs as follows:—(2) For the purposes of paragraph (1) of this subsection the expression "Fish" includes every variety of marine and freshwater fishes and crustacea, and marine animal life, which, after being taken from the waters in which they are found, are not subjected to any process, other than freezing, for the purposes of preserving the same. "Original owner" means (a) the person by whom or by whose servants any fish is taken from the waters in which it is found, when such person is resident within the State; and (b) the person who first receives any fish within the State when the person by whom or by whose servants such fish is taken from the waters in which it is found, is not resident within the State.

The MINISTER FOR AGRICULTURE: It appears some doubt exists in the minds of members of the Legislative Council as to whether the definitions of "fish" and "original owner" are sufficient to meet the circumstances of our local fishermen and the first person who receives the fish from them. Since the paragraph that has been struck out really does, in a wide sense, cover all the points specifically enumerated in the amendment now before us, I have no objection to raise. I move—

That the amendment be agreed to.

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

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

## **BILL—CHILD WELFARE ACT AMENDMENT.**

### *In Committee.*

Resumed from the 18th November. Mr. Marshall in the Chair; the Minister for Labour in charge of the Bill.

The CHAIRMAN: Progress was reported under Clause 3 had been agreed to.

Clause 4—Amendment of Section 20:

Mr. WATTS: I move an amendment—

That proposed new paragraph (d) be struck out.

This paragraph proposes to authorise the Children's Court to exercise the power of a court of summary jurisdiction under the Guardianship of Infants Act. I expressed the opinion on the second reading that it was not right that magistrates of the Children's Court should be eligible to deal with matters under the Guardianship of Infants Act involving maintenance, custody and similar matters. Legal questions arise under that Act which would be better entrusted to courts of superior jurisdiction. I am not in a position here to suggest that the Guardianship of Infants Act should be amended; but I do not think we should give magistrates of the Children's Court—none of whom has any legal qualifications whatever, none of whom, so far as I know, has passed the magistrates' examination, and none of whom is qualified in any way to deal with matters arising under the Guardianship of Infants Act—jurisdiction to deal with matters arising under that Act. When introducing the Bill, the Minister told us that previously this power had been exercised by magistrates of the Children's Court, but that that power had been taken away from them by a decision of a superior court, which apparently determined that the Children's Court was not a court of summary jurisdiction such as was contemplated by the Guardianship of Infants Act. That power should not be restored to the Children's Court.

The MINISTER FOR LABOUR: Since the second reading debate, I have given further consideration to this point, and I agree that it would be inadvisable to give this power and authority to the Children's Court. I have, however, had an amendment prepared which will give the power and authority only to the Special Magistrate of the Children's Court, and I hope that will meet the objection of the member for Kataning to the change proposed to be made. Section 8 of the Guardianship of Infants Act deals with matters which, I suggest, could properly be adjudicated upon by the Special Magistrate. True, the section deals with

matters of considerable importance, but not of equal importance to many other matters dealt with by the Special Magistrate, or even by children's courts established and functioning in the country districts. Prior to the appointment of the present Special Magistrate, the magistrate of the Children's Court had power to deal with matters arising under Section 8. The Special Magistrate also had that power until a few months ago, when an appeal was made against his jurisdiction and the power was taken away from him.

Mr. Hughes: He was told many times that he had no such jurisdiction.

The MINISTER FOR LABOUR: I have no doubt he was.

Mr. Hughes: The power was not taken away from him.

The MINISTER FOR LABOUR: No. I was about to explain that. The Supreme Court, on appeal, simply decided that the Special Magistrate did not have power to hear and determine cases arising under Section 8 of the Guardianship of Infants Act. The Supreme Court did not, in fact, deal with the merit of any decision he might have made; it merely decided the legal point as to lack of jurisdiction. Since then, he has of course not considered any such cases. It is felt, however, that he is peculiarly fitted to deal with cases arising under this section of the Guardianship of Infants Act. The question of giving him jurisdiction was discussed with those well qualified to express an opinion. One such was a leading magistrate, and it was agreed that cases arising under the section mentioned could very well be considered and decided in the Children's Court. It was pointed out that the Children's Courts, or courts presided over by the Special Magistrate in the metropolitan area, have available officers specially trained in the matter of the welfare of infants and children, officers who are not available to other courts.

Mr. Hughes: Yes, they are!

The MINISTER FOR LABOUR: Yes, but in an indirect way. It was pointed out that the proposal to give this additional jurisdiction to the special magistrate had everything to commend it. In view of the opinions so given to us, which supported our own, we agreed that a clause should be inserted in this Bill conferring upon the Special Magistrate the powers and authority

necessary to enable him to adjudicate upon cases arising under Section 8 of the Guardianship of Infants Act. The special magistrate will not have power to concern himself with the administration of infants' property where the maintenance to be awarded exceeds 20s. per week and the infants to be dealt with are over the age of 16 years. The children's courts in the metropolitan area, presided over by the special magistrate, are so constituted, and carry out their duties in such a way, as to deal with the appropriate cases in the manner I have stated. I propose to move an amendment to add to proposed new subparagraph (d) the following words, "Notwithstanding any provision to the contrary, the jurisdiction conferred by this paragraph shall be exercised by the special magistrate sitting alone." I would like to know my position respecting this amendment, as there is already before the Chair an amendment to delete the part of the clause to which this refers.

The CHAIRMAN: If the amendment before the Chair is carried, the Minister's amendment will be no good; but it will be possible for him to move it if this portion of the clause is not deleted.

The MINISTER FOR LABOUR: I appeal to members of the Committee to retain this part of the clause so that the special magistrate presiding over the children's courts in the metropolitan area shall have this jurisdiction. The amendment I intend to move will ensure that the jurisdiction will apply only to those children's courts presided over by the special magistrate.

Mr. HUGHES: I support the amendment moved by the member for Katanning. The fact that the children's court was usurping the jurisdiction of the Supreme Court and courts of petty sessions was causing a lot of chaos. The jurisdiction to make orders under the Guardianship of Infants Act was vested in the Supreme Court. In dealing with the guardianship of infants, the question of husband and wife, as well as many others issues, apart from the control of infants, is dealt with. Property settlements, etc., also arise. This branch of the law has always been regarded as particularly important, and has been reserved to the higher courts. Mainly to facilitate orders being made in the country, I presume, an amendment was carried in 1926 which vested this jurisdiction in courts of petty sessions.

When that Act was passed, a reservation was included that if the court of petty sessions thought the matter to be one which ought not to be dealt with by such a court, but should be heard before a judge, it had power to refuse to deal with it. The idea was that the guardianship of infants, involving intricate matrimonial relations and abstruse questions of law, should be dealt with by a judge. Such cases are not heard in open court, but in Chambers, and the Press is not admitted. The only people present are counsel and the parties concerned. In recent years the Children's Court has been trying to grab everybody's business. The magistrate has made orders under the Guardianship of Infants Act. He has been told a hundred times by many different lawyers that he has no jurisdiction to do that. He said he would do it, and he did. He got away with it for so long because the litigants did not have the money to appeal. Finally he made an order against one litigant who did have £20, and who appealed. The Full Court had no hesitation in saying that the Children's Court had no power to make these orders.

The amendment the Minister proposes contains one other objectionable feature, which was also decided in the Full Court case I have mentioned. When jurisdiction is vested in the Children's Court, the courts of petty session are, automatically, divested of that jurisdiction. That means that the moment the Children's Court exercises jurisdiction under the Guardianship of Infants Act, the courts of petty sessions lose that jurisdiction. By Section 1 of the Child Welfare Act, the jurisdiction of the other courts ceased, and the Full Court, in its judgment, ruled that that was so. The Children's Court was established in this State mainly for the purpose of dealing with delinquent children, but because of some apparent error in draftsmanship, the position can arise when a man of 108 years of age who smacks in the face a lad of 18 years of age cannot be tried in a court of petty sessions, but has to go before the Children's Court.

The Minister for Mines: He would be in his second childhood.

Mr. HUGHES: We find today that delinquent adults are tried in the Children's Court because it has, by what I hope was a slip in drafting, jurisdiction over people who commit offences against children. If

the Minister's amendment is agreed to, a man may be charged under the Criminal Code on matter involving questions of law, but the case is taken from magistrates who have some legal training, and given to a man with none. The Minister agrees that the officers of the Child Welfare Department are available to a litigant, but these officers have not a monopoly of the knowledge necessary for rearing children. There are mothers in my electorate who have had six children.

Mr. J. Hegney: Are they foster-mothers?

Mr. HUGHES: No, the mothers of the children. I do not suppose the member for Middle Swan has mothers in his electorate with six children.

Mr. J. Hegney: I have mothers of all kinds!

Mr. HUGHES: When it comes to a question of giving testimony as to whether the children have been properly cared for or maintained, the opinion of a woman who has reared five or six children should be good enough for any court. I hope the clause will go out in its entirety. If it remains, it will put us back to where we were before one benefactor had the position altered.

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

Mr. WATTS: I cannot agree to the Minister's proposal that a special magistrate should have jurisdiction in these matters. If he succeeds with his amendment, in view of Section 21 of the Child Welfare Act, the powers of courts of petty sessions to deal with matters under the Guardianship of Infants Act will be removed, because we shall have constituted the Children's Court to deal with them. As I read Section 21, the Children's Court, which of necessity will be in the metropolitan area, will affect the rights of courts of summary jurisdiction in other parts of the State. If it is reasonable that courts of summary jurisdiction should have such rights, it is reasonable that they should not be confined to the special magistrate of the Children's Court, who has little if any knowledge of the law such as is possessed by magistrates who have studied the subject. I agree with the member for East Perth that we should insist upon the deletion of this paragraph, and in no circumstances should we agree to the insertion of the words indicated by the Minister.

The MINISTER FOR LABOUR: The member for Katanning and the member for East Perth seem to have argued against each other. Most members have gained the impression that if the proposed power is given, a special magistrate will be called upon to deal with many additional matter concerning the adoption of children, property belonging to such children, and so on. Section 8 of the Guardianship of Infants Act provides that a court of summary jurisdiction shall not be competent to entertain applications relating to infants who have attained the age of 16 or involving the administration of any property belonging to an infant, or award the payment of sums towards the maintenance of an infant exceeding 20s. a week. The special magistrate would be able to exercise the same jurisdiction as a court of summary jurisdiction now exercises.

Mr. Hughes: If it is so limited, he could exercise only a half-baked jurisdiction.

The MINISTER FOR LABOUR: The hon. member would lead us to believe that the paragraph would confer on the special magistrate of the Children's Court powers that in the past have been exercised only by judges, and without representatives of the Press being present. The special magistrate would exercise a very limited jurisdiction under the Guardianship of Infants Act. The special magistrate of the Children's Court decides matters a thousand times more important than those he would deal with under this limited jurisdiction. He is not restricted to matters associated with delinquent children; he has to decide matters of far greater importance.

Mr. Hughes: What does he decide that is more important than this?

The MINISTER FOR LABOUR: He has before him adults charged with committing offences against children.

Mr. Hughes: He should not have.

The MINISTER FOR LABOUR: I hope the legal members who have spoken on this clause will not shift their ground. Let us face the position as it is. The special magistrate has these powers and exercises them. If he had not such jurisdiction, he would have been challenged before now. He deals with such highly important questions as the paternity of children—not an easy matter to decide. The present special magistrate could carry out the powers and authorities now proposed to be given him.

Amendment put and division taken with the following result:—

Ayes	..	..	..	..	12
Noes	..	..	..	..	26

Majority against	..	..	14
			—

AYES.

Mr. Boyle	Mr. North	
Mr. Hill	Mr. Sampson	
Mr. Hughes	Mr. Seward	
Mr. Latham	Mr. Warner	
Mr. Mann	Mr. Watts	
Mr. McLarty	Mr. Doney	(Teller.)

NOES.

Mr. Berry	Mr. Needham	
Mrs. Cardell-Oliver	Mr. Nulsen	
Mr. Coverley	Mr. Pantou	
Mr. Cross	Mr. Rodoreda	
Mr. Fox	Mr. F. C. L. Smith	
Mr. Hawke	Mr. Styanis	
Mr. J. Hegney	Mr. Tonkin	
Mr. W. Hegney	Mr. Triat	
Mr. Keenan	Mr. Willcock	
Mr. Kelly	Mr. Willmott	
Mr. Leahy	Mr. Wise	
Mr. McDonald	Mr. Withers	
Mr. Millington	Mr. Wilson	(Teller.)

Amendment thus negatived.

The MINISTER FOR LABOUR: When speaking against the last amendment I said I was prepared to move an amendment to the effect that the jurisdiction to be conferred should be exercised only by the special magistrate in the children's courts over which he presides in the metropolitan area, as against conferring this limited jurisdiction to children's courts throughout the State. I move an amendment—

That the following words be added to proposed new subparagraph (e) of paragraph (ii):—"Notwithstanding any other provisions to the contrary, the jurisdiction conferred by this paragraph shall be exercised by the special magistrate sitting alone."

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

Clauses 5, 6—agreed to.

Clause 7—Amendment of Section 32:

Mrs. CARDELL-OLIVER: I move an amendment—

That in line 1 after the word "amended" the following words be inserted:—" (1) by deleting paragraph (b) of the section, and (2)."

The object is to eliminate an objectionable paragraph relating to the whipping of boys. I am quite sure the days of that form of punishment for children have gone.

The Minister for Labour: I am prepared to agree to the amendment.

Mrs. CARDELL-OLIVER: I thank the Minister.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in lines 2 and 3 the words "by deleting paragraph (b) of the proviso to the said section" be struck out.

The Bill proposes to strike out paragraph (b) of the proviso to Section 32. People come before the court who cannot give security for any reasonable amount because of their poor financial position. Therefore, the Minister apparently thought that we should have no security at all. I do not think that is reasonable. If the person concerned can afford to give security then the magistrate should have authority to order it. Paragraph (b) of the proviso empowers the magistrate to take into consideration the poor financial circumstances of the applicant; he can order security for 3d. per week, if necessary. I cannot understand the Minister's object in deleting paragraph (b), because, no matter how prosperous the applicants may be, they could not be called upon to give security.

The MINISTER FOR LABOUR: The proviso means that no order for the commitment of an uncontrollable or incorrigible child can be made unless his parent or near relative is able to provide security to the satisfaction of the court for the making of such payment as in the opinion of the court is reasonable. Many uncontrollable and incorrigible children brought before the court are the children of exceedingly poor people, who cannot provide any security for the payment of whatever amount might be ordered. As a result, the uncontrollable or incorrigible child cannot be committed; he must be returned to his former surroundings and probably become worse than he was before. The object of striking out paragraph (b) of the proviso is that the magistrate shall still have power to commit, despite the fact that the parent or near relative is not able to provide security for the payments to be made for the child's maintenance whilst it is in some institution. I ask the Committee to defeat the amendment.

Amendment put and negatived.

Clause, as amended, agreed to.

Clauses 8 to 17—agreed to.

Clause 18—Amendment of Section 137:

Mrs. CARDELL-OLIVER: I move an amendment—

That the following words be added at the end of the clause:—"and also by inserting after the word 'endangered' in line 4 of the

section the words 'or is engaged in any employment which in the opinion of the head teacher of the school which such child is attending is likely to prejudice the proper education of such child.'"

I hope the Committee will agree to the amendment, because we are all aware that such children might be employed to the detriment of their education. I have seen little children, who have been employed in Perth, unable to learn the next day. They have been tired quite early in the morning and the teachers have informed me that it is because they were employed the day or evening before.

**THE MINISTER FOR LABOUR:** I have some doubt whether we should attempt to deal with this problem by amending this particular Act. It seems to me that the matter could better be dealt with in the Education Act. If the amendment is accepted, any child reported by a head teacher under the circumstances suggested, could be brought before a children's court and, if found guilty, would be declared a neglected child. One of the punishments that could be meted out to the child would be to send it to an institution, and I am not sure whether the hon. member desires to go as far as that. I am in full sympathy with the object the hon. member seeks to achieve, but have grave doubts whether this is the proper Act in which to deal with the problem. I suggest the hon. member should give further consideration to the matter and, if she feels this is not the right way to deal with it, withdraw her amendment.

**Mrs. CARDELL-OLIVER:** As a result of the Minister's explanation, I ask leave to withdraw the amendment. I desire to do something to help children who, I know, are working very hard and are unable to learn their school work the next day. I felt diffident about proposing that the amendment should be made to the Child Welfare Act, but as the opportunity presented itself, I felt I might hear what the Minister thought about the matter.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 19—Repeal of Sections 140 and 141:

**Mrs. CARDELL-OLIVER:** I move an amendment—

That in line 2 after the words "forty-one" the words "and one hundred and forty-two" be inserted.

This is a consequential amendment.

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

Clauses 20 to 22—agreed to.

New clause—Amendment of Section 146:

**Mrs. CARDELL-OLIVER:** I move—

That the following be inserted to stand as Clause 20:—

Section one hundred and forty-six of the principal Act is amended by adding the following proviso at the end of the section:—"Provided that no record concerning the conviction of any child who at the time of such conviction was less than sixteen years of age shall be available for the inspection or use of any person whomsoever other than an officer or member of a children's court."

Before I was a member of this House, I went to the department and, quite kindly, the then secretary gave me a file to peruse relating to a child who had been regarded as a delinquent. At nine years of age this child had stolen a bag with which to play Red Indians, and that fact was on record and was given to me as something which indicated that the child was naturally delinquent. It seemed to me that to have a record of that occurrence was terrible, and it is awful to think that anybody can see that record. This child is now a man, and has gone to the war. He is a fine character; but because he stole a bag with which to play Indians when he was a child he was reported as having done something wrong. My opinion is that that sort of thing should be obliterated from the records. Even if that be not possible, I do not think the records should be available to anyone who desires to see them.

**THE MINISTER FOR LABOUR:** Perhaps Section 124 of the Act would meet the wishes of the hon. member. It reads—

Whenever any child who has been committed to the care of the State or who has been committed to an institution or who has been convicted under the Act attains the age of 18 years, the fact of such committal or conviction shall not be maliciously disclosed to any person or admitted as evidence in any court of law.

The Minister for Mines: Take out the word "maliciously," and it will be all right.

**THE MINISTER FOR LABOUR:** The hon. member will see that that section deals more extensively with the matter than does her amendment. It may on occasions be necessary to make available information to some one other than an officer or member of

the Children's Court. I thought the member for Subiaco might have raised the question of young people being unable to enlist because the defence authorities had brought to their notice the fact that a lad had, five years previously, been convicted in the Children's Court. Even if we pass this amendment and so prevent the disclosure of information regarding these lads, the Commonwealth Government, by a National Security regulation, can easily gain access to the whole of the departmental records and so discover whether a lad had or had not been convicted in the Children's Court. The difficulties in that direction have been largely overcome as a result of the direct representations made by the special magistrate to the appropriate branches of the Defence Department. Unless the member for Subiaco can show that Section 124 of the Act does not fully meet the position we would be wise to rely on it instead of adding a further clause.

Mr. NEEDHAM: I do not agree with the Minister that Section 124 covers the situation put forward by the member for Subiaco. There is a vast difference between that section and this amendment. Economic pressure compels many parents to see that their children go to work between the ages of 14 and 16. If a child of that age has been convicted in the Children's Court for some misdemeanour, that conviction might be used as a bar to the child securing employment; and I am under the impression that convictions have been so used. I support the amendment.

The MINISTER FOR MINES: I agree with the member for Subiaco that these files should not be shown indiscriminately. The position might arise, however, where someone might want to adopt a youngster of over 10 or 12 years of age and if this information were not available, a child with a bad record might be adopted.

Mr. Fox: You would not adopt a child between 14 and 15 years of age.

Hon. C. G. Latham: They can be adopted between 16 and 17.

The MINISTER FOR MINES: Quite a number are adopted. A woman may want a companion.

Mr. Fox: They could be taken on trial at the start.

The MINISTER FOR MINES: That cannot be done. The child has to be legally adopted, and the person wishing to adopt the child would not fall in if he

could see the file. On the other hand, a person might take a great liking to a child—such as the one mentioned by the member for Subiaco—who stole a bag to play Indians. If a man with any sense saw that record he would say, "I will adopt that lad." If, however, that person were told that he could not see the file he would naturally jump to the conclusion that the youngster was not a good type.

[*Mr. Withers took the Chair.*]

Mr. Hughes: He might have been a bad egg, and have been convicted of riding without a light on his bicycle.

The MINISTER FOR MINES: Yes. Too many youngsters go before the court on that account. I have every sympathy with the suggestions made by the member for Subiaco, but when a person wants to adopt a child he has a right to know its character.

Mr. FOX: Provision along the lines of the proposed new clause is much needed. I cannot see that the objection raised by the Minister for Mines is valid. If a person wanted to adopt a child, he could ask the officer whether he would recommend the child. That is done in practically every case. We can rely upon the officer to give proper direction. I have known of cases where the records proved detrimental to the future of the children. A boy who did not have a good home and whose mother was subnormal was convicted of taking a bicycle. The boy wanted to enter the Navy, but because of the conviction, the Navy would not take him. If that boy had been accepted and subjected to naval discipline, he would probably have turned out a good citizen. If we indicated that such files should not be available even to the service departments, it would be beneficial. Many boys do not get a fair chance and they should not be further handicapped in this way. I like to see a boy with a little of the devil in him because he generally makes the better man.

Mr. McDONALD: Section 124 goes part of the way to meet the wishes of the member for Subiaco. It prevents a child's record from being used as evidence in a court and prohibits the record from being maliciously disclosed to any person. Some of us have had experience similar to that of the member for South Fremantle; parents have been distressed through a con-

viction against a child being produced. I suggest that the following words be added to the proposed new clause:—"unless by the authority of the Secretary of the Child Welfare Department."

Mr. Needham: No.

Mr. Cross: We could not possibly agree to that.

Mr. McDONALD: Well, unless by the authority of the magistrate.

The Minister for Labour: Or the Minister.

Mr. McDONALD: I would agree to that. In some cases the production of the record might be desirable.

The Minister for Labour: Would it not be better suitably to amend Section 124?

Mr. McDONALD: As a matter of drafting that would be preferable, but there should not be any confusion because the proposed new clause would apply to a child under 16, whereas Section 124 applies to a child under 18.

Mr. Hughes: Do not you think that the word "maliciously" kills the value of that section?

Mr. McDONALD: It certainly limits the section in a way that robs it of real value to children.

The CHAIRMAN: Does the hon. member propose to move in the direction indicated?

Mr. McDONALD: Yes. I move an amendment—

That the following words be added: "unless by the authority of the Minister."

Mr. NEEDHAM: I hope the amendment by the member for West Perth will not be accepted. The Minister should not have the right to make available the record of a boy or girl of this age.

Mr. Sampson: There might be a special reason for making it available.

Mr. NEEDHAM: There is a line of demarcation between Section 124 and the proposed new clause. I would like the word "maliciously" to be struck out. If the new clause is agreed to there will in effect be no records at all.

Mr. HUGHES: The amendment of the member for West Perth is double-edged. The provision in the Act prevents disclosure to any person. Prohibition of disclosure of the record of conviction might work grave harm to the child. Moreover, that is not the only record of the conviction. I hope the amendment on the new clause will not

be carried. Let us provide that either everybody shall have access to the file or that nobody shall.

Amendment put and negatived.

Mr. SAMPSON: The new clause might be submitted at the third-reading stage. In the meantime we could look into the matter. Progress might now be reported.

The MINISTER FOR LABOUR: The only safe thing to be done now is to defeat the clause, and the member for Subiaco could frame a more suitable one to be moved in another place. My fear is that by passing amendments we shall introduce sections conflicting with existing sections in the Act.

Mr. WATTS: The Minister has more faith in the Legislative Council's activities in matters such as this than I have. I suggest that something be done here and now. Section 124 and the clause moved by the member for Subiaco do not conflict, as they do not deal with the same matter. The best course is to insert the new clause here. The Minister could propose any amendment that might be desired.

Mr. HUGHES: The relevant section of the original Act prevents anyone from maliciously disclosing a conviction. The records of the Children's Court are not the only records kept. On the other hand, in many cases children's convictions are not recorded at all. The suggestion made by the member for Katanning is the best one; let the clause go and the Minister can then draft an amendment.

Mrs. CARDELL-OLIVER: I trust the Committee will not be led astray by what the member for East Perth has said. I have the sympathy of the Minister; but I do not think we should allow the matter to go to another place. It should be decided here. If another place thinks fit to alter what we do, we can consider its amendment when we receive it. I agree with the Minister that perhaps the section of the Act might be altered to advantage; the word "maliciously" should be struck out.

The MINISTER FOR LABOUR: It is quite wrong to suggest that the clause will not conflict with Section 124 of the Act. It declares that the records shall not be available for the inspection or use of any person whomsoever, other than an officer or member of the Children's Court. Section 124 provides that the records shall be disclosed to any person, but not maliciously disclosed. Plainly, the new clause is restrictive. As



long as members are aware that probably the amendment will require some additional alteration, I have no serious objection to it.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

### *Recommittal.*

On motion by Mr. Watts, Bill recommitted for the further consideration of Clauses 2 and 3.

### *In Committee.*

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

Clause 2—Amendment of Section 4:

Mr. WATTS: I move an amendment—

That paragraph (a) be struck out.

The definition of "child" under the Act is any boy or girl under the age of 18 years and, in the absence of positive evidence as to age, it means any boy or girl under the apparent age of 18 years. It is proposed to amend the definition to include a boy or girl committed under Section 39 of the Act, and a girl whose period of detention or supervision is extended by order of the Governor under Section 49 of the Act, whether any such boy or girl is or becomes over the age of 18 years during any such period of committal, detention or supervision. If that is agreed to, any of those persons, no matter if he is substantially over 18 years of age, becomes a child within the meaning of the Act. It is admitted that there is provision in Section 39 that if any child at the time of being committed to an institution is upwards of 16 years of age, such child may be ordered to be detained in an institution or otherwise dealt with under the Act for a period of two years, notwithstanding that such period would extend beyond the time of such child attaining the age of 18. Section 49 provides that the Governor may order that the period of supervision or of detention of any female ward specified in any order shall be extended until such child shall attain the age of 21 years or for any shorter period, and such child shall be supervised or detained accordingly.

In addressing himself to the Bill, the Minister contended that the powers contained in Sections 39 and 49 were not sufficient to enable the Governor or the authorities, as the

case might be, to be sure that they had the right to do what the sections contemplated doing, and he wants to amend the definition of "child" so that those persons who are over 18 referred to in those sections shall be deemed to be children. Unfortunately, immediately they are deemed to be children within the meaning of the Act, the magistrate of any children's court is able to make an order for their maintenance though they are over 18 years of age. If such a person is being detained by the State over the age of 18, my view is that he is being detained for the State's good. He is in effect in a juvenile gaol and, like any other person detained by the State for the State's good, should be maintained by the State. Under the proposed amendment to the Act it will be possible—and I personally believe there is some such reason as I have indicated underlying this amendment—for the magistrate to order such a person to be detained over the age of 18, and because he is included in the definition of "child" he will have to be maintained by a near relative. I do not think we should run the risk of extending the principle of maintenance by near relatives to those over the age of 18.

The MINISTER FOR LABOUR: It is quite obvious that boys and girls provided for in Sections 39 and 49 do not come within the definition of children.

Mr. Watts: You are going to make them do so.

The MINISTER FOR LABOUR: That is correct; that is the aim of the clause we are now discussing.

Mr. Hughes: Why do you want to make them children when you have power to hold them?

The MINISTER FOR LABOUR: They are not already covered by the definition of "child" in the Act. With regard to maintenance, if it is fair and reasonable that a boy or girl of 17½ years of age placed in an institution should have maintenance provided, where is the objection to extending that principle if the magistrate considers it should be extended to cover a boy or girl of 18½?

Mr. Watts: It forces the parents to pay when the child is over 18.

The MINISTER FOR LABOUR: Why should they pay at any age, if it comes to that? It would be more expensive for an institution to provide for a boy or girl of 18 than to provide for a boy or girl of 15.

Mr. Hughes: Hardship is placed on poor people.

The MINISTER FOR LABOUR: We know that hardships are inflicted in certain instances, but where they are inflicted they are looked upon from a reasonable angle. If it were appropriate to do so, I could make available information to the Committee indicating that hundreds of parents who have maintenance orders issued against them do not pay, mainly because they cannot, and where it is demonstrated that they are not in a position to pay, no action is taken against them.

Hon. N. Keenan: Who settles that?

The MINISTER FOR LABOUR: The debt accumulates against them. If circumstances change and they can pay subsequently, they are expected to pay. If circumstances do not change, they never pay.

Mr. Hughes: They never pay when they cannot.

The MINISTER FOR LABOUR: Hundreds of pounds a year are written off in respect of maintenance payments due by parents and others in this State. The objections raised by the hon. member are not sufficiently serious to warrant his amendment being accepted.

Mr HUGHES: I do not think the Child Welfare Department writes off any money if there is a possibility of obtaining it.

The Minister for Labour: Do you?

Mr. HUGHES: No, but I write off a lot, just the same. To give an illustration of the length to which the department will go: I was at the court as a spectator when a case was being tried recently. There was an order for 16s. or 18s. a week against a man for the maintenance of his child. The man became unemployed and got into arrears with his payments. Then the department found there was a brother in the family who was working, and promptly issued a summons against the brother and dragged him to the children's court to show cause why he should not be asked to contribute 16s. or 18s. a week to the child's maintenance. This young fellow, who was taken away from his work and lost a day's wages, had to fight to show that the department already had an order against his brother. The only thing that saved him was pointing out to the magistrate that an order was already in existence against the father of the child, and if a second order were made the department might be in a position to enforce both. If an order

under Section 49 for supervision of a girl until such time as she attained the age of 21 years were made, and that girl committed an offence at the age of 19 years, she would be tried in the Children's Court if this amendment were passed. Even if she committed the offence when she was 21 she would still be tried there!

The general principle is that the State maintains its own criminals. When children are committed to an institution by the Children's Court the parents are called upon to pay maintenance. That creates a hardship. If a girl 18 years of age is tried in the Children's Court for some offence, and is committed to an institution, her relatives have to maintain her. As soon as she turns 18 years of age, should she commit an offence and be sent to Fremantle, the State maintains her. Why should the parents of some delinquents over 18 years of age not have to pay maintenance, while other parents do? I know of one or two people in the State prison who are between 18 and 21 years of age, whose parents are not called upon to maintain them. Had they been convicted in the Children's Court their parents would have been subject to maintenance orders.

The MINISTER FOR LABOUR: The member for East Perth has raised a number of legal points and side issues, but he has overlooked the important point that the children dealt with under this Act are sent to special institutions conducted, not by the Government but, in the main, by church organisations. Someone has to provide the maintenance for the children sent to those institutions. If the magistrate is convinced that the parents are in a position to meet portion of the maintenance it is proper that he should call upon them to do so.

Mr. Hughes: It is not limited to the parents.

The MINISTER FOR LABOUR: The magistrate is entitled to make a reasonable maintenance order against the parents.

Mr. Styants: But should a brother keep a sister?

The MINISTER FOR LABOUR: If the magistrate were not permitted to make an order against the parents, the church organisation concerned would probably have to meet additional expense. These organisations tell me that they now lose a good deal of money in running their institutions. In the event of the parents not being able to

provide maintenance, some near relative can be called upon to show cause why he should not provide maintenance.

Mr. Styants: It works out very unfairly.

The MINISTER FOR LABOUR: It does in many cases. If, however, no maintenance is collected, it works out unfairly against the organisation charged with the maintenance of the institution. More than one side has to be considered.

Mr. Hughes: Has any institution asked for the additional fees proposed here?

The MINISTER FOR LABOUR: I could not say. They are frequently making application to the Government for more money.

Hon. N. Keenan: That is because you pay them 10s. a week and no more.

The MINISTER FOR LABOUR: That may be so but for other reasons. The amendment should be defeated.

Mr. McDONALD: I feel impressed by the view of the member for Katanning. When a child reaches 18, this might well be the State's responsibility as in the case of older people. The obligation to contribute to the maintenance of children can be as much as £1 a week, but children who are 18 or more might be worth a certain amount to the institutions. They would be old enough to render some service and their cost would not be as great. Although a child is 21, the grandfather might be called upon by an active and zealous department to pay £1 a week for its maintenance. That is going too far.

Mr. CARDELL-OLIVER: The Minister has not gone into the position as fully as he might have done. In nearly all homes children over a certain age do some sort of work and help to maintain themselves. I do not think that any of the institutions particularly wants this provision. We would be wise to accept the proposal of the member for Katanning.

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

#### Clause 3—Amendment of Section 8:

Mr. WATTS: I ask the Committee to negative this clause, which includes the so-called subsidised institutions amongst those which may be brought within the ambit of boards of visitors. Section 150 gives the Governor power to make regulations authorising boards of visitors to do certain things. Apparently few regulations have been made for boards of visitors, but the power to make

them exists. When the clause was before us previously, the Minister suggested—and I think he was supported by the member for Middle Swan—that if the institutions were not actually delighted with the amendment contained in Clause 3, they had offered no objection to it. On the strength of those assertions I did not press my opposition to the clause, but the ink was scarcely dry on the records of the Chamber when I was apprised by institutions that they had the strongest objection to the proposal. I am in receipt of a resolution carried at a meeting of representatives of the institutions referred to in the Second Schedule, with the exception of the Government Receiving Home, Walcott-street, reading—

That the committee requests members of Parliament to oppose this measure (Clause 3) on the ground that the board of visitors is unnecessary and will only cause dissatisfaction and create difficulties.

That members be informed that this protest is made on behalf of all the institutions in the Second Schedule to this Act with the exception of the Government Receiving Home, Walcott-street.

Obviously the grounds on which I did not press my opposition were untenable. Clearly the institutions are not favourable to the proposal and apparently knew nothing about it until this measure came before the Chamber. We shall be upsetting the amicable relationships which have existed between the institutions and the department, and which are specifically referred to in the report of the department, if we persist in bringing these institutions within the powers of boards of visitors to inspect.

If it is not intended to give boards of visitors some specific directions as to what they should look for, it is nonsense to include the clause. The institutions are hardly subsidised. If they were given money for which they gave no actual return, labour or supplies, so that they were to that extent subsidised, I would perhaps hold somewhat different views on the point, but from the figures of the payments they receive, they are not paid anything more than, if as much as, the value of the food they supply to the youngsters in the institutions. They are paid barely sufficient to buy what the young people eat. Therefore they are not in receipt of Government money or something for which they give no return. Section 8 has been on the statute-book all these years without any right of inspection by boards

of visitors of the so-called subsidised institutions. After all these years we are assured by the department that the relationships between the department and the institutions have been extremely amicable. I suggest that we delete the clause and retain that state of affairs.

Mrs. CARDELL-OLIVER: I support the remarks of the member for Katanning. At half-past seven on the morning after the day when the Bill was discussed and the Minister had assured us the institutions would welcome the clause, the secretary of one institution telephoned me asking what it was all about. I told him that visitors were to be appointed, and added "Of course you know all about it." He said he knew nothing whatever about it. Next, there was a meeting of representatives of all the institutions, and the secretaries and those in control objected strongly to the use of the word "subsidised." They said the children in these institutions were State children, and the money paid by the Government for their support was money paid for State children. Visitors are not desired. The Child Welfare Department has the right to enter institutions and inspect their books. Relations between the visitors and the officials of the institutions have been very happy; but immediately visitors are officially appointed there will be friction between them and the officials of the institutions. Under such conditions the institutions might refuse to take children. Then what sort of homes could the State provide for them?

Mr. SEWARD: When this subject was before members previously, I said that I thought those controlling the institutions would not regard the proposal favourably. We have now learnt that they object to it very seriously, which is only natural. The officials of the institutions have the task of raising the money with which to carry on the institutions. No outsider should be empowered to dictate to the institutions how they should spend the funds received by them.

The MINISTER FOR LABOUR: It is most interesting to witness this striking reversal of form. On the last amendment no consideration was shown for the institutions; now everybody is for the institutions. Many wards of the State are placed in institutions, but the State has responsibility as regards

establishing boards of visitors and so on. It has been said here that officers of the Child Welfare Department have the right to visit these institutions and inspect them, and to report regarding them. That is all true. It may or may not surprise members of this Committee to know that those in control of certain institutions protested strongly.

I have been told on more occasions than one by those controlling certain institutions that the departmental officers who go there are prejudiced, and that their reports are exaggerated; that, to use Australian language, the officers put the boot into this, that, and the other institution. Therefore, the outstanding idea behind this proposal is to have what we might term a reasonably independent committee, consisting of men and women, who could visit the institutions and present an unbiased report. In practice the proposed system would work satisfactorily. It should not be regarded with suspicion. Why should the men and women who would be appointed to these committees seek to harm, damage or prejudice the institutions? Their object would be to help them. However, if the controllers of some institutions are suspicious of the proposal I shall not press it. The existing unsatisfactory state of affairs can continue.

Mr. NEEDHAM: I have listened carefully to the speeches of members on this clause and to the Minister's speech in reply. It is my intention to vote against the clause. The Minister said that men and women of commonsense would be appointed to the proposed committees. I suggest that already commonsense women are visiting the institutions, although not officially, and there is a good understanding between them and the institutions. I refer to the inspectresses of wards of the State. We frequently see their work praised in the reports of the Child Welfare Department. I have a fair knowledge of most of these institutions. The fact that they receive from the Government, I think, 9s. per week for the maintenance of a ward of the State committed to their care, does not make them subsidised institutions. They care for other children for whom they get no subsidy at all; they must depend upon other sources not only to feed and clothe those children but also to maintain the institution itself. Having thought the matter over, I am of opinion that the clause should be struck out. Complaints made about the

care of any child in an institution can receive proper attention without this provision. It has already been said that the institutions concerned are unanimously against the proposal.

Mr. J. HEGNEY: The member for Subiaco has certainly made out a good case in support of the Minister's argument. Members are aware that frequently complaints are made to them about child welfare cases; if such complaints were not made, probably no investigation would occur and consequently injustice might be done to some people. I have had much experience in this direction, and I know that the officers of the department have had to make investigations and sometimes have admitted that injustice was being done. I cannot perceive the reason for the objection to a board of visitors visiting these institutions. That is done voluntarily now. It is not the secretary of the Child Welfare Department who will appoint these visitors, but the Minister. If we had more knowledge of the excellent work these institutions are doing it is possible the State could do more for them. The allowances made for the wards within the institutions are insufficient to keep them. We know that these institutions have nothing to hide. The only objection seems to be that the visitors would be sticky-beaks or busy-bodies, but no Minister would be likely to appoint any but suitable persons for this task. It is true that flogging has taken place in institutions in the other States, and public inquiries have been held, but I do not say that happens here and, since the institutions have nothing to hide, there should be no objection to visitors being appointed.

Hon. C. G. LATHAM: The member for Middle Swan has failed to realise that inspections are made by officers of the department.

Mr. J. Hegney: I know that.

Hon. C. G. LATHAM: What would happen if a report were submitted by the board of visitors that conflicted with the views of the experts from the department?

Mr. J. Hegney: It would be for the Minister's department to sift the matter.

Hon. C. G. LATHAM: The Minister has more to do than settle arguments of that kind. I was asked the other day to receive a deputation from these people.

Mr. J. Hegney: You are not the Minister yet, are you?

Hon. C. G. LATHAM: No, but I have a perfect right to receive a deputation.

Mr. J. Hegney: I am not denying you that right.

Hon. C. G. LATHAM: They expressed their views, which were dissimilar to those expressed by the hon. member, who evidently has no knowledge of these institutions. I hope the Committee will not be led astray.

Mr. J. Hegney: I have as much knowledge of the institutions as you have.

Hon. C. G. LATHAM: The people who saw me have more knowledge than the hon. member, because they run the institutions. Representatives of each of the churches came to see me.

Mr. J. Hegney: That is all right.

Hon. C. G. LATHAM: I would not suggest that the hon. member has the same knowledge.

Mr. J. Hegney: I have as much knowledge as you have.

Hon. C. G. LATHAM: I am not professing to have any knowledge.

Mr. J. Hegney: You are posing as one who has. If you have not, sit down!

Hon. C. G. LATHAM: I will not sit down. I will stand up here for a week if I like.

The CHAIRMAN: Order! The Leader of the Opposition must address the Chair.

Hon. C. G. LATHAM: If I am asked to express an opinion on behalf of organisations, I am determined to express it.

Mr. Hughes: Only if you agree with it.

Hon. C. G. LATHAM: If I am asked to express views I do not agree with, I can make myself clear. I do not put myself on a pedestal as some members of this Committee do.

Mr. J. Hegney: You hardly notice yourself!

Hon. C. G. LATHAM: Some members suggest they know all about these things. They know that boards of visitors are required. What would be the object of their appointment? What will they do that the inspectors of the department cannot do? I hope the Minister will not insist on this dual control, which will not do any good. He has male and female inspectors. What more does he want? To duplicate is only to make trouble. If the Minister is called upon to settle differences of opinion expressed by those two separate bodies, he will have a

full-time job. The people who saw me were upset that the Minister should have stated they had no objection. They did not know this measure was being brought forward, so they could not express themselves. After having heard their views, I cannot support this proposal.

Mr. FOX: I feel inclined to support the views of the member for Katanning. I do not think the appointment of additional visitors is necessary. Child welfare officers visit the institutions regularly. Moreover, the parents of individuals in institutions are represented by members of this House, and if anything out of the way takes place they can see their members and have the matter investigated. I know of cases that have been dealt with in that way. A complaint was made to me by the father of a girl who had been unfairly treated by the head of an institution. I complained to the department and, on investigation being made, that officer was asked to retire from the institution. There is no need to appoint additional visitors. If the Minister appoints half-a-dozen sticky-beaks, they will be a source of trouble rather than a help.

The MINISTER FOR LABOUR: I wish to reply to the questions asked by the Leader of the Opposition. The officers of the Child Welfare Department are naturally prejudiced in favour of their department. From time to time complaints come to me from the institutions that the departmental officers make reports that are biased and do not deal reasonably with the institution.

Mr. Doney: Do you want competition between the reports submitted by your officers and those submitted by the visiting committee?

The MINISTER FOR LABOUR: No. What I want is to have made available the point of view of the institutions, which are naturally prejudiced in their own favour, the point of view of the departmental officers who are naturally prejudiced in favour of the department, and the point of view of what would be an independent committee. It would be reasonable to assume that the point of view which coincided with that of the independent committee would be the right one.

Mr. Doney: The method would be laborious.

The MINISTER FOR LABOUR: It would be preferable to have a laborious method achieving the best results rather than a

non-laborious method which could not achieve those results. This proposal would be advantageous to the institutions, but they have condemned the clause without seeking to obtain all the information possible. As they have condemned it and have been able to persuade a sufficient number of members of this Committee to assist in the destruction of this part of the Bill, I have no further interest in the matter.

Mrs. CARDELL-OLIVER: The Committee feels that the Minister has this matter very much at heart. The important point is not so much the provision for visitors as the inclusion of the words "subsidised institutions."

Hon. C. G. Latham: Those words are already in the Act.

Mrs. CARDELL-OLIVER: I am glad the Minister is willing to drop the matter.

Clause put and negatived.

Bill again reported with further amendments.

## BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

### *Second Reading.*

Debate resumed from the 11th November.

MR. BOYLE (Avon) [9.55]: I oppose the continuance of this Act. The farmers operating under it will not be interfered with even if this continuance measure is defeated. These alleged temporary Acts are not desirable, and this is one of the least desirable. Early in this session I signified my intention to oppose this measure and that determination has been strengthened by recent happenings in this House. The original Act was passed for a specific purpose, namely, to carry farmers over a period of drought in 1914. It was to remain on the statute-book for a period of three years until 1917. From 1917 up to this year of grace it has run a marathon course of 24 years, and this is the 24th annual continuance Bill which has been brought down.

The Minister appears to regard the Bill as an essential measure. I do not agree with that viewpoint. I suggest to the Minister that, from the farmers' point of view, the Agricultural Bank Act should be amended to comply with all the financial demands of farmers. That Act today is

performing only half of its functions. It deals with capital improvements only. In order that the agricultural industry should be able to carry on, farmers have had recourse to a method of doing business which is, on the face of it, temporary. They have carried on under an Act which was brought in in time of drought, and which subsequently has been brought forward as substantial legislation. Hundreds of thousands of pounds are involved in the operations under the Industries Assistance Act as it applies to farmers, and as it applies to other industries an amount of £500,000 has been advanced. Important State functions are carried out under this measure, and such functions should not be left to continuance Acts. Other continuance Acts in existence have different objects; for instance the Lotteries (Control) Act. Even in that case I do not agree with the yearly continuance.

In the course of his second reading speech the Minister said that a few years ago many of the advances were totally discontinued for a brief period. If they were discontinued under the Industries Assistance Act, the money was found in some other way. A moment or two ago I referred to the fact that my determination to oppose this measure had been fortified by certain happenings in this House. I will now explain what they were. The House disallowed an amendment to the Agricultural Bank Act which I brought forward to deal with certain sums of money belonging to the farmers. During the course of the debate both the Premier and the Minister for Lands laid it down that in their opinion farmers' proceeds under the Industries Assistance Act were the property of the Crown. You, Mr. Speaker, ruled that that was so, and the House agreed. I do not think that any member on this side of the House, or in fact any member at all, could agree—certainly I cannot—to a continuance of a state of affairs wherein the proceeds of the farmer under the Industries Assistance Act become the property of the Crown. I have on the notice paper a certain proposal to which I may not allude at this stage. However, the Act, as it relates to the farmers, seems to revolve around Section 22E, which reads—

(1) The board may cause the accounts of all settlers and other persons to whom advances have been made under Part 2 of the principal Act to be balanced on a date to be fixed

by the board, and may in its discretion permit the amount due on any such account to be repaid by instalments extending over a period of five years.

(2) During such period the proceeds of the crops of each season of every settler or other person as aforesaid may be distributed by the board in the manner following:—

- (a) In payment of accrued interest and one-fifth of the liability of the settler or other person to the board, and the cost of bags for his wheat;
- (b) By retaining and placing to the credit of the ordinary account of such settler or other person so much of such proceeds then remaining as the board may think fit to apply towards his operations during the then current or next following season, and in payment of his land rents, rates, taxes, and insurance premiums and other obligations mentioned in paragraph (c) of Section nine of the principal Act;

It is most remarkable that moneys belonging to the Crown should be placed to the credit of the ordinary account of such settler.

- (c) By distributing the surplus (if any) among other creditors of such settler or other person on a pro rata basis, and the board may in its discretion allow interest or claims at a rate not exceeding eight per centum per annum.

(3) If the land of the settler or other person as aforesaid is subject to a mortgage in priority to the board's security this section shall not apply without the consent of the mortgagee, but if such consent is given interest payable to the mortgagee may, so far as the board in its discretion thinks fit, be paid under paragraph (a) of Subsection two.

So these moneys that stand to the credit of the Crown have to receive the sanction of a mortgagee before they can be put to certain use. To this confusion I would put an end. I want to throw on the Government the responsibility of bringing down a measure that will fit the need, instead of having us in this confusion as to what belongs to the settler and what belongs to the Crown. It is plainly laid down in Section 22E that the Commissioners of the Agricultural Bank, who are the members of the Industries Assistance Board, shall cause certain accounts to be placed in the suspense account with those moneys which this House has affirmed—and I must accept the affirmation—are Crown moneys. I certainly do not intend to remain silent knowing that the proceeds of the farmer under the Industries Assistance Act become the property of the Crown.

The Premier: A certain portion of the proceeds.

Mr. BOYLE: No; if that were so one could allow it, but this includes all the proceeds.

The Premier: The amount covering the advance.

Mr. BOYLE: Not at all; the whole of the money. We have instances of the return of money under the drought relief provisions. The members of the Industries Assistance Board have authority to do this. Whether they do it or not, I am not prepared to say. I do not know whether they make it a rigid rule, but they have the power and in many cases they exercise it. The Act is divided into five parts. Actually, my object is to secure the suspension or elimination of Part 2.

The Minister for Lands: That is really the Act.

Mr. BOYLE: The Minister is quite wrong there because Part 3 deals with the advances under the industrial section. I was intrigued to find that the Carnarvon banana growers were business people and that their advances have been made under Part 3.

The Minister for Lands: Are you sure of that?

Mr. BOYLE: I am not sure, but the Auditor General has reported on it. This is certainly a new status for farmers. I am not any more sure of it than is the Auditor General.

The Minister for Lands: You made the statement.

Mr. BOYLE: I would like to ask the Minister whether the same procedure is adopted in the case of the banana growers at Carnarvon as in the case of the wheat farmers.

Mr. SPEAKER: The hon. member cannot ask the Minister at this stage.

Mr. BOYLE: Part 3 provides for mining and other industries that may be granted assistance in this way. To me the Act appears to surround all the operations of the farmers. Section 124 provides for advances to businesses of an industrial nature—mining, and so forth—but so far as the farmers are concerned, they are enmeshed in about 90 per cent. of the Act. As the Minister himself pointed out, 90 per cent. of the sections, subsections, and paragraphs are of an enmeshing nature. Year after year, almost at yearly periods, we have amended

and plastered the Act with all sorts of oppressive amendments so that for the farmers today the Act is really a financial prison. I wish to break the bars of that prison.

Hon. C. G. Latham: You will not get much help from the other side.

Mr. BOYLE: I know that those responsible for interpreting the Act have made serious blunders. I have no intention of making any further remarks on the Bill. To do so is quite unnecessary. The whole thing is wrong. To carry on the assisted farmers of this State—farmers under the Agricultural Bank and many others—under an annual measure, one that must be renewed every year, with provisions that are oppressive and contradictory in every way is a policy that I cannot support. Therefore I emphatically oppose the passing of this continuance Bill.

Question put and passed.

Bill read a second time.

#### *Instruction to Committee—Ruled Out.*

MR. BOYLE (Avon) [19.9]: I move—

That the Committee be instructed that it shall have power to make the following amendment:—"New clause to stand as Clause 2: Part 2 of the Industries Assistance Act, 1915 (as amended by the Industries Assistance Act Amendment Act, 1915, No. 52 of 1915), the Industries Assistance Act Amendment Act, 1917 (No. 16 of 1917), the Industries Assistance Act Amendment Act, 1919 (No. 43 of 1919), the Industries Assistance Act, 1924 (No. 26 of 1924), and the Industries Assistance Act, 1929 (No. 20 of 1929), is hereby repealed."

Mr. SPEAKER: I would like to draw the hon. member's attention to the fact that his proposed Instruction to Committee on this Bill must be ruled out of order. Standing Order No. 393 provides that an instruction can be passed authorising a Committee on a Bill to make amendments, not otherwise possible, provided they be relevant to the subject matter of the Bill. The subject matter of this Bill is the continuance of the operation of the parent Act for a further period of one year, and that alone. Unless an instruction comes within the terms of the standing order above quoted, it cannot be moved. I quote from May's "Parliamentary Practice," 13th edition, page 406—

In like manner, it is not within the scope of a Committee on an expiring laws continuance Bill to amend the provisions of the Acts proposed to be continued, or to abridge the



duration of such provisions; or to make permanent the Acts proposed to be continued; but an amendment to exclude from the continuance by the Bill distinct provisions of such Acts is in order.

I lay special stress on the words "by the Bill" in the last portion of the above quotation. It would be quite in order for a Bill to continue the operations of an Act to contain provisions excluding certain portions of the Act from continuance upon its introduction; but the Committee has no power to do this by an instruction, or otherwise. I rule the motion out of order.

### *Dissent from Speaker's Ruling.*

Mr. Boyle: I regret to have to move, Sir—

That the House dissent from the Speaker's ruling.

You quote "May," Mr. Speaker, in support of your ruling; but I hold that the precedents of this House are more important even than "May." "May's Parliamentary Practice" applies where our own standing orders do not apply. It has been ruled by a very eminent member of this House, in the Speaker's Chair, that the course of action I propose is in order. I would refer to "Hansard" of the 24th November, 1936, arising out of the Lotteries (Control) Act Amendment Bill, which is an annual measure such as I have referred to. The member for Roebourne brought down a motion exactly on the lines of that which I have moved. I now quote his remarks—

MR. RODOREDA: Before the Bill goes into Committee, I desire to move—

That the Committee be instructed that it shall have power to make the following amendment:—

"2. Section fifteen of the principal Act is hereby amended by adding a further proviso to paragraph B:—

"Provided further that in the case of all lotteries conducted by the Commission the Minister shall appoint an independent auditor, who shall make a continuous audit and report to him from month to month.

"Every such monthly report shall be tabled within fourteen days after making thereof in each House of Parliament, or if Parliament is not then in session within fourteen days after commencement of the next session."

The motion appears on the Notice Paper. Having heard one or two of your rulings, Mr. Speaker, on similar matters, I came to the conclusion that the amendment contained in the motion would be ruled out of order if moved

in Committee, although at the time I drafted the amendment it was within the Title of the Bill. The Bill was originally entitled a Bill for an Act to amend the Lotteries (Control) Act; not to amend a particular section—as in the case of other continuance Bills—but to amend the Act as a whole. Having heard your decisions, Sir, I came to the conclusion that the amendment would be ruled out of order. Thereupon I investigated the position to see whether there was any other means by which a private member could have an amendment foreign to the subject-matter of a Bill considered in Committee. I hope members will vote for the motion as on the second reading they have supported the principle of the amendment. If it is thought that I am endeavouring to establish a precedent, I hope hon. members will dismiss any such view from their minds. The motion does not take the control of business out of the hands of the Government. If the Government do not wish to have the amendment considered in Committee, then they have the necessary numbers to refuse permission. I ask hon. members to realise that if they vote against the motion seeking to instruct the Committee, they will also be voting against the principle contained in my amendment.

MR. SPEAKER: The member for Roebourne (Mr. Rodoreda) has moved the motion standing in his name on the Notice Paper.

Hon. C. G. Latham: May I ask, Mr. Speaker, if you are going to allow this?

MR. SPEAKER: I am. Perhaps it may save the time of the Leader of the Opposition if I give him the authority. Standing Order 390 reads—

An instruction empowers a Committee of the whole House to consider matters not otherwise referred.

Standing Order 391 provides—

It is an instruction to all Committees of the whole House to whom Bills may be committed, that they have power to make such amendments therein as they shall think fit provided they be relevant to the subject-matter of the Bill; but if any such amendments shall not be within the Title of the Bill, they shall amend the Title accordingly and report the same specially to the House.

I find in Denison's and Brand's Decisions of the House of Commons, 1857-1884, the following:—

Continuance Bills: Instructions to Committees on. Where a Bill is simply a Continuance Bill of an Act now in force, it is not competent for the Committee to introduce a clause of a different nature to the simple scope of such Bill, but it may be an instruction to the Committee to introduce such a clause.

Poor Law Continuance Bill. Committee. Order for Committee read.

Lord Edward Howard moved an amendment, viz., an instruction to the Committee to introduce clauses of a creed register, etc.

Mr. Speaker is asked whether such an instruction is in order, on the ground that either the Committee have the power already, or that the matter is foreign to the object of the Bill.

Mr. Speaker said—"Whether on a Continuance Bill it was a convenient occasion to introduce such an instruction was an entirely different question, but in point of form he did not think that the noble lord was out of order."

In reply to a further point, Mr. Speaker decided that it would not be competent for the Committee to introduce a clause without a special instruction.

The basis of that ruling is that the House must be in control of its own business. The Committee of the House is, of course, subordinate to the House; but where the Committee has an instruction from the House that it may make certain amendments, whether relevant to the Bill or otherwise, that instruction having been carried, it is competent for the Committee to make that amendment, though the Committee is not necessarily compelled to make it. The Committee may make the amendment if the House carries an instruction that the Committee may do so.

Hon. C. G. Latham: May I amend this motion?

Mr. SPEAKER: No; the hon. member may not amend a motion that the House give an instruction. That also is laid down. There are quite a number of rulings in "May" with regard to it.

HON. C. G. LATHAM: I wish now to speak to the instruction.

Mr. SPEAKER: The Leader of the Opposition can speak to the motion before the Chair.

I shall not weary the House by quoting the whole of the debate, but I can refer to an eminent authority who occupied the Chair. When the present Minister for Mines and Health was Speaker, his decisions were sound. It can be seen plainly that the member for Roebourne (Mr. Rodoreda) was permitted by that Speaker, and by the House, to proceed. I regret very much, Sir, that you have seen fit to depart from such an eminently sound precedent as was then laid down. The Speaker of the day no doubt had in mind the rights and privileges of private members. I do not say for an instant, Sir, that you have not. The matter is one of opinion and of the point of view; but there is something I have stated from my place in this Chamber and will now repeat—that private members of this House cannot be vigilant or vigorous enough in protecting their rights and privileges. Ministers of the Crown have privileges and rights that we private members have not, and I seek to put an end to an Act that I consider, and my

colleagues consider, and farmers generally consider to be an oppressive measure. The rules of the House do not permit me to bring down a Bill for the purpose. If I did bring down a Bill—

Mr. Speaker: I think the hon. member is getting away from the ruling now. I have given the hon. member a deal of latitude.

Mr. Boyle: I am simply bringing to the attention of the House the ruling of a previous Speaker, to which your ruling, Sir, is in absolute contradiction. Therefore I appeal to the House to disagree to your ruling.

Hon. C. G. Latham: On a point of order, Mr. Speaker! In 1936 the member for Guildford-Midland raised a point of order—

The Minister for Mines: That was in Committee.

Hon. C. G. Latham: Yes. At the time I had my doubts as to whether the ruling was correct; but while the House itself did not decide the issue, it was presumed—because it took no objection to the Speaker's ruling—that it confirmed the ruling. If we are going to have a Speaker on one occasion giving a ruling, and another Speaker on another occasion giving a different ruling, we shall be in a hopeless position. On this occasion, I hope that you, Sir, will follow the precedent of past year and adopt the ruling given in 1936, otherwise it will be necessary for the House to disagree with your ruling. I am of the opinion that no Speaker is infallible.

The Minister for Mines: Hear, hear!

Hon. C. G. Latham: You, Sir, were not then the Speaker, but you held the responsible position of Chairman of Committees and you endorsed the then Speaker's ruling. It was presumed that you would not dare to over-ride your superior in the House.

The Minister for Mines: Why not?

Hon. C. G. Latham: Of course, it was possible for you to do so, but you did not.

The Premier: It would have been referred back to the Speaker.

Hon. C. G. Latham: At that time Mr. Speaker was Chairman of Committees and his final words were to the effect that he ruled the amendment was in order, because it was relevant to the subject-matter before the Committee. I cannot believe for a moment, Mr. Speaker, that you will change your opinion, as you must have given serious consideration to the point.

The Premier: He was under the command of the House at that time.

Hon. C. G. Latham: He was Chairman of Committees. As I said, Speakers are not infallible and they make mistakes although not deliberately. By dissenting from your ruling we throw the responsibility upon the House. The House, of course, cannot make a mistake; it is not permitted to do so. Collectively, we are infallible. We must therefore ask the House to determine whether you are right, as Speaker, or whether you were right as Chairman of Committees. I support the motion.

The Minister for Mines: The Leader of the Opposition was not right in what he said as to what you, Mr. Speaker, did as Chairman of Committees. The Speaker's ruling on that occasion, rightly or wrongly, was not challenged by the House. When the House went into Committee the Leader of the Opposition moved an amendment to the amendment moved by the member for Roebourne. The member for Guildford-Midland rose to a point of order as to whether the Leader of the Opposition was in order in moving a further amendment. Shall I read what was said on that occasion?

Hon. C. G. Latham: I would like to hear you read it.

The Minister for Mines: The member for Roebourne moved a rather long amendment, which will be found in "Hansard," Volume 2 of 1936, page 2072. The Leader of the Opposition moved the following amendment—

That the proposed new clause be amended by striking out in lines 2 and 3 of the proviso . . .

Hon. C. G. Latham: I agree with you. I am wrong.

The Minister for Mines: There is no need for me to proceed further, as the Leader of the Opposition is in agreement with me. You, Mr. Speaker, who were then Chairman of Committees, agreed with my ruling, but your ruling in Committee was on a different matter altogether.

Mr. McDonald: As I have said on previous occasion it is extremely difficult, in the time allowed members, to look into questions of this kind. I have not seen "May" nor do I propose to look at it. I do not propose to arrive at an opinion, because times does not permit of my doing so, nor does it permit of my even attempting to read "May"

Therefore, I take the view—with every deference to your ruling, Sir—that consistency in rulings is an object to be desired. We have a ruling which was made in 1936 by the then Speaker, in which he refers to previous precedents or rulings of the House, presumably on the same subject-matter and presumably supporting the view he then took. My feeling is that, in the absence of time to examine any divergence of views, we should support the ruling which has apparently prevailed in this House for some time. I support that the more readily on the general principle that it enlarges the powers of private members. If there is one point upon which I agree with the member for Guildford-Midland, if I may say so without irrelevancy, it is that the tendency of our Parliamentary practice is to reduce the status and powers of private members. Anything that will tend to accentuate that movement is not in the best interests of the effectiveness of our Parliamentary institution. Therefore, I personally propose to support the previous ruling as to the power of a member to seek an instruction of this character.

Mr. Watts: Once again I find myself in the regrettable position of being obliged to assent to a motion for a disagreement with your ruling, Sir. I feel on this occasion that I have the backing of someone who has a greater knowledge of all subjects of Parliamentary procedure than I have or can ever hope to have. I refer, of course, to the Minister for Mines, under whose Speakership I first joined this Assembly, and to whose impartiality and sound rulings I had on many occasions the privilege of giving respect. I am hoping that on this occasion he will not reverse his decision by failing to support the motion that now seeks to disagree with your ruling. I remind him and my friend the member for Roebourne of the circumstances in 1936. The circumstances of this measure are so identical that it is difficult to understand why this House, which in 1936 did not seek in any way to object to the decision of Mr. Speaker, should today reverse that decision.

In 1936 a Bill was brought forward to continue the operations of the Lotteries (Control) Act. The member for Roebourne being of the opinion that a mere continuance of that measure without alteration was not in the best interests of the public, sought

to introduce a method which subsequently was put into operation and by which the accounts of the Lotteries Commission were audited by the Auditor General. That amendment was put into a continuance Bill. Having taken advice or made research, the hon. member put on the notice paper an instruction requiring the Committee of the whole House to take into consideration the amendment which, with that purpose in mind, he had in view. Having given notice, when the time came to move his motion, his method of approach to obtain discussion on the question was supported by the member for Leederville (Hon. A. H. Panton) in his then capacity of Speaker, and was not disagreed with by this House. More strongly than the decisions of past Speakers of the House of Commons—which may have some effect on our Standing Orders and the decisions of this House—should the decisions of this House as enunciated by Mr. Speaker of this House and not rejected by the House be the governing factor in all our deliberations.

What do we find in regard to this Bill? We find it is a Bill to continue the operations of the Industries Assistance Act, and the member for Avon (Mr. Boyle) is desirous of amending the Act by repealing a portion of it which he regards as detrimental to the public, in the same manner as the member for Roebourne (Mr. Rodoreda) thought an amendment to the Lotteries (Control) Act would be of assistance to the public whom he felt he represented. The member for Avon, by exactly the same method as that adopted by the member for Roebourne, took an opportunity to put his amendment on the notice paper in precisely the same terms as those used previously by the member for Roebourne. When it comes to Mr. Speaker having to consider these identical proposals, we find that the decision of this House made on the previous occasion by its then Speaker, and supported by this House, is to be reversed.

It is beyond me, Sir, how this House in those circumstances and on this occasion can agree with your ruling. I do not suggest that the proposal of the member for Avon as it appears on the notice paper is worthy of support or the reverse. It is purely a question to be decided on its merits. But that I think is not sufficient reason—in fact, it is no reason at all—why a different ruling should be given in a set of parallel cir-

cumstances at an interval of five years. More strongly do I support this motion than usually because I think that the premises on which you, Mr. Speaker, are working are not sound and it is going to place members of this Committee and indeed the Government itself at times in an intolerable position if we cannot rely on precedent of this House established as recently as five years ago.

Mr. Speaker: It appears to me that it is not a question of consistency. If it were, the Leader of the Opposition would tonight be supporting the ruling of the present Speaker. The members of the House who belong to the legal profession have talked about consistency but week after week we find a judge one day giving a decision and the next day another judge reversing that decision. Members of the legal profession more than anybody else should be aware that that position arises in the law courts. I do not think the matter of consistency need be taken into consideration. If the Minister for Mines thinks he was right on a former occasion and thinks he is still right, he is quite at liberty to vote in that direction, and if the Leader of the Opposition thinks that because of the fact that some years ago a previous Speaker gave a ruling that he then opposed but has now altered his opinion, the Leader of the Opposition is at liberty to reverse his decision tonight and vote against the present Speaker.

There is no doubt in my mind at all. I quoted not only our own Standing Order but also the 13th Edition of "May," and I do not think members need me to do any more than refer to the fact that Standing Order No. 393 provides that an instruction can be passed authorising a Committee on a Bill to make amendments, not otherwise possible, provided that they be relevant to the subject-matter of the Bill. I do not see how it is possible for the motion that the member for Avon desires to move tonight to be considered relevant to the subject-matter of the Bill which seeks only to change "1942" to "1943." I say definitely that it is not relevant. On page 406 of the 13th Edition of May's "Parliamentary Practice" appears the following:—

In like manner it is not within the scope of a Committee on an expiring laws continuance Bill to amend the provisions of the Acts proposed to be continued or to abridge the duration of such provisions; or to make permanent

the Acts proposed to be continued; but an amendment to exclude from the continuance by the Bill—

Let not members forget that May says "by the Bill"—

—distinct provisions of such Acts is in order.

Of the arguments about consistency I take no notice. There is no doubt that the ruling given tonight is correct.

Motion (dissent) put and a division taken with the following result:—

Ayes	..	..	..	..	19
Noes	..	..	..	..	19
					—
A tie	..	..	..	..	0
					—

# AYES.

Mr. Berry	Mr. North
Mr. Boyle	Mr. Pantou
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Hill	Mr. Seward
Mr. Hughes	Mr. Shearn
Mr. Kelly	Mr. Warner
Mr. Latham	Mr. Watts
Mr. Mann	Mr. Willmott
Mr. McDonald	Mr. Doney
Mr. McLarty	

(Teller.)

# NOES.

Mr. Coverley	Mr. Rodoreda
Mr. Fox	Mr. F. C. L. Smith
Mr. Hawke	Mr. Styants
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triat
Mr. Keenan	Mr. Willcock
Mr. Leahy	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Needham	Mr. Wilson
Mr. Nulzen	

(Teller.)

Mr. SPEAKER: The voting being equal, I give my casting vote with the Noes.

Motion thus negatived.

Question ruled out.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## LOAN ESTIMATES, 1941-42.

*In Committee.*

Resumed from the 25th November; Mr. Withers in the Chair.

Vote—Departmental, £83,000:

MR. SAMPSON (Swan) [10.48]: I desire to make a few remarks on the gold industry. The question which concerns me is: Is gold as important to the war effort

as we are led to believe? It has been stated on many occasions that gold is a vital necessity. If that is so, then more men should be permitted and instructed to remain in the industry so that production may be maintained. If the position is different from that, it should be made clear and the people in the gold industry could then reconcile themselves to a decreasing yield during the war period. We are short of men in many industries. We are notably short of manpower in the primary industries, of which goldmining is one. Goldminers, as well as others, are urged to enlist. The war will not be won on the field of battle alone, but also by maintaining production. There is constant competition for men from many equally important concerns. Goldmining has suffered more than any other industry. Those members of our male population who are engaged in goldmining could well be encouraged to remain, so that the production of gold could be maintained and a proper balance arrived at between men, guns and gold.

I would like the Minister to elucidate this question. It should be made clear. Many people are impatient through being told how essential is the maintenance of our industries, including that of goldmining. Those who are endeavouring to maintain the gold output are being interfered with to an intolerable degree. I stand, as all members do, for an all-in war effort. It would be helpful if those concerned with goldmining were told the exact truth about the present position. There is no question as to the importance of this industry, and when we are considering goldmining we might also give further consideration to the matter of other minerals. It is important that our finances, credit and exchange, should be maintained and, if it is possible to do that only by the continuance of gold production as in the past, then we should strive to do that.

MR. J. H. SMITH (Nelson) [10.50]: I do not propose to speak at length on these Estimates because the Treasurer, on account of the shortage of money, has had to reduce the amount. Still, I would be lacking in my duty if I did not bring under the notice of the Government some of the important works that are required in my district. First of all, I refer to the differentiation in the educational facilities granted for children in the metropolitan area and those

in the outback parts of the State. Apparently the Treasurer is very miserly in the matter of providing funds for new schools in the country. For almost 12 months I have been asking for a new school at North Kulikup where there are 13 children of school-going age, and I have not been successful. The Works Department and the Education Department are only too anxious that a school should be provided. While on this subject, I want to express the opinion that there should be more co-ordination between the Education Department and the Public Works Department.

Probably it would be preferable if the Education Department built the schools it needs. Under the existing arrangement the Education Department makes a recommendation and months expire before the Public Works Department agrees. Then architects and inspectors are sent all over the place. I do not know who is responsible for the delay in providing the school I want. The cost would be about £600 and the Education Department says it is impossible to get that amount of money from the Treasurer. Some of us have been traversing the country in the hope of finding an old school not required in some other centre that could be removed to this district. The people out there are suffering all sorts of privations, and it is not fair that 13 children of school-going age should be denied educational facilities. In the metropolitan area one finds schools everywhere. If they are only a little over-crowded there seems to be no difficulty in getting additions built; if there are a few holes in the playground that become slushy in the winter time, members have only to go to the Premier and the defect is remedied almost immediately.

Mr. J. Hegney: Not at all!

Mr. J. H. SMITH: The member for Nedlands told us about holes in the playground in his district being filled up. Where schools are needed in the country, the expenditure of a paltry £500 or £600 should not prevent them being provided. The first thing the Treasurer should do tomorrow is to find the money for this school.

I have another big grumble in regard to the South-West railway service. Although these Loan Estimates have been cut down to the extent of £200,000 or £300,000—and rightly so—the tremendous sum of £103,000 has been allocated for tramway extensions

in Perth. While this large sum can be provided for trams in the city, our road and railway facilities have been reduced. Why should this large amount be provided for tramways? It seems that some go-getter has only to come along and buy a piece of land, subdivide and sell it and get a few houses built, for a tramway to be constructed, while our people at Manjimup and Pemberton—both most important parts of the South-West—have to tolerate a railway service that provides a train on three days a week. This is one of the best paying railways in the State; in fact, the South-West line keeps the other part of the system going. I do not like to draw comparisons, but I cannot refrain from mentioning that the people on the Great Southern line get a passenger service to Albany twice daily. The Minister for Lands appears to be taking notice of my remarks. He knows the disabilities under which we are labouring. It is time the Railway Department took action to give us an improved service.

On account of the shortage of money I was expecting some announcement from the Government with the object of saving the large amount of expenditure that normally would be entailed in holding a general election next March. In such times as the present, when the war is close to our shores, when Japan might become an enemy any day, we should not have to go to the country and appeal for votes, thus creating a division amongst the people when unity is needed. I thought the Government would have introduced legislation to extend the life of this Parliament for at least another 12 months. I hope it is not too late to take action in this direction. Cabinet will be holding a meeting on Monday, and I trust it will discuss this important matter and bring down legislation on Tuesday next.

If an election is held, it will mean that we shall be a divided people instead of being united for the one purpose of winning the war. This is no time to indulge in party fights and squabbles. During the last month or so I, with other members, have spoken at war-loan rallies and have addressed meetings appealing for recruits to support our lads who are oversea. From the response we are getting, I am afraid that our soldiers abroad will be left to fade away through lack of assistance. Many members have made appeals at war loan rallies and the people who

have attended have contributed as much as they could afford, possibly much more. But we find that some people who could afford to give or lend are conspicuous by their absence. I have mentioned this fact from the public platform. People who could contribute thousands of pounds to the war loan without feeling it do not subscribe.

The Premier: I do not think that is so.

Mr. J. H. SMITH: I know it is a fact. This should be a compulsory matter; the Government should take what it needs. Consider our recruiting meetings! There again the men who should be offering their services are conspicuous by their absence. The Minister for Mines and other members have made inspiring speeches pleading with our young men to play the game as they play it on the football and cricket fields and on the tennis courts; but the pleading falls on deaf ears. Over the air we hear almost continuous appeals for men to enlist. We have had men from Tobruk speaking in Forrest-place pleading for eligible men to enlist and help the lads abroad. To my mind something more comprehensive should be done in the matter of marshalling our man-power, wealth and general resources. We are doing something to help the common cause by reducing the Loan Estimates so that more money will be available to the Commonwealth to fight the war to a victorious conclusion. I should like to hear an expression of opinion from leaders of thought in this country. I am merely one individual, but the big men of this Parliament and of other Parliaments should stand up and express their views clearly and boldly. The whole of our forces should be marshalled. There should be a comprehensive view taken of our man-power, our wealth and all our resources. Until we do something of that description, the boys will have to fight over there. Every man serving his country abroad, I assert, should be paid the basic wage. There should be no scoffing about six shillings or eight shillings a day. Every man in khaki today should receive the basic wage. What does money count for? We do not want to find ourselves under Hitler's heel!

I hope the Premier and his Ministers will take note of what I have said tonight. This is no time for holding elections. Let the Government step forward, if necessary consulting leaders on this side of the Chamber, and devise some plan to stave off the elec-

tions. What does it matter whether Jack Smith comes back to Parliament or not? What does it matter whether Ross McDonald comes back or not? Let us concentrate on the war. We should not be fighting amongst ourselves. I hope that Cabinet, when it meets on Monday, will discuss this matter and see whether it is not possible to arrive at something practical. I am not afraid of losing my seat. I am prepared to face my electors. But I hope that in future the Premier will find a little money, and that there will be greater co-ordination between the Education Department and the Public Works Department, and that when country people appeal for a school to accommodate 12 or 14 children who are running about the bush like rabbits, there will be no hesitation on the Premier's part in declaring, "We will use the pruning knife somewhere else and give those children an education."

MR. BERRY (Irwin-Moore) [11.3]: I congratulate the Premier on his lucid presentation of these Estimates. The theme throughout his speech was the need to conserve every penny of our money and the whole of our resources for the winning of this war. That is why I congratulate the hon. gentleman. The member for Nelson holds the same view, and I congratulate him as well. I feel, as he does, that a general election involves considerable expenditure that is not actually needed for the prosecution of the war. By far the better course would be for members of this Chamber and of the other Chamber to postpone elections until possibly six months after the end of the war. Then, since an election costs each member something, each of us could contribute £50 towards the cost of a memorial to His Majesty's ship "Sydney" instead, so that Australia never will be without a ship of that name. Thus we shall create an immortal memorial to the valiant ship that was made glorious by the valour of the men in her.

Are we to call meetings in country centres and promise people whose minds are worried over their sons and daughters at the war that we will get them a bridge built over the river at "Woopwoop"? We can build only a very few bridges today, and that is why I associate myself with the views expressed by the member for Nelson, views to which I gave utterance at an earlier date, as also did the Premier. To lead the people is

the duty of this House, and particularly that of Ministers. I assure members that probably four-fifths of the people of our cities today would back any motion or any Bill put forward and passed here to bring about this objective of which everyone is thinking. There is a general feeling throughout the State that the public mind is too disturbed to bother very much about State affairs. Those self-same people realise, as I realise, that the State Parliament has functions to perform, and that it should remain to carry out those functions. In Britain a similar condition of affairs exists. I understand when a by-election occurs there, a member of the same party as the former member is returned as a matter of course. Britain has a National Government, and that would be a laudable thing for us to imitate.

Anyhow, New Zealand has set us a splendid example which we ought to follow. I feel that I am perhaps straying somewhat from the question when I say that the member for Nelson struck a necessary chord tonight, a chord which may jar on some of us though it should jar on none of us—this is, the chord of conscription. Again I agree with the member for Nelson that there is only one plank in our platform today, whatever party we belong to, or if we are, as I am, non-party. That plank is to win the war, and the winning of the war should have been for the last three years the one objective. We have proved in our civil life time after time that no voluntary system has ever worked. No voluntary system ever will work while human nature remains what human nature is. As long as I am good enough to go and do a job, the other fellow will say, "Go and do it." That was so in the last war. It is happening today. We are proud of our Australian soldiers.

The Minister for Mines: And we were and are proud, too, of our volunteer army.

Mr. BERRY: We are proud of those soldiers who have gone and are doing their bit. They went voluntarily because they were the best of us. But when reinforcements are short, and not coming forward, I think even the Minister for Mines would admit that there is something wrong with the voluntary system of which we are proud despite its inefficiencies. Would the enemy against whom we are fighting today adopt a similar policy? The answer is that our enemies are conscripted up to the hilt and are doing all

in their power, in spite of the contention that one volunteer is worth two conscripts.

It is true that the best men are those who come forward when others do not come forward in sufficient numbers to do the job. Besides conscripting manhood, we must conscript wealth. Sacrifice must be even. I thank the member for Nelson for bringing before the House tonight something on which it requires enlightenment. The need for conscription is ringing throughout the length and breadth of Australia today. It is a Commonwealth matter, I know, but that does not debar us from expressing our views and stating what is at the back of our minds and at the back of the minds of the people. We want to win this war, and we can only do so by putting every single ounce of effort into it. We must not fiddle about; believe me, we do fiddle.

I shall leave that subject and deal with another which has been interesting me lately. It is the question of price control. I am aware, as I think most people are, that the Commonwealth Price Fixing Commissioners have done a remarkably good job; but there must always be a certain amount of slack.

The CHAIRMAN: I do not think the hon. member is in order in dealing with that subject.

Mr. BERRY: I understood from the member for Nedlands that on the Loan Estimates we were allowed to go, as it were, round the world.

The CHAIRMAN: But price control is a Federal matter.

Mr. BERRY: And a State one!

The CHAIRMAN: There is nothing in the Loan Estimates about it.

Mr. BERRY: I am sorry. If that is your ruling, Sir, I cannot oppose it. I regret it, because a position has arisen which needs ventilation and perhaps a question or two; but if it is your desire that I shall not deal with the matter now, I must do so on some other occasion. You have, however, rather taken the sting out of what I have to say.

I shall content myself by asking that every consideration should be given to the provision of more Diesel coaches, in order that people living in country districts, such as Dalwallinu, Buntine and Morawa, may be able to journey to Perth in reasonable time. Today, petrol restrictions—if I am allowed to mention them—seriously interfere with the chances of country people visiting the city as frequently as they did before or as



often as is, in their opinion, necessary or desirable. Residents of Wongan Hills, Pithara and other districts are constantly making such representations to me, and I, in turn, must make them to the Minister. They want the service to Goomalling extended to these particular towns. In view of the fact that they are making a compulsory sacrifice by not using petrol, I trust the Minister will do all in his power at an early date to ensure that Diesel coach services are extended to additional country centres, and naturally I desire my electorate to receive preference.

**MR. DONEY** (Williams - Narrogin) [11.13]: I am very glad to have heard the appeal made by the two previous speakers for an attitude of greater enthusiasm and keenness towards the question of recruiting. That is, of course, in lieu of the apathy which, unfortunately, is so apparent today. It was vastly different in 1914-18. The member for Nelson, without I am sure intending it, stressed a certain factor which to my mind he was unfortunate in mentioning. He seems to have been emphasising a necessary relationship between patriotism and wages. Personally, I cannot see there is any necessary connection at all between those factors; they are not and should not be related in any way. I can recall that in 1914 and in the first month or two of 1915 the matter of what remuneration should be paid to the soldier was not mentioned at all. Then, Sir, patriotism was a sufficient attraction in itself.

The **CHAIRMAN**: I hope the hon. member will link up what he is saying with the remarks made by the member for Nelson. The member for Nelson was in order, because he dealt with a matter concerning an amount of money to be repaid to the Commonwealth. I do not want the member for Williams-Narrogin to get away from the Estimates and deal with Federal matters, as did the member for Irwin-Moore.

**Mr. DONEY**: You have suggested to me a way out of the difficulty. Had I intended to go further I would have followed the example set by my friends. Anyhow, I shall content myself with regretting the importance that is attached to the question of wages in relation to recruiting. In calling attention to the matter I am about to refer to, I would like to say that I am not so much a critic as I am a seeker after information. I find great difficulty in understanding the position that has arisen with respect to

the crayfish canning industry at Geraldton. Possibly I am making a mistake in referring to it; but I am guided entirely by published reports. I do not wish to arrive at a hasty conclusion, but I do suggest that an explanation is necessary. As the Premier represents Geraldton and as loan money has been spent on this enterprise, I hope that you, Sir, will regard it as coming within the scope of the Loan Estimates.

The Premier: I do not think it does. It is a matter coming under the Industries Assistance Act.

**Mr. DONEY**: Where did the money come from? Was it Loan money?

The Premier: A guarantee was given to a bank for an advance.

**Mr. DONEY**: Was it out of Consolidated Revenue?

The Premier: A guarantee was given to a bank.

**Mr. DONEY**: If it should become necessary to fulfil the guarantee, whence would the money come?

The Premier: It should come from revenue.

**Mr. DONEY**: But where would it come from?

The Premier: If we had the money, it would come from revenue.

**Mr. DONEY**: If not, it would come from the other source.

The Premier: It would come indirectly. The deficit would be increased.

**Mr. DONEY**: From what the Premier has said, it would appear that it is competent for me to discuss this matter on the Loan Estimates. At all events, the present position on the surface looks highly unsatisfactory to me, particularly having regard to the most impressive report upon the position made by the Minister for Industrial Development when introducing his Estimates. He then said that the factory was producing at an extremely rapid rate indeed; that it was not able to meet more than about one-tenth of the orders that had been placed, and that, as a matter of fact, the orders that were coming in—how did he put it?—were of "sensational magnitude"; even if the capacity of the factory were multiplied 100 times there would still be orders coming from oversea sufficient to cope with the output. That would make it appear as though the position was as satisfactory as it possibly could be. You can understand, Sir, how surprised one would be to read an advertisement in the "West Australian" concerning the factory. I think the Minister's references

were made on the 4th November. On the 15th, just 11 days later, when the position certainly had not had time to change much, a notice appeared in the "West Australian" setting out that the Seacoast Canneries of Australia—the factory referred to—was advertised for sale at the instance of the mortgagee, the mortgagee being the Treasurer of Western Australia. It seems to me to be most amazing that the Minister should be expressing the extraordinary sentiments that he did on the 4th November when, 11 days later, on the 15th, there should be this advice of the mortgagee's sale, setting out that the business and all the assets were to be disposed of to the highest bidder. I do not know where the fault lies; whether it lies in the qualifications of the owners of the factory or what it is.

The Premier: It is an internal arrangement to get somebody else in control.

Mr. DONEY: Is it the Treasurer's intention to bid for the factory as a going concern?

The Premier: No. The main shareholders will do that.

Mr. DONEY: Who are they?

The Premier: The men with the most money in it.

Mr. DONEY: Obviously so. When was this fault in the ownership discovered—before or after the loan was made?

The CHAIRMAN: The Premier will be able to reply later on. That will be better than a series of question and answers.

Mr. DONEY: I do not want to prolong the debate. If the Premier can see my difficulty and will give me the information, I shall be content to wait.

The Premier: It is a legal formality that has to be observed in connection with the reconstruction of the company.

Mr. DONEY: I do not look at it in that way. I am wondering whether the Minister was justified in saying that all these orders of sensational magnitude were coming in.

The Premier: Yes.

Mr. DONEY: Although the Minister said they could have sold a hundred times as much, on the 27th, 12 days after the date of the advertisement, I found something else in the "West Australian" to the effect that in connection with the operations at Geraldton 70 cases of cooked crayfish were being produced per week and the company had received further orders. That is a

pretty apologetic reference to the business after the flowery remarks made about it by the Minister a fortnight earlier. However, since the Premier is going to explain the position, I am satisfied—at any rate, for the time being.

MR. SHEARN (Maylands) [11.23]: In view of the fact that reference has been made to the need that exists today to conserve all the resources of the State, I propose to make a few remarks on that subject. Before doing so I wish, with other speakers, to express my personal satisfaction concerning the manner in which the Premier presented the details of this year's Loan Estimates, and the considerable amount of information he gave members of the Committee about the deliberations that took place not only at the last Loan Council meeting but at previous gatherings. I can recall that on former occasions members have endeavoured to elicit some information as to how matters affecting the various States were debated and how decisions regarding various allocations made to the States were arrived at. On this occasion the Treasurer gave a tremendous amount of information and insight into those particular activities and afforded us an opportunity of appreciating to a much greater extent than would otherwise have been possible the difficulties associated with the representations concerning our conditions and the requests made to the members of the Loan Council. He also gave interesting details of this unfortunately considerably reduced fund.

Like previous speakers I am fully in accord with the need that exists for all Governments in Australia today to regard the national interest and our activities associated directly with the war as being of paramount importance. Some reference has been made tonight to the advisability of our giving some consideration to the question of a postponement of the State elections. At this juncture, more than at any time in the history of the State or of the British Empire, there is an urgent need for every member to address himself quite frankly, irrespective of the results that may befall him personally, to the problems that face us. I say sincerely, with all due respect to our parliamentary institutions, that in my humble opinion there has been evidence, over the last two years particularly, of party politics in Aus-

tralia generally playing an undue part in the activities of Australia. I think it may fairly be said that there has been an indication, if not any definite evidence, of the fact that party interests have been given a greater measure of importance than the particular national interests that happen to have been involved. I feel sure that there is not one member, if he gave free expression to his inner feelings, who would not say that he has no desire to be associated with the prospects of office at a time like the present when the survival of the Empire is in the balance.

No member is likely to consider his personal interest as being paramount, or even equal to, the interests of the Commonwealth and of the Empire. I am sure that every member agrees with the conclusion of previous speakers and my own—and I consider that we have been courageous in expressing our opinions—that whatever the result to our personal interest we are determined to realise the importance of the State and the contribution that can be made by a concentrated effort in the interests of the Empire at this particular moment. The welfare of the Empire is of infinitely greater importance to our well-being than is the fighting of elections, irrespective of what the result may be to the individuals or the parties concerned. I shall be interested to hear what are the opinions of other members on the subject. I associate myself with the principle enunciated that the times demand that we view the interests of the country as being of paramount importance, and whatever our individual interests may be they must be definitely subordinated to the national interests.

Reverting to the position of this State, I seriously question whether Western Australia has been receiving an equitable share of the funds distributed by the Loan Council. I do not think we could have a better example of that unfair treatment than the allocation made at the recent Loan Council meeting when this State, for no good reason, was penalised out of all comparison with the other States. Apparently no heed is given to the fact that the Government and the people of this State have done everything asked of them and even more in relation to the national needs, in relation to the supply of money, men and materials. Not only that, but no heed

is paid to the fact that Western Australia is at a disadvantage on account of its tremendous area and the greater amount of developmental work that lies before it in comparison with the position of the other highly industrialised and more or less thickly populated States in the East. The treatment meted out to us by the Federal authorities is seen to be even more unfair when we take into consideration that in compliance with the earnest request of the Federal Treasurer, made prior to the meeting of the Loan Council, the Government of this State, supported ably by every member of this House, conformed to the principle of rigid control of the programme of loan works to be undertaken, whereas other States that were, and still are, participating in an unprecedented cycle of industrial activity sought, and in no small measure were successful in obtaining, a considerable increase in loan grants. I realise that we must not be parochial, and that the most efficient and effective war effort must be prosecuted. At the same time, it has to be admitted that the internal responsibilities of every State Government still exist. The Federal Treasurer should not ask any one State to submit to a special penalty in the allocation of the funds to be made available from time to time.

I appreciate that the Premier, and those associated with him, have done all that was humanly possible to strengthen the case to be presented to the Commission, so that a more equitable share of the funds could be made available to us. In the interests of this State's self-preservation, we cannot continue complacently to watch the continuously expanding industrial activities of the other States without feeling some concern for our own future. This State is practically undeveloped, and our position is becoming more desperate. I trust the State Government, and the Premier in particular, will continue to urge that a greater proportion of the available moneys be given to this State, and that we should receive the same equitable treatment as that meted out to the other States.

The relief the Government has had through not having to find money to cope with the unemployment problem will help towards providing funds to foster industry. We must not, however, overlook the fact that in the main those men who were previously unemployed have been transferred to some form of military service and, unless we can in-

fluence the development of a number of secondary industries, we can anticipate that, with the cessation of hostilities, these men will come back to the Government for work. The Government has only a temporary release from its responsibilities in that direction. These Estimates provide for the expansion of such things as electric power which, I hope, will be carried out, and will prove to be an inducement not only for our present industries to expand, but for new industries to be created. The provision for the extension of tramways, despite what was said by the member for Nelson, is one which meets with my approval, and not only because my district is affected. Because some proposed work is to be carried out in one particular area does not mean that representatives from other parts of the State must view the proposition with antagonism. That attitude has, I fear, done much to hamper the progress of this State as a whole.

I am heartily in accord with the extension of secondary industries in this State, and the sentiments expressed by previous speakers who suggested that every opportunity should be explored to decentralise industries in this State. I represent a metropolitan constituency, but I am happy to associate myself with any project which has for its purpose the establishment of industry, either in the outer metropolitan area or in distant country areas. I hope the works shown on the Loan Schedule will not be delayed. I trust they will not, as has occurred in the years past, simply be placed on the Estimates, but that they will be carried out in their entirety, and the people be able to enjoy the benefits to be derived from more widespread employment. I support the Estimates.

**THE MINISTER FOR INDUSTRIAL DEVELOPMENT** (Hon. A. R. G. Hawke—Northam) [11.35]: I desire briefly to explain the development which has arisen in connection with the seacoast cannery at Geraldton. The member for Williams-Narrogin raised this matter a few moments ago. In order that the explanation shall follow closely on the comments he made, I desire to state now what has happened. When the company was first formed, most of the capital subscribed privately was subscribed by one man. He took into the company with him two other men, but they did not contribute very much

cash. They were supposed to make available a good deal of technical and specialised knowledge. As time went on, the company's operations extended, and the main shareholder became dissatisfied, to some extent, because of certain developments and he finally decided that the company should be reconstructed in order that its personnel might be altered to enable its affairs to be more satisfactorily administered in the future.

What is now taking place is, in effect, the legal development that has to be proceeded with in order to achieve the necessary reconstruction to conserve the interests of the main shareholder and ensure that the operations of the company will be continued on the best possible basis. Its operations have continued unhindered during this period of development, and are still going on. These operations will continue unhindered when the necessary reconstruction has been completed, as it will be in a few days' time. The company will be run much more satisfactorily, inasmuch as the disabilities—which arose from the fact that these other two men, to whom I have referred, as having more authority and say in the affairs of the undertaking than they were really entitled to on the basis of money subscribed—have been overcome. We think that the concern will not only operate more satisfactorily and on a larger scale, but with a reasonable expectation of permanency. The present development is a necessary legal step to ensure that the interests of the main shareholder will be properly protected, and to obviate the unnecessary assistance—if it can be so described—of the other two men who were originally shareholders.

Mr. Doney: Is it proper that the Treasury should have taken the action, or should it have been done by the principal shareholder?

The Premier: We took action.

**THE MINISTER FOR INDUSTRIAL DEVELOPMENT:** It was essential that that action should be taken in the way it was. The matter has been thoroughly investigated by the legal representatives of the Crown and every step has been properly taken for the purpose of protecting the interests of the main shareholder, the Government and, above and beyond all, the interests of the industry itself.

Vote put and passed.

*Votes—Railways and Tramways, etc., £360,000; Harbours and Rivers, £130,500; Water Supply and Sewerage, £599,000; Development of Goldfields and Mineral Resources, £37,000; Development of Agriculture, £149,000; Roads and Bridges, Public Buildings, etc., £132,791; Sundries, £69,637—agreed to.*

This concluded the Loan Estimates for the year.

Resolutions reported and the report adopted.

### **BILL—LOAN, £916,000.**

#### *Message.*

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

#### *Second Reading.*

**THE PREMIER AND TREASURER** (Hon. J. C. Willeo.k—Geraldton) [11.45] in moving the second reading said: This is the usual Bill introduced each year to provide authority for the raising of funds necessary to carry out the programme of works as detailed in the Loan Estimates and to authorise further advances to the Revenue Fund. The total authority sought is £916,000, of which £896,000 is for works and £20,000 for advances to revenue. The curtailment of spending other than for war purposes is reflected in the smaller amount asked for this year as compared with the Loan Bills of recent years, the total on this occasion being actually the smallest since 1919.

The amounts set out in the Bill for the various items do not necessarily coincide with those against the corresponding items in the Loan Estimates, but combined with the unexpended balances of previous authorisations, the Bill will provide for the completion of our programme for the year ending the 30th June, 1942. In addition, it will enable any necessary works to be carried on for a further six months, by which time, in accordance with the usual procedure, another Loan Bill will no doubt have been introduced. The amount provided for further advances to the Revenue Fund is £20,000. This, together with the amounts authorised by previous Loan Acts, is sufficient to meet the anticipated accumulated deficit to the 30th June next.

At the end of June, 1940, authority had been obtained to the extent of £5,873,000, and last year a further provision of £272,000 was made, bringing the total authority to £6,145,000. That is the loan authorisation for deficit purposes. Because we did not experience a deficit last year we did not need to avail ourselves of any portion of the authorisation. Therefore it is not necessary this year to make as ample provision for deficit purposes as formerly and only £20,000 has been provided this year under the Bill.

The estimated deficit for this year is £198,297 and if we cannot improve on our estimate the accumulated deficit at the end of this financial year will be £6,164,497. The provision of £20,000 this year to the Loan authorities for advances to revenue will take the total authority to £6,165,000.

Hon. C. G. Latham: Has any of the deficit been funded yet?

The PREMIER: Not very much. The hon. member will probably have noticed from the Public Accounts that we have authority for deficit finance up to over £6,000,000. If the deficits should continue—I hope they will not—it will be necessary to pass a further Loan Bill to enable us to borrow for this purpose.

During the year 1940-41 the public debt increased by £1,561,325 and stood at £97,791,724 on the 30th June last. New loans amounted to £1,497,750 and, in addition, £500,000 worth of Treasury bills, which had been temporarily redeemed from the proceeds of previous loans, were re-issued. Redemptions from the sinking fund effected during the year amounted to £436,425, so we shall be able to get the Treasury bills re-issued at 1½ per cent. and carry on as we were.

There were two flotations by the Commonwealth during last year, the first being in November, 1940, subscribers having the choice of two rates of interest, namely, 2¾ per cent. for four years, or, alternatively, 3¼ per cent. for 16 years—I am dealing with last year, not this year—with the option of redemption by the Government after 10 years. Our share of the loan was £780,000 and we were allotted £210,000 at the 2¾ per cent. and £570,000 at the 3¼ per cent. rate, the latter of course being for a much longer period. These amounts are in ratio to the total subscriptions to the loan. For the second flotation in April of

this year, the terms were  $2\frac{1}{2}$  per cent. for five years and  $3\frac{1}{4}$  per cent. for an optional date of nine to fifteen years. We participated in the proceeds to the extent of £700,000, about £250,000 of which was at the  $2\frac{1}{2}$  per cent. rate and £450,000 at the  $3\frac{1}{4}$  per cent. rate. Both of those loans were at par and were not underwritten so there was no expense in that way. As these included large sums for war purposes the flotation expenses were very low, averaging in the vicinity of 5s. per cent. compared with approximately 15s. per cent. for most of the loans raised in recent years.

Local raisings amounted during the year to £17,750, most of which represented the investment of trust funds under Treasury control.

The average rate on all the money we raised last year was a little over 3 per cent., some of it having been obtained at  $2\frac{1}{2}$  per cent., some at 3 per cent. and some at  $3\frac{1}{4}$  per cent. Thus the low interest rates we have been endeavouring to obtain for so many years have been achieved. The proceeds of the recent loan have not been allocated; I do not know whether the States will get any money from that loan. We have sufficient to carry on for the time being. It depends upon the time of the floating of the new loan whether the States get anything from the recent loan. That money was raised at the same satisfactory rates as the April loan,  $3\frac{1}{4}$  per cent. for the long-term and  $2\frac{1}{2}$  per cent. for the short-term portion. I do not know the respective proportions taken up, but those figures should be available very soon.

A meeting of the Loan Council will be held as soon as a suitable date can be fixed. This is complicated by the fact that there is an election proceeding in Tasmania; the Premier of that State could not attend a Loan Council meeting in the middle of an election campaign. I believe the date of the election there is the 13th December, and between then and Christmas it would be hardly possible to hold a meeting of the Loan Council. This State will be holding an election early next year and a meeting of the Loan Council may be held very early in the new year, in which event we could be represented, but if it is held in February or March it will be very awkward for the State to be represented on account of the election.

The question of raising further money will be decided at that meeting. It is suggested that a further loan will be raised in April. Probably at that stage the balance of the amount agreed upon by the last Loan Council for this year will be raised, or it might be thought advisable to have loans every four or five months instead of every six months, or it might be necessary, as in the latter part of 1939, to raise loans from the banks. I do not know what is going to occur. This will depend upon the situation and to some extent upon the amount of money raised by war savings certificates.

The money raised by war savings certificates has been a tremendous help to the financing of Commonwealth and State loan requirements. The amount so raised, if devoted solely to the purpose, would be enough to finance the loan requirements of all the States. Of course it is not applied in that way. If it were so applied, all the money raised by publicly subscribed loans could then be devoted to war purposes. I mention this as an example of the value of the campaign for war savings certificates to the nation.

Mr. McLarty: People can redeem them at any time.

The PREMIER: Yes, an arrangement was made with the Treasury whereby people who had contributed to war savings certificates could redeem them, but it is a patriotic duty to assist in raising money for the war by retaining those certificates.

Mr. Seward: They cannot be redeemed at any time.

The PREMIER: Yes, they can.

Mr. Seward: A reasonable period must first elapse.

The PREMIER: There is an arrangement whereby people who have good cause may apply for the redemption of their war savings certificates on definite terms. If a man has a certificate for £1, for which he paid 16s. after it has been in existence for 12 months, he can get his 16s. plus a certain amount of interest.

Hon. C. G. Latham: Sixpence.

The PREMIER: I think it is 6d. for the first year, 7d. for the second year and 8d. for the third year until the amount of four shillings is reached spread over the seven years. It is expected that the people who contributed to the war effort by taking up war savings certificates will endeavour to retain them in order to continue their help.

Then when peace returns and these war savings certificates have to be redeemed, they will have to be put on the basis of bonds or inscribed stocks as money is usually raised for war purposes. As I have explained, the items in the schedule are those we have been considering on the Loan Estimates, although they are not in the same proportion because we have other authorisations. I move—

That the Bill be now read a second time.

**HON. C. G. LATHAM** (York) [11.58]: I do not propose to speak on behalf of members on this side of the House or to hold up the passage of the Bill. This is the ordinary Loan Bill which follows the passing of the Loan Estimates. These Estimates have been considered by the Chamber and every member has had an opportunity to express his opinion on them. However, there are a few remarks I want to make. It is very refreshing to find at last a full appreciation of the fact that money has not the great value we thought it had when used as a commodity, because the rate of interest is down considerably as compared with the rate that ruled during the 1914-18 war, and we are not building up the terrific liability against the industry of the people that resulted from loans in the past.

The Premier: The interest rate was then about double.

**Hon. C. G. LATHAM**: Just about double. I am not going to endorse the opinions expressed by the Premier respecting the people's contributions to the war effort. While the last loan was a wonderful success when we consider the terrifically large amount of it, yet the great majority of the Western Australian people have been relieved by the Federal Treasurer of additional taxation. I do not want to express an opinion, not being in the confidence of the Federal Treasurer. His politics and mine are not identical, but I consider that he has thrown upon the people who have been relieved of taxation the responsibility for making all possible contributions to the war effort by way of loans. Undoubtedly we are not doing all we should in subscribing for war savings certificates.

When we compare Australia's effort with Great Britain's effort, we must admit that Australia is a long, long way behind. The people of Great Britain are subscribing at the rate of £1,000,000,000 a year towards the war effort. This State has subscribed only

about 46 per cent. of the quota allotted to it up to the period of the year that has elapsed. A very much greater effort will have to be made if we are going to get anywhere near the figure anticipated by the Federal Treasurer. The States that have most of the Commonwealth money circulating now, New South Wales and Victoria, and particularly New South Wales, are not near the amount per head of population that Western Australia has reached. There is not very much Commonwealth money circulating in this State. The public must be concerned to know that the people who are expected to make contributions by voluntary effort are not doing what they ought to be doing. I did not intend to go into this aspect, but the Premier's comments led me to think I would do well to voice the opinions I have expressed.

We have to bring home to the people of Australia that they must make their contributions to war loans if we are to finish this war. We must stand behind the Federal Treasurer. I know that Ministers are doing all they can, and I know that we on this side of the Chamber are doing all that we can, to impress upon the people the necessity for raising money. It is true that war savings certificates are convertible into cash, or redeemable in cash, at any time. Interest is allotted only yearly, and it is not a high rate until one comes to the last of the seven years of their currency. As the Premier has remarked, it is not a very patriotic contribution if one takes a certificate out today and cashes it tomorrow. The Old Country has given this young country a lead. This young country, in comparison with Britain, has suffered financially hardly anything. Salaries and wages are much higher here than they are at Home; therefore we should get behind the Federal Treasurer. More should be obtained for war needs from the source of war savings certificates.

There are one or two things I would like the Premier to tell us something about; for instance, item 13 of the Schedule, "Pine planting, purchase of land, and forest regeneration £50,000." I should have thought that the royalty available to the Conservator of Forests would have met that requirement without the use of loan funds. The Treasurer said the item might not be used. There must be a considerable amount in the re-

forestation pool, and I hope we shall not have to employ borrowed money for reforestation purposes. Then there is a sum of £800,000 provided for the Perth Public Hospital and other hospital buildings. I am not objecting to that expenditure, but I do want the Treasurer to appreciate that interest and sinking fund are being met out of payments made by the Lotteries Commission.

The Premier: So far!

Hon. C. G. LATHAM: When that sinking fund is paid, the amount should go into a trust account, and not into Revenue, so that the loans with which the sinking fund is associated will be redeemed when they fall due. I do not know what the periods of those loans will be. As the Premier has pointed out, the period may be five years or it may be 15 years, but under the conditions I have mentioned the money would be available whatever the period. I do not know the rate of sinking fund paid by the Lotteries Commission—whether it is 2 per cent. or 3 per cent. In any case, the amount must be fairly substantial. We want to make sure that the sinking fund is not paid into revenue. I repeat, it should be paid into a trust account, so that we shall be able to meet those loan commitments. I am not worried, in this matter, about the Treasurer. It is the officials about whom I am worried, and in this respect I know what takes place. We purchase things from loan funds, and when they are sold the proceeds are brought into revenue.

The Premier: That is one thing that has been stopped for the last eight years.

Hon. C. G. LATHAM: I know it was the practice. I have had nothing to do with the Treasury for eight years. In prosperous times that sort of thing could be done, but not at other times.

The Premier: Last year we put in an extra £30,000.

Hon. C. G. LATHAM: I think money was also taken from another source. A considerable amount of revenue was lying idle. The Treasury seems always to be able to find these handy little amounts, especially towards the end of the financial year. We ought to balance our budget this year.

The Premier: I hope we will.

Hon. C. G. LATHAM: We are committing the State, by these Estimates, to a deficit; but the present position indicates that we should be able to make ends meet. I

have no objection to the passing of the Bill; but if other members on this side feel that they should discuss the measure, I shall have no objection to assisting them in that respect.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

*House adjourned at 12.10 a.m. (Friday).*

## Legislative Council.

*Tuesday, 9th December, 1941.*

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

### ASSENT TO BILLS.

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

- 1, Money Lenders Act Amendment.
- 2, Financial Emergency Act Amendment.
- 3, Mortgagees' Rights Restriction Act Continuance.
- 4, Public Trustee.

### QUESTION—RAILWAYS.

*As to Traffic Improvements.*

Hon. W. J. MANN asked the Chief Secretary: In view of the considerably increased patronage now being accorded State