Wise) last year received from the Prime Minister, Mr. Chifley. Mr. Wise had made representations to the Commonwealth Government on this matter, and this is the reply:—

I refer to your letter of 7th October, 1946, elaborating your request for consideration of a remission of debts owing and a refund of repayments made under the Farmers' Debts Adjustment Scheme.

I have given careful consideration to your request and the reasons therefor but I should point out that, if your request were granted, embarrassment would be caused to my Government for the following reasons:—

(1) Amending legislation would be necessary;

(2) Your State proposes to make your scheme the most generous of all the States since no State has given the whole amount to the farmer as a gift;

(3) Any amendment of the Commonwealth Act would apply generally and, on account of the circulating nature of the repayment funds in the States, refunds in your State would be followed by similar demands by farmers in other States, necessitating possibly the provision of substantial sums by the Commonwealth to cover all refunds.

I regret that my Government cannot see its way clear to ask Parliament to amend the Act to meet your request.

We may, or may not, agree with the reasons given, but we cannot get away from the last paragraph where Mr. Chifley regretted that his Government could do nothing about it. I suggest we do nothing to hold up this Bill. As the Prime Minister said, we are most generous in what we are setting out to do in Western Australia, and I would be sorry to see anything done to retard that generosity. The proposal that we should make reductions in rail freights could be considered another time, and a further amendment made to the Act if it is possible. But I do suggest that we do not hamper the Bill now. This is a tremendous step forward in connection with the relief to farmers, and I believe that Mr. Loton would be the last person to try to hold up the measure.

Question put and passed.

Bill read a second time.

In Committee.

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

ADJOURNMENT—SPECIAL.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban): I move—

That the House at its rising adjourn till Tuesday, the 23rd September.

Question put and passed.

House adjourned at 6 p.m.

Legislative Assembly.

Wednesday, 17th September, 1947.

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

QUESTION.

POTATOES.

As to Shipping Space and Priority.

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

(1) Is she aware that in order to relieve the acute shortage of potatoes in Western Australia the Australian Potato Committee booked 250 tons of space on the following vessels ex Victoria:—"Inchmay," "Arkaba," and "Momba," which arrived at Fremantle on the 8th August, the 28th August and the 11th September, respectively, and that the space was reduced to "Inchmay," 75 tons; "Arkaba," 50 tons, and "Momba." 80 tons?

(2) Is she aware that the Australian Potato Committee booked 500 tons of space on the "Asphalion," and this has been reduced to nil?

(3) Is she responsible for having the above mentioned reductions made in the shipping space booked for potatoes by the Australian Potato Committee?

(3) Is she aware that the "Inchmay," "Arkaba" and "Momba" between them brought considerable quantities of the following goods to Fremantle:—Beach umbrellas, toys, chewing gum, face creams and powders, cordials, brilliantine, paper caps, floor polish, chocolates and cellophane?

(5) Does she regard all or any of the above mentioned articles as worthy of a higher priority at present than potatoes?

(6) What explanation can she give for such articles as those mentioned being given preference to potatoes in the matter of shipping requirements?

The HONORARY MINISTER replied:

(1) Yes. The "Inchmay" arrived early August, and Western Australia had exported 17,777 cwt. of potatoes to the Eastern States and oversea during July. Space on imported potatoes was reduced to give tonnage to housing material and farming machinery.

(2) Yes.

(3) Yes. Action supported by Co-ordinating Committee on Supplies and Shipping.

(4) Yes. Such articles as mentioned are stowage and were not sponsored by my Department. For the hon. member's information, allocation of shipping space is a matter for decision by shipping companies concerned since the Shipping Control Board ceased to function under Government control. It does, however, continue to function on a voluntary basis and has given an undertaking to Secondary Industries Division, Post War Reconstruction and to State Departments, to accept recommendations for preference to essential goods for Western Australia. Secondary Industries Division, Post-War Reconstruction and State Departments are represented on the State Committee, which is responsible for investigation and decision as to where preferences are warranted.

(5) Certainly not.

(6) Answered by (4).

Hon. J. B. Sleeman: They wanted potatoes and you gave them face powder!

LEAVE OF ABSENCE.

On motion by Mr. Rodoreda, leave of absence for two weeks granted to Hon. A. A. M. Coverley (Kimberley) on the ground of urgent public business.

BILL—MILK ACT AMENDMENT.

Introduced by Hon. J. T. Tonkin and read a first time.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Further report of Committee adopted.

BILL—TRAFFIC ACT AMENDMENT.

Report.

Report of Committee adopted.

As to Third Reading.

THE MINISTER FOR LOCAL GOVERNMENT (Hon. A. F. Watts—Katanning [4.36]: I move—

That the third reading of the Bill be made an Order of the Day for the next sitting of the House.

MR. MARSHALL (Murchison) [4.37]: Before the Bill reaches the third reading stage, I desire to express my opinion regarding the provisions of the measure. Notwithstanding that certain amendments have been made in Committee, the most important feature associated with it however, as far as I can judge, has been missed as affecting State employees who will still be made subject to two laws.

Mr. Styants: And to two punishments.

Mr. MARSHALL: I appreciate the sympathetic attitude of the Minister who has handled the Bill, and I do not think that he or any other member of the Government intentionally desires to subject departmental employees to two laws while those engaged in operating similar forms of transport on the roads will be subject to one law only. The amendments agreed to in Committee did not provide for the abolition of that all-important feature of the Bill. The Minister went so far as to endeavour to prevent a court from imposing two penalties by requiring the magistrate to take into con-

sideration any punishment that may have been meted out by an employer to his employee prior to the hearing of a case taken under this measure. I drew the Minister's attention to this point during the Committee stage, and endeavoured to emphasise the fact that up till now the Commissioner of Railways has exercised sole jurisdiction with regard to penalties imposed by him in respect of misdemeanours of which his employees may have been guilty. Consequently, whenever a misdemeanour became known to the Commissioner of Railways he acted promptly, first by making a departmental inquiry to ascertain whether the employee was right or wrong, and, secondly, if he found that the employee was wrong by imposing a punishment.

I point out that this Bill proposes, for the first time in the history of Western Australia, to bring State employees in the transport sphere under the Traffic Act. That is something entirely new to those employees. It has never occurred before in Western Australia to my knowledge. If the Bill is read a third time, it will naturally go from the jurisdiction of this House and I am not prepared to accept that position. I felt that the Minister would have adopted a sympathetic attitude. His argument implied that he would and also that he would have delayed the passage of the measure until such time as he could give consideration to placing the State employees under either one law or the other. That would not be a simple process, I admit. It will involve amendments to many sections of the Government Railways Act. I enter an emphatic protest against subjecting the State employees to two laws while other transport workers are subject to one law only.

I want members to realise that the amendment which was made to the Bill when it was passing through the Committee stage calls upon the court to give consideration to any penalties which might be inflicted upon a State employee other than the penalty which might be imposed by the court. By the proviso the court is prevented from imposing what might be considered two punishments for the one offence. The position is now different, as the Bill changes the whole atmosphere. Up to the present time the Commissioner has always dealt with offences committed by his employees. There was an obligation upon him to do so, because the law imposed that duty upon him. He was called upon first to institute an inqury and then, if the employee were found guilty, to inflict a punishment. He will now find himself in this position, that is, if he has a semblance of justice—and I think he has—he will wait and first permit the court to hear the case and adjudicate upon it.

If the court finds that one of these employees is guilty, it will impose punishment upon him. At that point the Minister will know that the Commissioner of Railways has not then taken action and therefore the proviso which was inserted in the Bill in the Committee stage will be ineffective. There will be nothing then to prevent the Commissioner of Railways from reaching the conclusion that it is in the best interests of the transport system over which he has jurisdiction to impose a further penalty, because the amendment to which I have referred does not prevent him from doing so. So we have the spectacle that the State transport employees will be subject to two laws. I do not know whether this position can be altered in the Bill itself. I do not think it can. If it cannot, then the measure ought to be left in abeyance and further consideration of the Bill postponed until the Minister can consider this aspect. I thought the Minister was gripping the situation and intended to do something along those lines, but the motion now before the Chair is that the third reading of the Bill be made an Order of the Day for the next sitting of the House, which means that the Bill will pass through this Chamber without further consideration being given to it and without an undertaking by the Minister that he will see that the measure is made watertight, rather than subject one section of transport workers to two laws.

I want to know what the Minister intends to do now. I am not so much concerned about the fact that these transport workers happen to be employees of the State; what I am concerned about is that the Bill is a direct negation of British justice. A man should not be subject to two penalties for one offence. That is against British tradition, as care has always been taken to ensure that no person shall be punished twice for the same offence. Here we have that possibility staring us in the face. There is only one further chance available to us to ascertain exactly what the Minister pro-

poses to do, because his next motion will be that the Bill be read a third time. So I want to know what the Minister proposes to do before I agree that the third reading of this Bill be made an Order of the Day for the next sitting of the House.

THE MINISTER FOR LOCAL GOVERNMENT (Hon. A. F. Watts—Katanning—in reply) [4.50]: I think I can without any difficulty, satisfy the member for Murchison. He will remember that the member for Northam referred to the fact that he thought, no such precautions as the member for Murchison wishes to take could be incorporated in the Bill. The member for Murchison has mentioned that himself, and with that I agree. It therefore must go in the Railways Act, or some Act concerning the tramway service. The hon. member will see that on the notice paper there are Bills to deal with both these departments. I have requested the Minister for Railways, and he has been good enough to agree, to prepare amendments to those Bills which will cover the question reviewed by the member for Murchison a few moments ago. This House will have an opportunity of passing or amending them if they consider they are not sufficient for the purpose. I also remind the hon. member that I assured him, and the House, as a matter of fact—and he made some reference to this—that it was no part of my desire to see persons punished twice for the same offence. Because of that I made the request in question to the Minister for Railways, and I understand that the measure will be before the House very shortly. I do not think, therefore, that the question has been overlooked, or that I have neglected to make such inquiry as is open to me to make in this matter, because I subscribe very substantially to the view expressed by the hon. member. I think that explanation should be sufficient.

Question put and passed.

MOTION—ELECTRICITY ACT.

To Disallow Licensing and General Regulations.

Debate resumed from the 10th September on the following motion by Mr. Marshall:—

That Regulations Nos. 157, 161, 166, 180, 183, 184, 193, 196, 197, 203, 208, 274 and 278, made under the Electricity Act, 1945, published in the "Government Gazette" of the 27th June, 1947, and laid upon the Table of the House on the 5th August, 1947, be and are hereby disallowed.

THE MINISTER FOR WORKS (Hon. V. Doney—Williams-Narrogin) [4.53]: My attitude towards the motion is that I find myself in the position of agreeing with two of the objections. I am forced to disagree with most of the others, except for two or three where I find it necessary to seek some sort of compromise with the member for Murchison. I make this offer to him, that in respect of the two or three regulations where I think compromise is advisable, if he so desires I will be quite glad to see that he has an audience with the departmental officers responsible for drawing up the regulations, and he can confer with them. I have no objection to that being done. I do not want to push these regulations through just because they are Government regulations. I am anxious that they shall be as fair as possible so that they may bear equitably upon the city and the country centres. The hon. member drew some critical comparisons between the treatment that the country centres and the city would receive under these regulations. He need have no fears in that regard.

Speaking generally, the regulations now lying on the Table of the House are a reprint made under the 1939 Act, and 90 per cent. of them would not have been tabled this session had it not been for the establishment, in 1945, of the State Electricity Commission, from which there arose the need for certain amendments under the new Act. Contrary, perhaps, to what the member for Murchison imagines, under the Act—the first one was brought down by Hon. H. Millington and the latter by the member for Northam—not only the old regulations but the few new ones were the responsibility of the member for Northam when Minister for Works. So it can be seen that this Government carries but a small responsibility for whatever the regulations may be—good or bad; although, had it been somewhat different, I would have been only too glad to have been responsible for them all, because I cannot see but that they are not applicable, other than in a fair way, to the job they have to tackle.

It is known, or thought, that the cost of electricity in country towns is extremely high. The Commission anticipates that by the advice it can give to the country supply authorities, and by the more up-to-date methods available to it, it can substantially reduce the cost of current to consumers. There is also the matter of the cost of oil fuel. Members will know that that, too, is a big factor in the high cost of current. The Commission will use its powers to bring about a reduction in the cost of current to the several supply authorities. That should have a good effect in due course.

Mr. Marshall: Have you any idea how it proposes to proceed in order to do that?

The MINISTER FOR WORKS: How would one normally proceed? I presume the Commission would have easier contact with the markets concerned and be able to buy in bigger quantities, and would have so much expert advice available, not only here but from similar commissions in the other States, that it would get a better deal.

Mr. Marshall: I cannot see how it can be done.

The MINISTER FOR WORKS: I am not saying how it can be done, but after the South-West power scheme and the South Fremantle power house come into operation I might be able to give the hon. member a little more information.

Mr. Marshall: All these regulations indicate extra cost. I do not know how they are going to reduce the present price.

The MINISTER FOR WORKS: If that is so, that extra cost has already been borne. The hon. member will know from what I have said and his knowledge of the regulations that they have been in force for a number of years.

Mr. Marshall: They have not been in force, but they are going to be now.

The MINISTER FOR WORKS: Yes, and to the extent they have been needed they have been in force in the past. Despite what the hon. member might imagine, these regulations act in no way detrimentally to the consumers in country areas; quite the contrary. The regulations, from start to finish, are framed for the safety of the consumer and, of course, the safety of the public generally. Anyone carefully reading the regulations could not fail to see that intention in them. I am hopeful that the House will pass all the disputed regulations—that is, those involving the safety factor. Members will reflect on the large number of electrocutions and will realise that, since the regulations are aimed at reducing fatal accidents to a minimum, they must be good regulations.

Mr. Marshall: There have been as many accidents since the regulations came into force as there were previously.

The MINISTER FOR WORKS: I have no knowledge as to that, and I question whether the member for Murchison has.

Mr. Marshall: You should have brought the figures with you, seeing that you have raised the point.

The MINISTER FOR WORKS: The hon. member is at liberty to think so. It might ease his mind to know that all the organisations concerned with the electrical industry in this State—and I think one or two in other States—were consulted. They included the Amalgamated Engineering Union which, I believe, includes many electrical workers among its members. It might also be remembered that all these organisations to which I have referred have intimated their pleased acceptance of the regulations, including those regulations that deal with the licensing of electrical contractors. From that it would appear that those who know most about electricity—its use, abuses and dangers—say that these regulations are sound. I am not belittling the knowledge of the member for Murchison. Indeed, I think there are two regulations, having nothing to do with the safety factor, in respect of which I agree that amendment is necessary.

Before dealing with the regulations objected to I must try to debunk the pretentious claim of the member for Murchison to be a sort of guide, philosopher and friend of all new members respecting the procedure governing the laying of regulations and bylaws on the Table of the House. I recognise his unique knowledge of Parliamentary procedure, partly begotten of the fact that he has been here for some 26 years and during that time has passed on to members a great deal of advice on procedure, but the fact that the hon. member knows a great deal does not postu-

late that he knows everything. I reject his claim to be a leader of new members here, because so much of the advice that he gives them is, without a doubt, unsound, and, for that matter, he is not justified—in my view—in his strange and unfair attitude towards senior members of the Civil Service. He holds the view—it would appear—that the regulations that I am now dealing with were brought down by senior public servants who have not been—to quote his own words—eastward of the Darling Ranges, or who have not lived in isolated parts of the State. He makes a bloomer there. I admit that there may be odd occasions when such strictures might apply, but such is not the case here, where he applies them. He should know that these regulations were drawn up by a public servant whose duties take him into every isolated part of this State.

I say, without fear of contradiction, that no-one knowing the movements of both the member for Murchison and the public servant to whom I am referring could but realise that the latter has seen vastly more of the outback than has the member for Murchison, who lodges these complaints. The attitude of the hon. member towards public servants has, without a doubt, coloured his attitude towards these regulations. He said that the public servants to whom he referred had a keen lust for power and were using that power to the point of abuse, and were rendering intolerable the lives of people in many communities.

Mr. Marshall: I said that of some of them.

The MINISTER FOR WORKS: That is so, but the hon. member applied it to all the regulations with which we are dealing. He warned new members that such regulations as these are silently introduced into the Chamber and quietly passed. I cannot understand why there need be so much dramatic foolishness about regulations being silently introduced and silently passed. The member for Murchison knows very well that regulations are not introduced at all silently, but are dealt with in the same way as any other motion introduced in the House. They must run the gauntlet of a successful motion, before they are tabled, and then they lie on the Table for 14 days, after which, if no objection has been taken to them, they become part of the law of the land. I do not mind the hon. member telling new members, whom in a way he seeks to teach, that papers lie on the Table for 14 days, because that is correct, but they lie there for such longer periods as may be necessary for a motion for disallowance to be debated.

Hon. A. H. Panton: They are silent while they are on the Table.

The MINISTER FOR WORKS: I admit that.

Hon. A. H. Panton: That is what the member for Murchison said.

The MINISTER FOR WORKS: I do not know where he got the idea about the regulations being silently accepted and silently lying on the Table. When practically these same regulations—with the addition of a very few—were laid on the Table in 1937 by the hon. member's own Government, they were accepted silently by him, and that was when he should have objected to them, with the exception of about two—

Mr. Marshall: That emphasises the point that they are not appreciated until they become law.

The MINISTER FOR WORKS: The member for Murchison asks new members to be ever-watchful lest some disaster befall.

Mr. Mann: And good advice, too.

The MINISTER FOR WORKS: Yes, when coming from one who himself is watchful, but the point is that this watchful member was not watchful at all. I do not say that he was slumbering peacefully but, since he told the House that it is ever the duty of members to check up on what is contained in regulations, he certainly was remiss on the occasion I have mentioned. He has advised members that they have 14 days and no more in which to lodge objection.

Mr. Marshall: They have more than that.

The MINISTER FOR WORKS: The hon. member wanted 10 years, as these regulations were laid on the Table in 1937 and I question whether at the time he knew of their existence.

Mr. Marshall: That is true.

The MINISTER FOR WORKS: So much for the watchfulness and the advice to new members.

Mr. Marshall: You put the same substance into a Bill and see what its effect is.

The MINISTER FOR WORKS: We cannot deny that every member knows full well what the formula of his duty is. Our duty has been explained to us on scores of occasions. When papers were being laid on the Table of the House by the ex-Minister for Works I made it my business to see what all—perhaps not quite all—of them meant, when from their reading they sounded suspicious.

Mr. Marshall: When regulations and by-laws are being placed on the Table, quite often members cannot hear what is being said.

The MINISTER FOR WORKS: They can always hear what the hon. member says, at least. I will pay him the compliment of saying that when he speaks I am one of the many here who listen closely to what he has to say.

Hon. F. J. S. Wise: Beware of the Greeks!

The MINISTER FOR WORKS: I must add that on many occasions he falls sadly from grace. I come now to the regulations. There are 318, and of them the member for Murchison has said, "There is not one of them that is not based on city conditions, not one." If that means anything at all, according to his explanation it means that they all have a city bias. The hon. member will recall having said that. Having made it plain that he should have sought to disallow all the regulations, he proceeded to attack the propriety of only 10 of them. All of them—I think with the exception of two—were submitted by his own Government, and those two were initially drafted by a member of the Cabinet to which the member for Murchison belonged. The first regulation objected to is No. 157. I do not wish to read out the regulations which the hon. member seeks to disallow, and yet unless I do so members will not have a proper understanding of what my reply means.

The first paragraph of Regulation 157 provides that a person who is licensed as an electrical contractor shall be entitled to contract for the carrying out of the class of electrical work for which he is licensed. I cannot see very much wrong with that. I recall that the hon. member carried on from the point I have reached in order to make a complaint. This does not deal with licensed workers; it deals with licensed contractors. Had the hon. member wished to attack the regulations dealing with licensed workers, he should have included Regulations 34 and 37. However, he did not move for their disallowance, but his point was that a man had to be licensed in order to do the very elementary part of electrical work. He said that such a worker had next to be licensed for armature winding, and then for a still further advanced grade of work, and, if I remember rightly, the hon. member complained that three license fees would be required of that one man. What happens is that, when a man attains to the third or it may be the fourth of those licenses, he then retains at the same time the other licenses.

Mr. Marshall: The regulations do not provide for that.

Hon. N. Keenan: Why should he lose the other licenses?

Mr. Marshall: The regulations provide that he shall be licensed for the specific work he is carrying out and for no other. That is why he loses the others.

The MINISTER FOR WORKS: All he pays is one license fee and no more. It might quite easily be that while he is at job No. 1 he pays the license fee appropriate to that grade; when he rises to job No. 2, he pays the appropriate fee there, and when he reaches No. 3 grade, he pays the fee there and similarly at No. 4, if there is a No. 4. But the point made by the hon. member was that, when the man is licensed for No. 4, he loses his right to work in the other three grades. That is not so.

Mr. Marshall: The regulations provide specifically for what I say.

The MINISTER FOR WORKS: Has the hon. member ever known of a case where a licensed worker affected by that regulation has paid for one, two, three or four licenses and still been licensed only for the top grade job? Can he recall any one case to mind?

Mr. Marshall: You know that armature winding is a special job, and that a man engaged on that does not take an interest in other classes of work.

The MINISTER FOR WORKS: That might be so.

Mr. Marshall: How could he have a certificate entitling him to go back and do work for which he may never have served an apprenticeship?

The MINISTER FOR WORKS: He might have sufficient work at armature winding so that he has no need to go back to the lower grade of work.

Mr. Marshall: Your argument is that he is on the highest grade and can go back to a lower grade, but I say he has never been apprenticed to it.

Mr. SPEAKER: Order!

Mr. Marshall: You cannot get away with that.

Mr. SPEAKER: Order! The Minister may proceed.

The MINISTER FOR WORKS: I am giving to the hon. member the rendering of this regulation, which has been observed from the time it was laid on the Table of the House in 1937, and I have been informed that no objection has been raised to it over the whole of that period on the score of duplication of license fees.

I come now to Regulation 161, a digest of which is that every license or renewal of license in respect of which renewal is not applied for as aforesaid shall be surrendered by the holder to the board not later than the 31st July next following the date of expiry thereof. The hon. member objects to the payment of an annual license fee, presumably considering that it should be sufficient if the man paid the initial fee and thereafter and for all time was entitled to registration without further payment. I should like to remind the hon. member that in all cases, so far as I know—it is so anyhow in the case of builders, dentists, plumbers and others—the practice is to charge a license fee annually. I do not think we can escape that conclusion. Conceivably there may be odd cases when a man pays one fee and thereafter that is considered to be sufficient, but in general a license fee has to be paid annually.

Mr. Marshall: What for? The right to work?

The MINISTER FOR WORKS: The hon. member knows the answer to that question. Regulation 166 provides that every person who is licensed as an electrical contractor shall, during the period for which his license is in force (a) at all times carry on his business of electrical contracting at and from an address which is registered with the board as his business address, and (b) from time to time without delay notify the board of any change of his registered business address. The hon. member takes exception to that, considering it to be unduly harsh, and saying that it should not be applied. To notify the board of any change of address as required under (b) is the logical sequence of the provision in paragraph (a). There is this to be said in its favour that it certainly does assist in identification. No cost whatever is involved unless it be the 2½d. for a stamp whenever the licensee changes his address, and it is conceivable that a man might not change his address for a number of years. However, if he does change it every year, it is only a matter of 2½d. for a stamp and a minute of time to write a letter, so I cannot see that that regulation, in the opinion of anyone except the hon. member, is likely to operate harshly at any time.

Regulation 180 deals with the matter of fees. If I were to go into this fee by fee—there is a very long list of them—my remarks would take about 1½ hours to conclude. I do not mind admitting, in order to escape the tedium of long speeches on this matter, that some of the fees named are probably a little high. I have made a comparison with similar fees charged in Melbourne and have found that ours in nearly every instance are slightly higher than those in Melbourne. I am arranging to have the fees reviewed and the result is quite likely to meet the hon. member's objection. Here again, I can meet him. If he cares to attend and sit with certain officials of the Electricity Commission when reviewing these fees, I shall raise no objection but will facilitate an interview between him and the gentlemen to whom I am referring.

Regulation 183 provides that no electrical installation shall be connected to any public electricity supply system unless carried out by a person licensed to carry out such work and in accordance with the S.A.A. wiring rules. I cannot see anything wrong with that. The S.A.A. wiring rules are the standard rules accepted throughout Australia, and

I have been given to understand that all electricity commissions throughout Australia have a regulation of this type. Really this matter needs no elaboration at all. In isolated areas where fully licensed electrical workers are not available, the board, after due inquiry, has been able to overcome any difficulties by granting a license, restricted of course to the area in which the worker operates, to a reliable local person with experience in that type of work. This means that if a fully and completely qualified man is not available, the best man available would be recognised provided he was, shall we say, reasonably efficient. I do not think there can be much real objection to that.

Regulation 184 provides that where existing installations do not comply with these regulations or with the S.A.A. wiring rules, as in force at the time when the installation was carried out, the supply authority may serve a notice on the consumer stating how such installation does not comply with the regulation or the S.A.A. wiring rules and shall give the consumer a reasonable time to have the installation brought into conformity with the regulations or the S.A.A. wiring rules. The hon. member objects to the consumer being made responsible. I quite agree with him in the view that, at first reading, it might seem as though the consumer would ultimately be the responsible person called upon to stand up to any penalty, but the point is that the supply authority has a contract with the consumer who, after all, is the only person with whom the supply authority can get into contact.

I submitted this matter to the General Manager of the Perth Electricity and Gas Department, Mr. Edmondson, and I think his advice is sound enough to be accepted without question by those of us who do not know as much about the matter as we should. He says that this practice has been in force for years, and results in actual experience in the consumer passing on the notice to the owner or agent, which is doubtless what the hon. member wishes to happen.

Mr. Marshall: Your regulation provides for the consumer to do the work. I say that is the landlord's duty. Why make it obligatory on the consumer?

Mr. SPEAKER: Order! The member for Murchison will have an opportunity to reply at a later stage.

The MINISTER FOR WORKS: I take it the regulation makes it obligatory upon the consumer to accept the notice and no more than that. I think the consumer has to accept it, and having done so, and having a knowledge of what the trouble is, passes the notice on to the owner or to his agent. Members will appreciate that the object of the regulation is to safeguard the consumer and his family, and, he of course, should be the first to be advised of any inherent danger. I think the hon. member will agree with that.

Mr. Marshall: What about when an apparatus has been installed for 20 to 30 years and at the time of its installation it did not conform to S.A.A. rules?

The MINISTER FOR WORKS: The hon. member means where it is made compulsory upon a consumer to re-wire a place?

Mr. Marshall: Yes.

The MINISTER FOR WORKS: The hon. member is quite right. Wiring may have been installed 25 years ago and no fault could be alleged against the owner at that time perhaps or against any subsequent owner, but these things must be done in the interests of safety. That is why these regulations have been made. Safety is the first consideration. Does not the hon. member agree?

Mr. Marshall: That may be the intention but there are a lot of other things involved.

The MINISTER FOR WORKS: We cannot expect these officers to write a book when they make regulations. A certain amount of commonsense must be employed in their interpretation. If an interpretation is not obvious to a person interested, he obtains one from somebody who does know. I cannot see that there is anything wrong with that. I will put a question to the hon. member. Has he known of any cases of hardship that have arisen in actual practice? I question whether he has.

Mr. Marshall: I paid for it myself three times.

The MINISTER FOR WORKS: Maybe the hon. member is the only one.

Mr. Marshall: Why pick me out for special consideration? I paid three times for mine to be done.

The MINISTER FOR WORKS: I do not recall having had that experience.

Regulations 193 and 196 are next to be considered. These regulations deal with inspectors. I thought that perhaps there was a little misunderstanding as to what particular work these three types of inspectors are required to do and that it was perhaps that misunderstanding which prompted the hon. member to seek an explanation. A general inspector, as set out in these notes which I have, is a fully qualified person—obviously a person fully qualified to carry out the duties that normally fall to a senior inspector who might be required and would be required to know everything about the job. He would have the right to enter into a power station, transmission or distribution works. An inspector as distinct from a general inspector would only have the right to enter a power station of under 500 k.w. capacity. There is a note here which reads—

These two classes of inspector are employees of the Commission and under the Commission's direct control.

The second inspector is the supply authority inspector, obviously a local man and not a servant of the Commission. He is a person nominated by such individual supply authority as its inspector for that particular area. He is an employee of the supply authority approved by the Commission to carry out his duties of inspector in conjunction with his work as a supply authority employee and obviously is purely a local employee having no connection with the Commission except that they have to approve his appointment. There is also a licensed inspector, an unpaid man, if I remember rightly. A licensed inspector was provided for principally at the instigation of the trade unions which desired to have some of their officials clothed with authority to ask for the production of licenses from people doing electrical work. Such inspectors all carry out duties in an honorary capacity. My informant says that over many years no complaint has been voiced that inspectors have ever interfered with the peaceful avocations or with the lives of the people. That, I think, is an answer to the suggestion that they worry people to death or, to use what I think was the hon. member's own language, "push them around."

Mr. Marshall: They worried me enough!

The MINISTER FOR WORKS: Yes; but I take it that it was not himself of whom the hon. member was thinking.

Mr. Marshall: I put my hand in my pocket and paid.

The MINISTER FOR WORKS: I am not denying that.

Mr. Marshall: I just paid; I had no say.

The MINISTER FOR WORKS: The hon. member has a say in bringing about the disallowance of such regulations as he may succeed in having disallowed. If he does not succeed, I suppose that is a pity.

Mr. Marshall: It is Hitlerism!

The MINISTER FOR WORKS: I think the hon. member has reached the stage where he is exaggerating.

Mr. Marshall: I think you are getting to the stage where you are very docile.

The MINISTER FOR WORKS: No.

Mr. SPEAKER: Order! The member for Murchison can reply later.

The MINISTER FOR WORKS: I want to say for the inspectors generally, as distinct from the hon. member's version of their habits, that their principal concern is for the safety of the people. I can recall that on many occasions they have been of considerable assistance to housewives in particular and to the public generally, especially in the way of using certain electrical apparatus under certain circumstances.

Mr. Marshall: They can demand that an old iron or electric heater be thrown out.

The MINISTER FOR WORKS: The hon. member takes exception to Regulation No. 196, which reads—

Any General Inspector or Inspector after having made an inspection may by notice in writing in accordance with Form No. S.E.C. 32 forbid the use of any installation, apparatus or fittings or prohibit any person or persons from exposing for sale or from selling any apparatus, appliance or fitting or part thereof, which in his opinion is dangerous or likely to become dangerous or is not in accordance with the S.A.A. Wiring Rules or Regulations made under the Act.

I can quite understand that unless everything is known that is implied here any member might raise the same objection.

Mr. Marshall: It is the first part I complain about. If an old iron is obsolete it

can be said to be dangerous and the owner can be told to get rid of it.

The MINISTER FOR WORKS: I think the point would be arguable by the inspector or the housewife or the husband as the case might be. I do not think anyone would stand for their coming in and willy-nilly throwing out anything merely on the score of age. I will tell the hon. member the actual intention behind this regulation. In Victoria, and I think in New South Wales, there sprang up, immediately following the war, quite a number of stores here and there, the occupants of which were selling electrical apparatus of a very cheap type. A number of accidents ensued and regulations were introduced which forced the junk sellers out of business. They had a good deal of stock.

Hon. A. H. Panton: Was it cheap or inferior?

The MINISTER FOR WORKS: I will answer the hon. member in a minute.

Hon. A. H. Panton: You will answer me now: Was it cheap or inferior?

The MINISTER FOR WORKS: That is not much of a point. If it is inferior it is cheap even though it cost a lot of money. I was going to say that in due course those men came over here because there were no sales left to them on the other side. The use of this cheap apparatus over there led to a number of accidents and the hon. member will agree that they would be likely to do so. This particular regulation is framed with the idea of preventing the sale over here of a cheap and nasty type of electrical apparatus, which I think is a very desirable thing. Incidentally it was in order to check up on these sales that another regulation to which the hon. member objected was framed; the one which provides that so much has to be paid by every supply authority for every consumer for inspection fees. The job of the inspectors is to check up on stores that carry goods of the type that I have referred to and insist on all of them being withdrawn from sale or advertisement. Members will agree it is the most foolish form of economy possible to use electrical apparatus of that kind; and if the Commission did no good with the regulations other than to police that aspect, it would be doing a vast amount of good and the regulations would be justified. The hon. member dealt with Regulation 197 which reads—

> The cost of inspections made by an Inspector at the request of a supply authority, or where inspections are considered necessary under these Regulations, of any generating station, transmission, or distribution works, the supply authority shall pay such inspection fees to the Commission as are set out in the Schedule under Regulation No. 279.

As I understand it the hon. member does not take exception to this regulation in cases where a supply authority itself may make a request but in those cases where the Commission's inspector considers an inspection is necessary.

Mr. Marshall: That is true:

The MINISTER FOR WORKS: There is a distinction, I suppose. I do not know that it is worth arguing about.

Mr. Marshall: I know that the consumers outback will have to pay for it.

The MINISTER FOR WORKS: The hon. member will know exactly the sum that is paid for that type of work and that it is not paid by the consumer but by the supply authority.

Mr. Marshall: Which passes it on.

The MINISTER FOR WORKS: I will come to that in a little while. If I do not happen to mention it, the hon. member can pull me up. I will admit that generally where installations and so forth fall into a low state of repair it is often in those cases where a concessionaire has charge of the supply rather than where control is exercised by a local authority. Regulation 203 reads—

> No person or consumer shall permit any wires, cables, fittings, apparatus, appliances or accessories which are in an unsafe condition to be connected or to remain connected to an installation.

The hon. member objects technically to this regulation.

Mr. Marshall: I object to the consumer being held responsible. What would he know about the safety of electrical apparatus?

The MINISTER FOR WORKS: I think we had that difference of opinion out a little while ago. I think it would be his habit even if it were not the hon. member's to pass the responsibility in that regard on to the owner.

Mr. Marshall: How would the consumer know the apparatus was unsafe?

The MINISTER FOR WORKS: If he did not know he would not be liable.

Mr. Marshall: You are assuming that every consumer is aware of the position.

The MINISTER FOR WORKS: No, I am not. I am allowing that he may not know and if, not knowing, he commits an offence, no control authority would punish him.

Mr. Marshall: Oh no?

The MINISTER FOR WORKS: There is no desire to be punitive. No doubt when the hon. member said the Gestapo was afoot he believed it, but that is not true in regard to these regulations. Considering the really deadly nature of alternating current it is all the more reason why no risk whatever of any kind should be run. These regulations are drawn to safeguard consumers against such risks.

Regulation 208 states:

The occupier of any premises shall cause to be completely dismantled from the supply mains all disused portions of an installation thereon and shall cause such disused portions of an installation to be entirely dismantled or sufficiently so to make it clear on casual examination that they no longer form part of the installation.

I admit that officially the onus is on the consumer. I make the same correction as I did in the other case where the idea of the consumer versus the occupier has been in conflict.

Regulation 274 states:

Consumers liability for loss.—The consumer shall be liable for loss by fire, damage or theft of the meters or other apparatus hired from or loaned by the supply authority on the consumer's premises or which may be on the consumer's premises in connection with the supply of current to the consumer.

That is another regulation which is objected to. It has been in force for many years. Before being gazetted under the Electricity Act I understand this was the invariable service rule insisted on by supply authorities. In such case if there is a loss, that is covered by the general insurance on the premises. No complaint has ever been voiced by a consumer or by an insurance company against the insertion of this clause in the regulations. That should be sufficient to relieve the House of any fear on that point.

Regulation 276 is the last one dealt with and is the one likely to be most contentious. This is the occasion where the supply authority has to pay 1s. per consumer per year. The member for Murchison insists that this is passed on to the consumer. I point out that 1s. per annum is 1d. per month and that the accounts are paid monthly as a general rule. It is often very difficult to pass on one penny even if the supply authority feels like doing so.

Mr. Marshall: That is for each meter.

The MINISTER FOR WORKS: The regulation says, "each consumer." If it means each meter it is wrongly written down. If a person has more than one meter he can rely upon this to support his plea that he is paying too much and he can get away with it. It means very little after all. Seeing that 1s. per consumer is not a heavy charge we might reflect upon the fact that in Brisbane the authorities charge 100th of a penny per unit instead of 1s. per consumer and this amounts to £16,000. Our 1s. per consumer per annum amounts to a total of £3,500.

The Minister for Education: Throughout the State?

The MINISTER FOR WORKS: I am speaking only of the metropolitan area. That is not a large sum and must be considerably less than the 100th part of a penny charged in Brisbane. New South Wales charges a great deal more than does Brisbane. There is one supply authority there, the largest in Sydney, and it alone pays £6,000 per annum. I think it has been stated that the total amount brought in is the huge sum of £169,000. I understand what the hon. member was objecting to was that in the city of Perth the 1s. per consumer charge over the whole of the consuming population was not permitted under the regulation when it amounted to more than £100.

I told the hon. member before he brought down his motion I was prepared to have that regulation corrected and to raise that maximum. I am still prepared to do that. The hon. member very properly complained that there was a minimum of £5. To the extent that 1s. could bear harshly upon the individual it would bear harshly in those

centres in the country with less than 100 consumers. With the object of securing that they have to pay no more than 1s. for each consumer I am willing to cancel that minimum so that the total to be paid by small centres shall be no more than 1s. I move an amendment—

That the figures 157, 161, 166, 183, 184, 193, 196, 197, 203, 208 and 227 be struck out.

That list would embody all the regulations with the exception of two, one dealing with the maximum and the minimum amounts payable by supply authorities and the other dealing with the fees payable. Both of these I agree shall be the subject of review by me and the Electricity Commission, and by the hon. member himself if he desires to be present.

HON. N. KEENAN (Nedlands—on amendment) [5.55]: I ask the member for Murchison whether he is prepared to accept the amendment moved by the Minister for Works.

Mr. Marshall: Definitely, I am not prepared to accept it.

Hon. N. KEENAN: If the hon. member will not accept what I regard as a reasonable and proper amendment there are a few observations I desire to make in support of it. The Minister for Works told the House that of these 13 regulations that are moved to be disallowed, nine have been in force since 1937, namely, 10 years. Apparently they could not have induced much in the way of protest from the public or we should have heard of it. All these matters were to a large extent discussed when the ex-Minister for Works, the member for Northam, brought down his electricity Bill, which necessitated further regulations being added and which also again brought the whole matter up for discussion. In view of these facts we are justified in concluding that these regulations did not create any public nuisance or any loss of any worthwhile description on the part of any member of the public.

These regulations were made not by the Minister for Works for the time being, the present member for Northam, but as a result of a conference which consisted of members of the union, one whom has given me some instructions on the matter, electrical contractors and representatives of the Public Works Department. They sat as a conference and adopted all the regulations unanimously. There was no minority report, so the regulations became almost as a matter of course the law under the Electricity Act. These regulations were almost ipsissima verba in accord with the regulations which had been promulgated in Victoria, New South Wales and Queensland under the Electricity Acts of those States. They have been in operation there for a great many years and apparantly no one has found a great or any grievance in any one of them. They are in force today. The objection raised when these regulations are examined in detail, as they have been, has little or no weight.

The principal objection made, and one which at first sight seemed to have the greatest weight, was that the man who got a license could only discharge the duty or the work that that license authorised him to discharge and no more, and that this meant getting a certificate for each specific form of work. I find from a perusal of the regulations that three electrical workers' licenses are described. One is "C," another is "B" and the other is "A," the last named being the top grade. It is provided that the holder of an "A" license is entitled to engage in any other electrical work of any description; it does not matter at all whether it is the winding of an armature or any other work, if it is electrical work it is all right for him to carry it out. "B" only licenses the holder to engage in the work set out at the foot of the license, which is left blank until after the applicant has passed an examination. He is then entitled to carry out all work so described. Then we reach the lowest grade, "C," under which the worker is only entitled to carry out electrical work under the supervision of a man holding a "B" or an "A" certificate. The "A" grade, worker can, I repeat, do everything. It does not mean that a tradesman will go round to a person's business premises and say that he holds an armature winding license and no other license; he will be able to do everything in the electrical trade. That at once answers the main complaint.

Mr. Marshall: What regulation is that?

Hon. N. KEENAN: It appears on pages 38 and 39 of the copy I possess. I am

certain it is correct because it is the official booklet issued as an extract from the "Government Gazette" of the 27th June, 1947. There are other particular considerations indicating the merit in the amendment moved by the Minister for Works and show why it should be supported. I propose to draw attention to a few of them. In the first place, it is a fact, which is known to the department, that a very large quantity of inferior electrical plant was imported into Western Australia. The Minister for Works has told the House the circumstances under which those importations took place. This particular plant was condemned in Victoria, and New South Wales where it was not allowed to be sold; and if any of the plant had already been installed, it was removed. So the proprietors of these materials and plant brought them over here and sold their supplies in Western Australia. According to expert opinion, that created a grave danger to the public, even of fatal accidents.

As soon as this knowledge was possessed by the inspectors concerned, they took steps to cope with the situation and this particular regulation was framed for the purpose of giving them power to take the steps required. As a matter of fact, one point was not referred to by the Minister for Works, although my informant looks upon it as a matter of great importance. As the regulations are framed now, a worker who holds an "A" class certificate will be permitted to engage in electrical work in any portion of the Eastern States without having to pass any further examination. The authorities there recognise our standards and will allow a holder of such a certificate to join the necessary union so as to enable him to secure employment, without requiring him to undergo any further examination of any kind.

If our regulations are not kept up to the standard required in Victoria, New South Wales, Queensland and, I believe, in South Australia as well, the position will then be created that should any of our workers proceed to the Eastern States, they will be called upon to undergo what will be a great deal more than a mere formality, because they will be required to present themselves for an examination before becoming entitled to hold a license in any one of those States. That is important because men in this industry move about a good deal. They go east from here and operators in the Eastern States come here. If we destroy the standards by disallowing these regulations, which are said to be absolutely necessary, then, of course, we entirely destroy the reciprocity that is a matter of great moment. I ask the member for Murchison, who is really at heart a very reasonable man—

Hon. J. B. Sleeman: What is he reasonable about?

Hon. N. KEENAN: I did not say "treasonable"; I said "reasonable"!

Mr. Marshall: But you are dealing with regulations for the disallowance of which I have not moved.

Hon. N. KEENAN: Every one I have quoted is from the 1947 "Gazette."

Mr. Marshall: Barring those referring to the examinations and qualifications, I did not touch upon any of them.

Hon. N. KEENAN: I have spoken only to supplement the remarks of the Minister for Works and I shall not stress any of the points that he quite rightly made. I emphasise that the regulations were framed in the interests of the safety of the users and of the public. Unless they can be shown to be onerous and unbearable, the regulations should be allowed to stand. Our first duty is to protect the public and that duty will be discharged by enforcing these regulations. I again ask the member for Murchison to consider the matter. The Minister has promised to review further some features of the regulations in the light of the objections raised, but I am afraid the grounds for the hon. member's action generally are only the result of some unfortunate incident that happened to himself. That should not be allowed to so govern his actions as to cause him to move for the disallowance of the regulations. I support the attitude adopted by the Minister for Works.

MR. CORNELL (Avon—on amendment) [6.6]: I listened to the Minister's explanation regarding the points raised by the member for Mt. Marshall.

Members: Not Mt. Marshall!

Mr. CORNELL: I apologise to the member for Murchison; I have got the member for Mt. Marshall on the brain! I am pre-

pared to agree with the Minister with respect to some of his contentions, particularly in connection with the licensing fees. I pay one annually, as do solicitors and other professional men as well as tradesmen. I am prepared to agree that there is possibly quite a lot of argument to be advanced regarding the annual licensing fee. I am concerned over the 1s. levy per consumer, and I want to know what service the State Electricity Commission will render for the 1s. It may not sound much but the fact remains that, in country electric light undertakings, it is an amount which in marginal cases concessionaires may not be in a position to pay. I am not happy about that regulation and would ask the Minister to consider it, with a view to withdrawing that imposition. The Minister has expressed doubts as to whether the extra 1d. per month can be passed on. I say it could be added to the meter rent which is invariably paid by country consumers. It is an added charge which I think could be tacked on to the meter rent.

In my opinion, that 1s. per consumer is payable whether the concession is conducted by a private individual or a local authority. In the main, local authorities should not run their concerns for profit. The object behind local authorities conducting power stations is to put their output on the market at the lowest possible cost to consumers. I feel constrained to withdraw my support of the regulation that provides for the imposition of the 1s. per consumer, as it sounds rather like blood money to me. The Commission renders no specific service for it, while every other service is paid for by the person receiving it.

On motion by Mr. Marshall, debate adjourned.

BILLS (2)—FIRST READING.

1, Dentists Act Amendment.

2, Inspection of Machinery Act Amendment.

Received from the Council.

BILLS (2)—RETURNED.

1, Constitution Acts Amendment (Reelection of Ministers).

2, Increase of Rent (War Restrictions) Act Amendment (Continuance).

Without amendment.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—STREET PHOTOGRAPHERS.

Second Reading.

MR. LESLIE (Mt. Marshall) [7.30] in moving the second reading said: I wish to give members an assurance at the outset that this Bill is an entirely non-party measure.

Mr. Marshall: We will make it a Party measure.

Mr. LESLIE: I hope the hon. member will not do so, because there has been no collusion whatever with anybody in connection with its introduction. The purpose is to provide an effective control over a business practice which at present is quite legal and over which no control whatever is exercised. Suggestions have been made that this enterprise of street photography is illegal, but it is only illegal in the sense that those who desire to control it have, in the absence of any law giving that power, had to resort to a subterfuge somewhat similar to that employed in dealing with S.P. betting. In this case they have resorted to a law that was never intended to be applied to such a purpose. They have resorted to the City Council's bylaw under the Health Act in order to attempt control, and the only control this permits is prohibition against distributing literature in the streets.

It would be well for members to understand clearly what the practice of street photographers is. There are two classes of photographers, firstly, the professional man who takes photographs for profit and, secondly, the amateur who takes photographs for pleasure. Though the professional men, as well as the amateurs, may include good and bad, I wish to point out that the professional men are divided into two classes—the studio photographer and the outdoor photographer, the latter being called the street photographer as he is termed in this Bill.

The street photographer provided for in the Bill is not the itinerant man that some people think the measure is intended to cover. He is not the man who takes a pic-

ture and develops it while the patron waits, and who takes his apparatus around to the country showgrounds and other places where people congregate. I repeat that it is not intended to provide for him, because he is able to operate quite legally at present. I have been advised that inasmuch as he peddles his wares at the time, he comes in the category of hawkers, whereas the street photographer does not, because he offers nothing for sale on the street.

The method of operation adopted by a street photographer is that as people walk down the street, he takes snapshots of them. The camera he uses is a very small one, the initial photograph being about only 1 in. square. Each film is numbered and, as a person is photographed, the photographer proffers a small card or ticket bearing the number of the film and an invitation to the person to inspect the photograph whenever convenient at the photographer's place of business. If the person photographed is not interested, no attempt is made to force him to take the card. It is the practice of a photographer to put the unwanted card in his pocket. This is necessary in order to have a record of the cards not collected by the people photographed.

Hon. J. B. Sleeman: He is paid only on the ones collected.

Mr. LESLIE: He is not paid on all of them. If the person photographed accepts the card, he may go along at any time and inspect a proof of the photograph. If he does not like it, he tells the photographer so, and either hands back the card or tears it up. He has committed himself to nothing and has incurred no cost. On the other hand, if the photograph is a pleasing one, the subject of it may purchase one or more copies at prices from 2s. down to 1s. 6d. per photograph, according to the number taken. Those prices are fixed by the Prices Commissioner, and so there can be no suggestion that these photographers are making excess profits or are uncontrolled in the matter of the prices they charge.

Hon. J. B. Sleeman: How is the man who takes the photographs paid?

Mr. LESLIE: He is evidently paid fairly well. Of that, I shall give some information later. I point out that the man taking the photograph makes no attempt to molest or interfere with pedestrians, and the person who is photographed is under no obligation to buy a photograph.

Hon. J. T. Tonkin: Have you had your photograph taken in that way?

Mr. LESLIE: I have.

Hon. J. T. Tonkin: How did it turn out?

Mr. LESLIE: That depends entirely upon the point of view.

Mr. Hegney: That is a negative matter.

Mr. LESLIE: But it was a positive photograph I saw. Let me illustrate the service given by these people. First of all I should like to explain the practice adopted by the studio photographer. I have already pointed out that with the street photographer, there is no obligation upon the person photographed to buy. With a studio photographer, however, one has to book an appointment and one is lucky to get a sitting in from two to five or six weeks. I understand that the waiting time has been shortened considerably compared with what it was.

The applicant must then attend the photographer's place of business and there sit for his portrait to be taken. That photographer does not take a photograph; he makes a picture, something entirely different from the natural snapshot taken in the street. Before the patron leaves the premises, and in many instances before he sits, he must hand over a reasonable deposit. At the expiration of the period required to develop the negative, the proof is sent, or it may be inspected at the studio. If the patron is not satisfied, I presume the photographer will give him another sitting. How many times he will do this, I do not know.

Hon. A. H. Panton: He takes four or five at the first sitting.

Mr. LESLIE: Yes. The position, however, is that the patron has paid a deposit, substantial or otherwise, and irrespective of whether he likes the photographer, his habits or his product, and irrespective of whether he takes the product, that deposit is gone. If the person decides not to take the photograph, he forfeits his money. With the street photographer that does not occur. I point out that the type of photograph taken by the studio photographer and the outdoor photographer is entirely different. One is a studied portrait; the other is a snapshot. It has been suggested to me that the oper-

ations of the outdoor photographer interfere with the operations of the studio photographer. Can anyone imagine a person who desires a studio portrait, one which he wishes to be sure will be a good one, wandering along the street until such time as he can find an outdoor photographer to take a snap of him, because that photographer will charge 1s. 6d. and the other 10s. 6d., or whatever amount the studio photographer charges? There is no foundation whatever for the suggestion that the outdoor photographer interferes in any way with the legitimate studio photographer.

People who want a studio photograph will not chance being merely snapped by a street photographer. In Perth there are 35 studio photographers and 11 outdoor photographers so far as I am able to ascertain. All of the 11 outdoor photographers are ex-Servicemen. They employ a substantial number of persons to develop and print the photographs; and of those employees 60 per cent. are ex-Servicemen. I give the House these figures because it has been suggested that by making unlawful—I think that is the correct term—unlicensed outdoor photography, there would be no interference with studio photographers, many of whom are ex-Servicemen. I do not for a moment intend to use the ex-Serviceman angle as a reason why the House should pass this Bill. I have never attempted to win for ex-Servicemen something to which they are entitled purely upon sentimental grounds; they are either entitled to something which is theirs by right, or they are entitled to no more than is any other member of the community.

A fact worthy of consideration by members is that the Repatriation Committee has advanced to individual outdoor photographers as much as £250 to establish themselves in the business. That leads me to this point: Far from this business being a fly-by-night affair, it involves the expenditure of some £400 to secure an efficient and completely equipped plant. The Repatriation Committee certainly would not advance such a sum for an enterprise which is wrongly thought by many people to be of the fly-by-night variety. Every one of these outdoor photographers with whom I have been in contact has properly equipped premises in which to carry out his work, and I understand that this remark applies also to those whom I have not contacted. Although the R.S.L. is in no way responsible for my action in introducing this Bill, I am pleased and proud to have received a letter from the W.A. Branch which reads as follows:—

> I am instructed to convey the thanks of the League to you for your efforts on behalf of ex-Servicemen who are endeavouring to rehabilitate themselves in the profession of outdoor photography. It is sincerely hoped that the Bill which you have introduced will have the support of all members of Parliament. It is the opinion of my Committee that the Bill provides for all that is required and will benefit the profession of photography in this State.

Hon. F. J. S. Wise: You must have given them an outline of the Bill.

Mr. LESLIE: That letter was signed by the secretary of the R.S.L. In reply to the interjection of the Leader of the Opposition, I confess I did convey to the committee in a few sentences what it was proposed should be done, with a view of ascertaining whether it cut across any idea that the Rehabilitation Committee of the R.S.L. might have.

Hon. F. J. S. Wise: I think that is quite right.

Mr. LESLIE: I think so, too. There is nothing in the Bill which limits its provisions to ex-Servicemen only. As I said, I do not believe in sentiment alone when putting forward their claims. I did not put forward the fact that these outdoor photographers are ex-Servicemen as a substantial reason why the Bill should be passed, but I think this fact should receive the sympathetic consideration of members. I have here a whole batch of petitions which have been addressed to the Lord Mayor of Perth. They were signed voluntarily by several thousand people. I do not know who the people are—I have not had an opportunity to go through the petitions—but the addresses of the signatories are given. These signatures were collected by the outdoor photographers from people who had actually patronised and had service from these photographers. The petition is as follows:—

> We the undersigned, wish to notify you that we have bought photographs from the street photographers and are quite satisfied with same. Further, we claim that these firms, with their low charges, are deserving of official encouragement, and we request that you will remove all legal obstruction which may prevent them from rendering the service we desire.

Mr. Needham: How many signed?

Mr. LESLIE: I have not counted them, but I think it will be found that there are a few thousand. The petitions clearly show that this enterprise is filling a public want and, instead of attempts being made to extinguish it, it should be allowed to continue. However, I agree that it must be controlled. That is the sole purpose of the Bill. So long as attempts are made to stop this outdoor photography by resort to a bylaw which it was never intended should apply to this business so long will there be resort to subterfuge of all kinds in order to defeat that law. They will resort to subterfuge and in some cases will undoubtedly get away with it. Possibly some will be prepared to pay the penalty involved in being caught and we shall find people engaged in an occupation which, though not illegal, is being carried on in a most undesirable way. Resort has been had to a bylaw of the Perth City Council in order to stop street photography. Representations were made to the City Council in an endeavour to induce its members to alter their decision and it was expected that in their reply they would indicate the reason for their objection to street photography. In the first place when we received a reply from the Council and from the studio photographers—

Mr. Styants: Who are "we"?

Mr. LESLIE: This letter is addressed to the secretary of the R.S.L. When representations were made, we—that is the Rehabilitation Committee of the R.S.L.—found that the efforts made by the Council to put a stop to street photography were entirely the result of requests made by the proprietors of photographic studios. In a letter addressed to the R.S.L. from the Professional Photographers' Association of Western Australia, appears this sentence—

> It is no secret that it was on the representation of my association, which was the unanimous wish of all members, including ex-Servicemen, that the Perth City Council took action.

They were responsible for initiating this move.

Mr. Marshall: Who?

Mr. LESLIE: The studio photographers' association. They were responsible for initiating the move by the City Council to stop activities of outdoor photographers. If those men were doing something that was injurious to the social order then there may have been some reason for the studio photographers taking the action they did; but, without wishing to be offensive, I suggest that they were animated by personal and selfish reasons.

Hon. F. J. S. Wise: The Council or the photographers?

Mr. LESLIE: The studio photographers were out to protect themselves. The Council took notice of the requests they made, but further representations were submitted by the R.S.L. to induce the members of the Council to change their opinion and permit outdoor photographers to operate; that is, to take no action under the bylaw they were calling into play to control these photographers. It was suggested that if necessary the Council should provide a bylaw of its own to control these outdoor photographers. A reply received from the Health Committee of the Council reads as follows:—

> I regret to advise you that the Committee, after consideration, is unable to accede to your request for an amendment of the health bylaws to enable street photographers to operate. Such a policy would certainly involve the Council in a charge of discrimination in respect to all other commercial operations which seek to establish themselves upon the city streets. For your information I may say that the bylaw under which street photographers were prevented from operating is also of a general nature controlling the distribution of cards and other forms of literature which may be handed out in the streets, and if allowed to continue might seriously affect a decision at law in respect to actions which might arise should subversive literature be distributed.

It will be seen that actually the Council could find no fault with the photographers themselves, with the practices they were engaged in, or with their method of operation. The objection was firstly that if they were allowed to continue to operate the Council might be involved in an awkward position with regard to establishing a precedent, so it resorted to the excuse that it had to have control and had to invoke this bylaw in order to control subversive literature. I doubt whether more than a score of street photographers' cards have been found at any one time in any one street in the city. If a person whose photograph has been taken refuses to accept a card, it is the custom of the photographer to return it to his pocket. If the person takes the card and throws it away he does no more

than what is done with a tram ticket or a lottery ticket that has not won a prize, or a cigarette packet or a discarded envelope. Street photographers do not molest pedestrians. They do not sell or trade on the streets. They are unobtrusive. A man does not know he has been photographed until a card is presented to him. The first time I received a card, 12 months ago, I was not aware what it was about. I did not know I had been photographed.

Hon. F. J. S. Wise: Did you pose afterwards?

Mr. LESLIE: No. In my opinion it was a very good photograph.

Hon. F. J. S. Wise: It could not have been like you!

Mr. LESLIE: The prices charged by street photographers are subject to the Prices Commissioner. I have indicated that there is nothing undesirable, nothing objectionable about outdoor photography that would justify its being outcast. I have indicated that the Perth City Council which has been responsible for attempting to stop the operations of these people has no real objection to them, or their operations, except that those operations may place the Council in an awkward position in regard to some other body. The fact that I may distribute religious literature in the streets or racebooks or other handbooks, without hindrance, evidently does not embarrass the Council. But I do not wish at this stage to enter into an argument of that kind.

The Bill is designed to make it unlawful for any street photographer, any outdoor operator to work unless he is in possession of a current license. There is the first control over street operators. The license will be issued by the local governing authority. By this means we are leaving in the hands of the local authorities control of affairs in their own districts, and the number of licenses that can be issued by any authority is strictly limited. The Bill provides that the number to be issued in one local authority's area shall not exceed one per ten thousand of the population in that area, and the population is to be taken as that which appears in the latest available "Year Book" of Western Australia.

Mr. Marshall: You are cutting out competition in large towns.

Mr. LESLIE: No, merely bringing it under control, because it is possible for this kind of thing to become something of a nuisance. If too many are engaged in it, competition will be so keen that the men must obtrude themselves on the people and become a nuisance. But if the business is continued by small numbers as in the past, they will carry out the work without being a nuisance to anyone. The latest issue of the "Year Book" shows that in the Perth City Council area the population is 92,500, which means that no more than nine outdoor licenses could be issued there. That is actually less than the number already engaged in the occupation. But some could, of course, obtain licenses from other local authorities. They could, for instance, go to Fremantle, Cottesloe, Nedlands, and other places where I am quite satisfied they could earn a reasonable living.

Hon. F. J. S. Wise: Your formula would provide for about 25 in the City of Perth.

Mr. LESLIE: No, there is a population of 92,000 odd in the City Council area. The Bill also provides that a licensed photographer can operate only in the area for which he is licensed. If he wants to work somewhere else he would have to take out a license for that particular district. So, first of all, we remove the objection that has been raised about lack of control over outdoor photography. Then we have the question of subversive literature. In order to say what a street photographer is I have had to give a somewhat lengthy definition. There is no law against anyone taking a photograph or against a street photographer, but there is a law against such a person distributing the little card that is handed out.

So I have defined a street photographer as one who does or attempts to take a photograph of a person or thing, and in connection therewith does or attempts to distribute a card or a ticket for the purpose of identifying the photograph or the photographer. The card or ticket which he distributes may have on it no more than is provided for in the Bill, which stipulates that it may include his name and address, the number or the letters to identify the film taken, the number of his license, the name of the local authority granting the license, and short particulars as to where the photograph may be inspected. They are the only

particulars allowed. Moreover, in order to remove completely any suggestion that the cards distributed may be used as subversive literature it is provided that they must also be approved by the local governing authority. ority.

Far from this Bill removing from the local authorities any of their rights and powers to control street trading—although street photography is not that—it places a greater measure of authority in their hands, because they will be able to control the nature of the literature and restrict the number to be licensed, and they will have power to make bylaws not inconsistent with the Bill which is the usual thing. I do not propose to go any further, but I do reiterate that this is a non-party measure. I am open to receive and consider any amendments which members may feel will make this a more workable proposition. It is something new and members may have ideas which they believe could be incorporated in the Bill so as to improve it.

Hon. J. B. Sleeman: Tell us how they are paid.

Mr. LESLIE: They are paid by the boss.

Hon. J. B. Sleeman: On what conditions? On the number of photographs eventually collected?

Mr. LESLIE: No, they are paid a wage or salary, and they work a shift.

Mr. Hegney: The chaps in the street?

Mr. LESLIE: Yes. I commend the Bill and hope it will be considered on its merits. If members will let me have any amendments they desire to submit I will give them every reasonable consideration. I move—

That the Bill be now read a second time.

MR. READ (Victoria Park) [8.7]: This Bill is designed to control or license the street photographers, the individuals who have been carrying on business in the City of Perth for many years. Their occupation now is likely to be taken away from them on account of the putting into effect of a resolution of the Health Department of the Perth City Council and of the Perth City Council itself. The matter arose through the professional photographers writing to the Council, protesting against these people plying their business because it had a detrimental effect upon that of the professional photographers who were big ratepayers and were entitled to some consideration. One of our councillors had been to Sydney where this street photography had been abused; it had got out of hand. The cabmen, taxi-drivers and other persons went in for street photography in conjunction with their usual work. They all had cameras and were becoming an extreme nuisance because not only would they take a person to his destination, but as he got out of the taxi they would take his photograph and try to sell it to him. The matter had got into that condition because the city authorities there had no control; they could not issue licenses. To obviate that occurring here I felt something should be done to control the position. I impress on members that it has not got out of control.

These men have for years been plying their business in the streets of Perth, but they have not in any way inconvenienced any of our citizens. Not one complaint has, to my knowledge, ever been lodged with the Perth City Council because of their operations. In addition to letters from the professional photographers, we had others, as has been said by the member for Mt. Marshall, from the R.S.L., the Air Force Association and other organisations. When the matter came before the council the majority of members considered that we should do away with this form of business on account of its interfering with that of the larger ratepayers. I, with some others, was in the minority. We took the stand that instead of doing them out of their means of livelihood, we should control or license them. There was a deputation from the Perth City Council to wait on the Minister or the Deputy Premier when the Bill was mooted. I was asked to be a member of the deputation but, owing to the stand I had taken and my belief that we should not put these people out of business, I declined to act in that capacity. The street photographers operate by taking snapshots and then distributing cards to those whose photographs they have taken. The distributing of the cards is contrary to one of the bylaws of the Perth City Council. However, the council found that it had no authority to prevent anyone taking photographs in the street with a small camera. The bylaw I have mentioned states—

No person shall in any street give out or distribute to passers-by or scatter or throw down any handbill, ticket or notice.

That provision was designed to prevent a nuisance caused by business people or others throwing down handbills, and so on. It may also have been intended to ensure that no subversive matter could be handed out in the streets. The City Council took four prosecutions on the 19th March last. One individual was fined £1 3s., with 3s. 6d. costs. In the three other prosecutions the defendants were fined £1 and £2 5s. costs for no offence other than handing small cards to individuals whose photographs had been taken. I have never seen such cards thrown down in the streets. People almost invariably put them in their pockets until they have time to go to the shop where the photographs can be inspected. There is no obligation to buy, and the price of the photograph is 1s. 6d., 1s. 9d. or 2s. according to the number required. The pictures are of post card size. It will be seen that this business in no way encroaches upon the field of the professional photographer who plies a business catering mainly for those who, on a few occasions during a lifetime, want a portrait taken.

Hon. A. H. Panton: Is that on the day when a man gets married?

Mr. READ: Yes, or when a son or daughter becomes 21 years of age. Perhaps children may want a photograph of their parents taken by a professional. On the occasion of her wedding, my daughter had eight photographs taken at a cost of £9 10s. I do not think that price excessive in the circumstances, but the ordinary citizen does not want to spend as much as that on photographs except on rare occasions. The snaps taken by street photographers are something more in the way of a souvenir, something catering for the holiday spirit. I might liken the purchase of such a photograph to the case of a man who, on seeing a fountain pen marked at 1s. 6d. in a large store, buys it. It may not be very good, and he may not have any need of it, yet he buys it, though he certainly would not spend 30s. on a pen.

Another aspect to be remembered is that the licensing of street photographers will ensure that the people concerned will not be thrown out of an occupation that some of them have carried on for as long as 20 years. I have never, in matters with which I have been associated, countenanced throwing people out of work. Many years ago, the City quarries were put out of operation on a vote of the council. The quarries had cost about £60,000 to establish, but it was found that we could buy the metal more cheaply from private individuals. It was a saving at the time but, taking a long view, I am convinced it was a retrograde step. On that occasion I voted against the council because the closure of the quarries put 20 to 30 people out of work, and I might add that those people were shifted down to Perth. It has been announced in the Press that there are 1,000 people coming here from oversea, for whom work will have to be found, and I do not think we should add to that task by throwing on the labour market another 20 or 25 individuals who are already employed in this avocation, which does not, I might add, interfere in any way with the interests of professional photographers.

Members may have thought that street photography is likely to develop until it acts to the detriment of the professional photographic studios, but I propose to move an amendment which would preclude street photographers from expanding their business into fields other than that in which they operate at present. The effect of the amendment would be to allow street photographers to provide photographs up to a maximum size of 3½ inches by 5½ inches. A limit such as that would debar them from entering into competition with the legitimate professional photographer, whose interests would thereby be safeguarded. Such a provision would allow street photographers still to carry on as they have over the past 20 years. The passing of this Bill will not endanger the interests of any section of the community. It will not put anybody out of work, but will allow councils or municipal bodies to regulate, control and license the individuals concerned, so that there will be no interference with pedestrian or other traffic.

On motion by the Minister for Education, debate adjourned.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (CONTINUANCE).

As to Correcting Clerical Error.

Mr. SPEAKER: I have received a letter from the Acting Clerk of Parliaments which I will read to the House—

I desire to draw the attention of the House, through you, to the fact that a clerical error has occurred in the passing of the Increase of Rent (War Restrictions) Act Amendment (Continuance) Bill.

The error occurs in the last and second last lines of Clause 3, which reads "one thousand one hundred and forty-eight."

I desire the authority of the House to insert the word "nine" in the place of the word "one." This authority is necessary to enable me to submit the Bill in proper form to His Excellency the Lieut.-Governor for the Royal Assent.

I take this action in accordance with the instructions contained in No. 12 of the Joint Standing Rules and Orders.

Yours faithfully,

Francis G. Steere.
Acting Clerk of the Parliaments.

To refresh members' memories, I shall read No. 12 of the Joint Standing Rules and Orders—

Upon the discovery of any clerical error in any Bills which shall have passed both Houses of Parliament, and before the same be presented to the Governor for the Royal Assent, the Clerk of the Parliaments shall report the same to the House in which the Bill originated, which House may deal with the same as with other amendments.

That would imply that the Minister in charge of the Bill should move me out of the Chair in order that the correction may be made in Committee.

The ATTORNEY GENERAL: I move—

That you do now leave the Chair and the House resolve into Committee of the Whole for the purpose of considering the letter you have read.

Question put and passed.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clause 3—Amendment of Section 20:

The ATTORNEY GENERAL: In order that the Acting Clerk of Parliaments may be authorised to make the correction of the clerical error as recommended in his letter, I move an amendment—

That in line 5 the word "one" be struck out and the word "nine" inserted in lieu.

Amendment put and passed.

Resolution reported, the report adopted and a message accordingly transmitted to the Council.

BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.

Second Reading—Ruled Out.

Order of the Day read for the resumption from the 10th September of the debate on the second reading.

Mr. SPEAKER: I have examined this Bill and must rule it out of order on the ground that its passing would entail an additional appropriation from the Crown and therefore must be preceded by a Message from the Governor. At the present time there is a substantial loss on the working of the Goldfields Water Supply Scheme. If the rate for excess water on the Goldfields is to be brought into line with that charged in the metropolitan area, an additional loss will be sustained, which must be met from Consolidated Revenue.

Dissent from Ruling.

Hon. E. Nulsen: I regret that you have ruled the Bill out of order and must move—

That the House dissent from the Speaker's ruling.

I feel that the Bill will require no appropriation of revenue. Section 46 (8) of the Constitution Acts Amendments Act, 1899, reads—

A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

I maintain that there is no need for a Message from the Governor, because the object of the Bill is to equalise the price charged per 1,000 gallons of water taken from the Goldfields pipeline with the price charged for water in the metropolitan area. This involves a matter of calculation and not one of appropriation of revenue. It is a matter of calculating the sum necessary to permit the rates to be equalised. It would be necessary to increase the rate charged in the metropolitan area by, perhaps, 6d. per 1,000 gallons, but on the other hand it would ensure a considerable reduction of price to those people who get water from the Goldfields scheme. In the metropolitan area, excess water is charged for at 1s. per 1,000 gallons, whereas, for water taken from the Goldfields pipeline, it is 10s. per 1,000 gallons. If we had a flat rate, there would be a reduction of 8s. 6d. to people taking

water from the Goldfields scheme and an increase of about 6d. per 1,000 gallons to people in the metropolitan area.

People in the country are entitled to be supplied with water at the price being paid by people in the metropolitan area. To arrive at that figure, no appropriation of revenue by the Government would be entailed. All that would be necessary would be a calculation to create a flat rate for water, whether supplied in the metropolitan area or taken from the Goldfields scheme. The Bill will make no demand upon the Government for revenue, and consequently it will not increase the liability of the Government in any way whatever. It might increase the liability slightly to consumers in the metropolitan area, but not the liability of the Government. There was no intention of involving the Government in liability. Provision is made in the Metropolitan Water Supply Act for payment by measure when land is rated, and similar power is given under the Goldfields Water Supply Act, Section 74 of which reads—

> Where water is supplied by measure to the owner or occupier of land rated under this Act, all water in excess of the prescribed quantity which the owner or occupier is entitled to receive in respect of the rate shall be paid for by him at the prescribed price.

Section 105 of the Goldfields Water Supply Act gives the board power to make by-laws prescribing scales of charges for water supplied by measure. There is a similar provision in the Metropolitan Water Supply Sewerage and Drainage Act. Power is given by that Act to make by-laws to increase or decrease the price of water supplied in the metropolitan area. This Bill seeks to make provision for a flat rate which will involve a slight increase to the consumer in the metropolitan area and a decrease to the consumer in the hinterland of the State. The Bill provides that Section 74 of the principal Act shall be amended by adding at the end thereof a proviso as follows:—

> Provided that the prescribed price for such water shall not exceed the price prescribed from time to time under the provisions of the Metropolitan Water Supply, Sewerage and Drainage Act, 1909-1941, or any Act now or hereafter amending the same with respect to water in excess of the prescribed quantity (where water is supplied by measure) which under the said Act the owner or occupier of land rated thereunder is entitled to receive in respect of the rate.

The Bill does not make any demand on Consolidated Revenue. It merely involves a calculation in order to create a flat rate. In effect, it seeks to introduce an equalisation scheme. I brought in the Bill in an attempt to equalise the price of water in the metropolitan area and the price of water drawn from the Goldfields pipeline. Can anybody say that that would put a burden on the Government? If the Bill involves an increased burden on the Consolidated Revenue, I certainly would have had to go to the Governor and produce authority here; but on thinking the matter over I can see no reason why this Bill should be ruled out.

The Minister for Works: Did you consult any Crown Law authority on the point?

Hon. E. Nulsen: I have on many occasions.

The Minister for Works: I mean on this occasion.

Hon. E. Nulsen: No, but I have consulted the Crown Law authorities on similar matters. This is a similar case.

The Minister for Works: Similar, but not the same.

Hon. E. Nulsen: If the Bill is passed, it will mean a considerable saving for the Goldfields people and it will mean a very small increase in the cost to the metropolitan consumer. If I were to state the amount in gallons, it would be hardly appreciable. I know that you, Sir, would do nothing but what is just and fair. If you were sitting on the Supreme Court bench and I were to bring before you a case similar to this, you would rule that I was justified in doing so and I am convinced that my advocacy would be successful. I hope you will judge this Bill impartially.

Hon. F. J. S. Wise: The Speaker has judged it.

Hon. E. Nulsen: I do not think he has. There is room for further consideration. The Speaker may not have quite understood what my intention is. I defy anyone to say that the Bill involves an additional burden on the Consolidated Revenue.

The Attorney General: With the object of some easement of the burden of those in outback areas who pay for water at a rate much higher than is charged in the metropolitan area, I think everybody is agreed. I have not had the opportunity to examine

the position in reference to your ruling, Sir, except in the time that has elapsed since you announced your opinion on this Bill. In that short time, however, it appears to me that there is good cause for considering this may well be a Bill that comes within Section 46, Subsection 8, of the Constitutions Act. The matter is very simple. The member for Kanowna tells us that the price of water in the area he referred to, I think Norseman, is 10s. per 1,000 gallons.

Hon. E. Nulsen: Not in all instances.

The Attorney General: About that, while the price in Perth is 1s. All the Bill says is that the price at Norseman shall be reduced from 10s. to 1s. per thousand gallons. There is nothing in the Bill to say that the price in the metropolitan area shall be raised. Of course, in one sense it has to be raised, or else the money has to be found from another source. The extra 9s. per thousand gallons to be paid for the people of Norseman—and I agree they are deserving of some easement of their present costs—must come from somewhere. There is nothing in the Bill to require that Parliament or the Government shall raise the price of water in the metropolitan area. Therefore, in effect, the Bill, on the hon. member's explanation, is a Bill to appropriate money required to reduce all outlying water charges down to 1s. per thousand gallons. That money must come from Consolidated Revenue or from some other source.

Mr. Graham: The charge might be increased to 10s. all round. That is another possibility.

The Attorney General: If the Bill means that the metropolitan consumers should have their charge increased to 10s., 2s. or 5s., then again the Bill is one to deal with and appropriate revenue. I sympathise with the hon. member, but even on his own statement he proposes that under this Bill revenue raised under one Act—the metropolitan Act—shall be appropriated and paid in relief of losses incurred under another Act, the goldfields Act, the losses under the latter Act being incurred to enable the reduction in cost from the present price to a price equal to that charged in the metropolitan area. I am afraid, therefore, that whatever way one looks at it, money has to be found somewhere, either from Consolidated Revenue or by appropriating moneys raised under the metropolitan Act and transferring and appropriating it for the purposes of the goldfields Act. It seems to me inescapable that the Bill does in a very strong and comprehensive way appropriate revenue raised for what the hon. member considers a very laudable purpose, namely, relieving the people of Norseman of 90 per cent. of what they now pay and the people of other areas of a large percentage of what they now pay.

Hon. E. Nulsen: Not only Norseman but other parts.

The Attorney General: Yes, other parts, I agree. In essence and substance it is a Bill to appropriate revenue for the purpose of easing the burden which lies upon those who have to buy water in the outlying areas.

Hon. F. J. S. Wise: I sympathise very deeply with the member for Kanowna's desire to give effect to a reduction in the cost of water in outlying parts of this State. But the question before the House at the moment is whether your ruling is justified or not. This Bill interpreted by you to impose a charge on the Crown can only be so interpreted if we indulge in conjecture or prepare on a hypothetical basis a case built on the grounds raised by the hon. member, those grounds being that this Bill presupposes that the Government will increase the rates in the metropolitan area to enable a levelling up process to take place. Since that is not in the Bill we can only indulge in conjecture as to what will happen in regard to the levelling of rates should the Bill pass. Such matters as this have been inquired into by very high authority.

As a matter of fact the most outstanding inquiry in regard to costs of commodities such as water and electricity was conducted for the Victorian Government by Sir John Monash who, in a very lucid and very brief report, made it perfectly clear to the Victorian Government that it was unsound and uneconomic to endeavour to impose flat rate charges on commodities which cost so much in reticulation and that all the States should enjoy the same charge. His opinion made it clear that he believed that what should be done was to give a generous subsidy to districts being developed or districts unfortunately situated. On those bases, former Governments have endeavoured to relieve the burden of the cost of water associated with the Goldfields pipeline, and by making

reductions both in acreage costs and levies and in costs of excess water the previous Government did in fact subsidise users of water on the pipeline.

It would be a very easy matter for members of this House to reach a conclusion on this matter if the Premier would make it clear, as I think he should, just what his attitude would be if your ruling were disagreed with and the Bill became law. I think that since the member for Kanowna has based his case against your ruling on the ground that there will be a raising of the cost of excess water in the metropolitan area the Premier should give the House a direction.

The Premier: At this stage?

Hon. F. J. S. Wise: Yes; because it is clear that we are groping in the dark on the Speaker's ruling unless we know it is the Premier's intention not to increase the rates for excess water in the metropolitan area. If that be so there is no doubt the Speaker's ruling is right. But if there is any doubt on that point the Speaker's ruling may be wrong. What is involved in that? Involved in that is the obvious necessity, if there is to be no loss, of not a minor increase but a very substantial increase in the cost of excess water in the metropolitan area. I daresay this matter has been looked at by the Minister for Water Supply, and I suggest it would be possible, that it would be necessary, to raise the cost of excess water in the metropolitan area to 2s. 6d. or 3s. per thousand gallons.

Hon. A. H. Panton: That settles my vote then!

Hon. F. J. S. Wise: So it is necessary—I think it is incumbent, on the Premier—that he should give to the House a lead, whether it is his clear intention on the passing of this Bill not to raise the rates for water in the metropolitan area.

The Minister for Works: The Leader of the Opposition is asking the Government to do something which, were he Premier, he would not dream of doing. He is asking us to assess the value of the plea submitted by the mover of the motion to disagree, upon what he said a few moments ago, instead of what is written in the Bill. The Bill makes no mention whatever of anything happening to the price ruling in the metropolitan area. The hon. member in his speech assumed a set of conditions not referred to at all in the Bill. He wanted the House to believe when he reconstructed the whole position, that what he really had in mind was not that the comparison should be between the existing price on the Goldfields and the existing price here, but an increased price in the metropolitan area, though apparently when constructing his Bill the hon. member had not that in his mind at all.

Hon. E. Nulsen: No.

The Minister for Works: The hon. member had not. All right! Then he is not justified now in submitting a plea on an entirely different set of conditions. We are justified in dealing only with what is in the Bill, and not with what the hon. member wishes he had put in it. It is too late for him to reconstruct his Bill at this stage. There is no mention in it of any increase in the metropolitan area price, so we are not entitled to take that into account. The idea that the Premier should now make a statement as to what he would do if the plea succeeded and the Bill were proceeded with, has nothing to do with the case.

Hon. A. R. G. Hawke: I think the Premier, by making no statement at all—

The Premier: Very wise too!

Hon. A. R. G. Hawke:—has left at least the members on this side of the House in some doubt whether in the event of this disagreement with the Speaker's ruling being carried and the Bill subsequently being passed through both Houses—

The Honorary Minister: You are an optimist!

Hon. A. R. G. Hawke:—the necessary increase in the price of excess water sold under the metropolitan water supply scheme will be made to offset the loss that would occur by reducing the prices to be charged in future for excess water under the Goldfields Water Supply Scheme. I had hoped when the Minister for Works rose that he would clear the air somewhat. He did not, however, deal with the point raised by the Leader of the Opposition, but merely complained that it was not fair to expect the Premier to make any announcement at this stage as to what the Government might or would do in the event of this Bill becoming law.

The Premier: Is a disagreement with the Speaker's ruling the time to make a statement as to what future policy might be?

Hon. A. R. G. Hawke: I admit that the Premier has not had very long to consider this question.

The Minister for Works: You would agree that this is not the proper time, would you not?

Hon. A. R. G. Hawke: He has had since Wednesday of last week to give it consideration and, to some extent, work out a possible policy to be followed by the Government in the event of the Bill becoming law. If members read the measure thoroughly they will see that the member for Kanowna has had it carefully worded in anticipation, I imagine, of the Speaker giving a ruling such as the one he gave a few moments ago. The Bill is worded in such a way as to declare that the price to be charged for excess water to be supplied by the Goldfields Water Supply Scheme shall not be greater than the price charged by the Metropolitan Water Supply Scheme. If it were the policy of the Government to do something in that direction it could, without much difficulty in the administrative sense, increase the price of excess water in the metropolitan area by the percentage required—

The Attorney General: Can you tell me exactly what that percentage would be?

-Hon. A. R. G. Hawke:—to enable the consumers covered by the Goldfields Water Supply Scheme to obtain their excess water at the same price as that operating in the metropolitan area.

Hon. J. T. Tonkin: Is this a quiz?

The Attorney General: I think it is.

Hon. A. R. G. Hawke: If this Bill were to become law the Government, therefore, would have no difficulty, administratively, in establishing a situation in which it would receive at least as much revenue by way of water supply income as it does today. If the Government were so inclined, it could obtain more revenue from the new set-up of the two schemes than it does today, the only difference being that less would come from the Goldfields Water Supply Scheme and more from the metropolitan scheme. A few moments ago the Attorney General asked me what the percentage increase would have to be in the metropolitan area to enable the Government to obtain as much money under the proposed new set-up as it receives today.

The Minister for Works: I would not embark on that problem if I were you. I have been on it for three months without getting very far.

Hon. F. J. S. Wise: We can understand that.

Hon. J. T. Tonkin: Open confession is good for the soul.

Hon. A. R. G. Hawke: I can see there has been very little consultation between the Minister prior to this debate, because the Attorney General asks me to supply some information and the Minister for Water Supply warns me that I would be unwise to attempt to do so. I was on this problem for three days, as against the Minister's three months, and, if my memory serves me reasonably well, I think the increase required would be about 50 per cent.

The Minister for Works: You can get it "about" all right.

Hon. A. R. G. Hawke: Evidently the Minister for Works has been on the problem for about three months without even reaching the "about" stage. As the Premier has so far refused to take the House into his confidence as to possible future Government policy on the matter, I think there is considerable doubt regarding the Speaker's ruling, and on that account, very much to my regret—

The Chief Secretary: Do not look so sad.

Hon. A. R. G. Hawke—I will have to give my vote in a division, if there be one, to the member for Kanowna.

Mr. Rodoreda: I think there is a great deal to be said for the viewpoint put up by the Leader of the Opposition and the member for Northam. I maintain that your ruling, Mr. Speaker, depends wholly and solely on this interpretation. When the Minister for Works stated that there was nothing in the Bill to indicate that it would do what the member for Kanowna desires, I do not think he could have read the measure.

The Minister for Works: Tell me where it is.

Mr. Rodoreda: The Bill states—

Provided that the prescribed price for such water shall not exceed the price prescribed from time to time.

It does not say the price prescribed now. If that were in the Bill I would agree with what the Minister for Works has stated, but the Bill does not prescribe that the rate for water on the Goldfields is to be the rate now existing in the metropolitan area. If the Bill were passed the Government could, the next day, prescribe a price of 2s. for water in the metropolitan area.

Hon. J. B. Sleeman: It must start next January.

Mr. Rodoreda: Well, next January. So, the contention of the Minister for Works does not hold water. Your ruling, Mr. Speaker, depends on the intentions of the Government if the Bill were passed. That is not an impossible situation to foresee, either.

The Minister for Works: It would obviously have to be the price of water in the metropolitan area for the time being.

Mr. Rodoreda: From time to time.

The Minister for Works: For the time being, yes.

Mr. Rodoreda: The measure would not come into operation until the Government could prescribe a new rate for the metropolitan area. So, in the event of the Government's doing that, as the member for Kanowna quite rightly pointed out, there would be no extra appropriation from revenue to meet any loss. Whilst there may be other grounds for ruling this Bill out of order, I maintain that until we know what the Government might do in connection with the Bill we are voting in the dark as to the constitutionality of the present ruling.

Mr. Hegney: As one who has been chairman of many meetings, over a long period, I quite appreciate your position, Mr. Speaker, and I hesitate to disagree with your ruling. But having listened to the debate this evening and having sighted the provisions of the Bill, I find there is room for a reasonable division of opinion as to whether the Bill does require a Message from the Governor before it is constitutionally before the House. One reason, among others, read out by you, was that the scheme was already suffering a loss. That has nothing whatever to do with the question as to whether the ruling is right or not. The matter of loss does not enter into the question.

The Minister for Works: That was not advanced as a reason against the Bill.

Mr. Hegney: Neither do the actual provisions of the Bill, because they can be interpreted in two ways. Subsection (8) of Section 46 of the Constitution Act provides—

A vote, resolution, or Bill for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor to the Legislative Assembly.

There are two Acts that might be involved and the question is what the intentions of the Government may be rather than whether the Bill is or is not in order. The Bill does not seek to impose any financial burden on the Crown. Even if some revenue is now obtained from water rates, the same amount of money could be obtained under the Bill by an adjustment of the rates levied in the metropolitan area and more closely-settled parts. I do not propose to debate the question whether the proposals embodied in the Bill are practicable or otherwise. I believe the member for Kanowna is on solid ground in moving that Mr. Speaker's ruling be disagreed with. The Bill should be considered by the House and in Committee the measure could be dealt with, clause by clause, on its merits. The Government might be able to advance strong reasons why those provisions should not be implemented.

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

Ayes	18
Noes	25
Majority against ..	7

AYES.

Mr. Fox	Mr. Needham
Mr. Graham	Mr. Nulsen
Mr. Hawke	Mr. Reynolds
Mr. Hegney	Mr. Smith
Mr. Hoar	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Leahy	Mr. Triat
Mr. Marshall	Mr. Wise
Mr. May	Mr. Rodoreda (*Teller.*)

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Ackland	Mr. Panton
Mr. Bovell	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Read
Mr. Cornell	Mr. Seward
Mr. Doney	Mr. Shearn
Mr. Grayden	Mr. Sleeman
Mr. Hill	Mr. Thorn
Mr. Leslie	Mr. Watts
Mr. McDonald	Mr. Wild
Mr. McLarty	Mr. Yates
Mr. Murray	Mr. Brand
Mr. Nalder	*(Teller.)*

Question thus negatived.

Bill ruled out.

BILL—ECONOMIC STABILITY ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth) [9.7] in moving the second reading said: This is a Bill to continue until the end of next year the operation of the Economic Stability Act which was passed in December of last year. Members will recollect that the National Security Act of the Commonwealth Parliament expired at the end of last year, and some 130 of the regulations made under that measure were carried forward for the year 1947 under the Commonwealth Act known as the Defence (Transitional Provisions) Act of 1946. Amongst the regulations carried forward from the National Security Act by the Commonwealth Defence (Transitional Provisions) Act were four, namely, the National Security (Prices) Regulations, the National Security (Landlord and Tenant) Regulations, the National Security (Capital Issues) Regulations and the National Security (Economic Organisation) Regulations. In August of last year at the Premiers' Conference, the position which would arise if the various regulations made under the National Security Acts were to lapse at the end of 1946, was discussed by the Prime Minister and the assembled Premiers. The member for Gascoyne represented Western Australia at that conference.

It was agreed by the Premiers and the Prime Minister that it would be harmful to the economic and social position of Australia if the controls that existed under a number of regulations were allowed to lapse at the end of 1946. The result was that the Commonwealth agreed to carry forward those regulations deemed to be necessary for the year 1947 under the Commonwealth Act which I have just named. The States, on their part, agreed to introduce uniform legislation in the State Parliaments under the name of Economic Stability Acts. The Economic Stability Acts introduced in this and the other States at the end of last year referred to the four regulations I have mentioned, namely, Prices, Landlord and Tenant, Capital Issues and Economic Organisation.

Hon. F. J. S. Wise: Following a year's experience of that, do you think any of these should be separated from the Act?

The ATTORNEY GENERAL: I do not think so, for the time being, for a reason which I will give in the course of my remarks.

Hon. F. J. S. Wise: I was thinking that the Landlord and Tenant Regulations might more appropriately be dealt with separately.

The ATTORNEY GENERAL: Possibly, but at this stage I think we might continue the regulations as they now exist. I will refer to that shortly. The idea behind the State Economic Stability Acts was that there existed a doubt as to the constitutionality of a number of the regulations, even though they were continued or purported to be continued by the Commonwealth under the authority of the Defence (Transitional Provisions) Act, 1946. Shortly, the Economic Stability Acts of the various States provided that the States might proclaim at any time all or any of those four regulations, or any part of them, as State regulations made under the State Acts.

So that if, for example, on the 1st February of this year when Parliament was not sitting, a regulation such as the Capital Issues Regulation or the Economic Organisation Regulation had been declared by the courts to be unconstitutional, and had therefore ceased to operate, the Government of this State under its Economic Stability Act could have proclaimed those regulations or any part of them as regulations operating in this State under the State's own Economic Stability Act. In other words, if any regulation operating and having force as a Commonwealth regulation should at any time fail through being found unconstitutional owing to the lapsing of the defence power, then the State had machinery and authority immediately to step in and continue those regulations as State regulations, until such time as the position might be examined, and provision made by Parliament

to meet the situation that had arisen in consequence of the failure of the original Commonwealth regulations.

At the Premiers' Conference held last month the matter of a number of regulations was reviewed, and the Commonwealth Government announced that it proposed to continue the Defence (Transitional Provisions) Act for a further year, namely, until the 31st December, 1948. In the Act operating for 1947 there were some 130 regulations which were being kept in force. In the new Act which will be introduced in the present session of the Commonwealth Parliament, about one-third of those regulations will be dropped, as their efficacy no longer exists. Between 90 and 100 of them will be continued for a further year, and among those will be regulations for wheat marketing, under which it is expected that the harvest about to be gathered in Australia will be marketed and sold as a Commonwealth measure, under Commonwealth regulations. Among the regulations to be continued for a further year in the Commonwealth Act are the four that I have mentioned, Prices, Landlord and Tenant, Capital Issues and Economic Organisation. The Government considers that the same reasons which led to and justified the economic stability measure of last year being passed by this Parliament justify the continuation of that Act for a further year, namely, the year 1948.

Hon. F. J. S. Wise: Will the cover of the parent Act eliminate the regulations dropped by the Commonwealth in the new Bill of this year?

The ATTORNEY GENERAL: No. The Economic Stability Act passed last year by this Parliament gave power only in respect of those four regulations, and no others. The Commonwealth, when the Premiers met in August 1946 and agreed upon complementary legislation by the States in the form of Economic Stability Acts, felt that there were four sets of regulations vital at the present time. They were those that I have mentioned, and the States agreed to make provision as to those four sets of regulations in case they should fail through being declared unconstitutional as Commonwealth regulations, in which case they could immediately be continued, without interruption, as State regulations. There is a continuing doubt as to how far, under the extension to 1948 of the Commonwealth Defence (Transitional Provisions) Act, the Commonwealth can continue constitutionally to maintain some of these regulations.

Hon. F. J. S. Wise: They can be continued, I suppose, unchallenged.

The ATTORNEY GENERAL: That is so, but they may be challenged at any time. Quite often a challenge does not arise directly, but because a man, prosecuted for an offence against one of the regulations, pleads, by way of defence, that the regulation is unconstitutional. The issue then goes to the High Court. It may be that in March or April next, when this Parliament may not be sitting, one of the regulations now operating—for example the Economic Organisation Regulations—may fail for want of constitutional power, and in that case, unless we had an Act such as this, those controls would no longer operate. Their efficacy will be referred to shortly. I will deal first with prices. We have our own State legislation, known as the Profiteering Prevention Act, passed four or five years ago, but prices in general are controlled here under the Commonwealth Prices Regulations.

There are advantages in Commonwealth control, because if there were only State controls the regulations might to some extent be evaded under Section 92 of the Constitution, which provides for freedom of trade between the States. There is also a general feeling amongst traders and business men that price control should be continued until supplies of goods are more normal. I do not wish to go into detail on the Landlord and Tenant Regulations, referred to by the Leader of the Opposition, but those laws are controlled, as to evictions, by Commonwealth regulations, and as to the amount of rents, by our State Act.

Without some preparation being made in State legislation or the provision of something more than we have today, it might not be convenient when Parliament is not sitting to find suddenly that the controls to which people have been accustomed regarding evictions under Commonwealth legislation no longer apply and that a different set of controls under the State law had come into force. The third is the Capital Issues Regulations under which, briefly

expressed, permission is necessary for new companies to be formed or new share issues to be made by companies beyond a certain figure; in other words, there is some direction of capital by the Commonwealth into what are considered to be the most useful channels in the interests of the people.

The fourth regulations are the Economic Organisation Regulations which have two main operations, one being to limit interest rates in respect of certain loans by banks, building societies and so on, and the other —one familiar to many members—to fix the price at which land may be sold, customarily referred to as the Sub-Treasury valuations. Regarding these valuations, there has been some relaxation recently because there may be allowed a price 15 per cent. higher than the price obtaining at the 10th February, 1942.

Although there may be a case in the near future or perhaps next year for some of the features of these regulations to be taken care of by State legislation, the Government feels that, until we can discuss that matter and take the necessary steps, we shall be wise to adopt the same precautions as the Government took last year and have on the statute-book a measure under which, if any of the Commonwealth regulations of the sort I have mentioned should suddenly fail when Parliament is not sitting, we shall have power to continue those regulations as State regulations and thereby avoid any interregnum that might lead to a certain amount of confusion and perhaps a certain amount of public prejudice.

The Act which I am proposing should be extended provides that it shall continue in operation until a day being not later than the 31st October, 1947.

Hon. F. J. S. Wise: It is shown as 1947 in this Bill, not 1147?

The ATTORNEY GENERAL: Yes, I looked carefully to see that the year was correctly stated. I was saying the Act provides that it shall continue in operation until a day being not later than the 31st October, 1947, to be fixed by proclamation by the Governor and shall be deemed to be repealed on that date.

Hon. F. J. S. Wise: Do you consider December a better month than October?

The ATTORNEY GENERAL: I am glad the hon. member has raised that point, to which I shall refer in a moment. In other words, the present Economic Stability Act, passed last year, said it shall be repealed on a date to be fixed by proclamation and that it shall be so repealed by proclamation not later than the 31st October, 1947.

Hon. A. H. Panton: I think the Minister for Education was responsible for making the date October.

Hon. F. J. S. Wise: That is right.

The Minister for Education: I have heard about the October revolution.

Hon. F. J. S. Wise: The object was to force consideration of the Act during the session.

The ATTORNEY GENERAL: Yes. I am not at all wedded to the date, but at the Premiers' Conference last month, it was announced that the Commonwealth Government proposed to continue the Defence (Transitional Provisions) Act until the 31st December, 1948, and I thought that we might wisely continue our Economic Stability Act for a corresponding period. Last year there was a feeling that we might do a great deal towards getting away from some of these regulations, but shortages of labour and materials still continue, and I feel that the House might desire a little time in order to pass legislation possibly to be substituted for all or some of the regulations that are the subject of this Bill.

Hon. F. J. S. Wise: The Honorary Minister must have had to review a lot of her opinions on control.

The ATTORNEY GENERAL: All of us have had to review them.

Hon. F. J. S. Wise: I agree with you.

The ATTORNEY GENERAL: The Prime Minister has had to review them.

Hon. F. J. S. Wise: I agree.

The ATTORNEY GENERAL: Whatever views we may hold, whatever optimistic thoughts we may once have cherished about reaching a freer state of society, we must put them into the discard for the time being.

The Honorary Minister: But only for the time being.

The ATTORNEY GENERAL: That opinion has been forced not only on the people of Australia but also on Mr. Attlee, Mr. Bevin and others who are more able to judge of these matters than I am. The

measure was explained very clearly by the member for Gascoyne when he introduced the present legislation last year, and I have explained the position as briefly as possible. I think we would be prudent to continue the Act for a further period until the end of next year. I move—

That the Bill be now read a second time.

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

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

Second Reading.

Debate resumed from the 9th September.

MR. STYANTS (Kalgoorlie) [9.28]: This Bill proposes to make certain amendments which I have studied closely and, as I understand them, they contain nothing very revolutionary or even controversial, with possibly one exception. Strangely enough, the one to which I take exception was not mentioned by the Minister the other night when moving the second reading.

The first proposal is to amend Section 156, which deals with the date for holding the annual meeting of ratepayers. The Act requires a council to hold a general meeting during the month of November in each year and before the day of the annual elections. Section 77 of the Act provides that the annual elections shall be held on the fourth Saturday in November. As the financial year of the council does not expire until the 31st October, I know the staff frequently find great difficulty in getting the financial statement out for the annual general meeting, which must be held on a day before the fourth Saturday in November, that being the day of the annual election. The Bill proposes to allow the holding of the general meeting of ratepayers within three months of the 31st day of October, that being the day of the closing of accounts, and the meeting may be held after the annual general election.

I think the intention of the framers of the Act, in providing that the annual meeting had to be held before the annual election, was probably to give ratepayers the opportunity to make an estimate of the performances that had been put up by the council during the previous 12 months. For all practical purposes, the annual general meeting could very well be dispensed with entirely. Most of us realise what takes place at that meeting. Probably three or four ratepayers are present, sometimes not even that number. I therefore have no serious objection to this proposal. I thought that perhaps to extend the time by three months might be going to the other extreme; nevertheless, I have no particular objection, as I feel that the original objective of allowing the ratepayers to ascertain the kind of performance which their representatives have put up during the previous 12 months is not being availed of by the ratepayers themselves.

The next proposal is an alteration of Section 180, which provides for the making of bylaws and regulations. The Act at present provides for the general management of public baths and the conduct of visitors thereat, the fixing of charges, the provision of separate accommodation for the sexes, etc., but swimming pools are not mentioned, and it would appear that the definitions of swimming pools and public baths are not identical. It is now proposed to make provision in the Act for swimming pools and so give the council the right to make bylaws relating to their conduct in exactly the same way as the Act now provides that the council may make bylaws and regulations relating to public baths. I see no objection to that at all.

Next the Bill proposes a further amendment of Section 180. This amendment is for the purpose of making regulations with respect to the erection and use of petrol pumps for the supply of petrol to the public in or near any street or way and for granting licenses for the erection and use of such petrol pumps, and prescribing fees for such licenses. There can be no objection to the general principle of the amendment, because I do not know of any other class of business which people are permitted to conduct on footpaths. However, these are aspects which I think should receive some consideration. In the amendment the word "near" is used, and I would like the Minister to define what he means by the words "in or near any street." What would be the position if the petrol pump were placed just inside the street alignment?

The Minister for Local Government: The position would be the same as under the Road Districts Act.

Mr. STYANTS: An argument might arise if the bowser were placed one foot or two feet inside the alignment of the street. It could be contended that it was near the street, yet it would not be on council property. It would probably be on private property.

The Minister for Local Government: The vehicle has to use the street in order to use the pump. I understand that is the reason for the provision.

Mr. STYANTS: Another point on which I should like information is whether the council would have the right to refuse an application for a license to erect a petrol pump. If so, there should be a right of appeal to some authority against the council's decision. This class of business may develop along the same lines as the milk business has developed. There will be an unearned increment on a gallonage basis if only a certain number of petrol buyers are permitted to carry on business in a given area.

Mr. Marshall: It would have a monopoly value.

Mr. STYANTS: It would be a partial monopoly. That might develop if the council is given the unrestricted right to refuse applications for the erection of petrol bowsers. I feel certain that very quickly a goodwill would attach to the petrol stations in exactly the same way as goodwill now attaches to the milk businesses under the Milk Act. I hope the Minister will give this phase of the question some consideration. The next proposal in the Bill also provides for an alteration of Section 180 of the Act. I think it necessary that I should read the paragraph 47 to which the proposed amendment applies. It is as follows:—

> For regulating the construction and use of verandahs now or hereafter erected over any part of a street, road, or way, for requiring proper maintenance of verandahs and balconies, and prescribing for the removal at the expense of the owner after a maximum period of ten years from the date of the commencement of this paragraph of verandahs or balconies supported on posts and projecting over the footway of any street, road, or way in any part of the municipality, whether such verandahs or balconies were erected before the commencement of this paragraph or not.

The Bill proposes to strike out the reference to the maximum period of 10 years and to insert in lieu a definite date. The maximum period was inserted in the amendment Act, 1938. It would therefore appear that the Bill proposes to make the period—instead of a maximum of 10 years from the commencement of the Act—"at such time after the 20th day of February, 1949, as the council shall direct." That is practically one and the same thing, because the Act was passed in 1938 and probably was not assented to until early in 1939. The Council could therefore take action in practically the same way as if the original period had been retained in the Act. It would be better to extend this period for a matter of, say, three years rather than state a definite date and so incite a council to take some action under it at the present time. The idea is laudable; that is, to do away with balconies and verandahs supported by posts and to erect cantilever verandahs.

But if we set a definite date now, or even permit of the continuation of the Act as at present early in 1949, it will be possible for the council to make a crusade against every owner of property that has a balcony or verandah supported by posts, and would have neither the materials nor the manpower to do such a job. Not only will that operate in the metropolitan area, but throughout the State. It might be said that the material that would be taken from this particular type of balcony or verandah supported by posts would be of use as building material. While that would be true to a degree, it would not have the value it possesses in its present position. Under the existing law, a council can compel anyone either to demolish a verandah or balcony or put it in a safe condition if it is regarded as being unsafe. In the Committee stage I intend to test the feeling of members by moving to delete that provision which sets a particular date—the 20th February, 1949—and to make it the 20th February, 1952. I believe that by that time there may be more materials and more manpower available; and I suggest that if that ten-year provision were not in the present Act and a measure were brought before the House to give a council the right to compel the removal of balconies or verandahs supported by posts, it would receive very short shrift. I hope that in Committee the Minister will agree with my views and that an extension of the time under which a council will be permitted to take action will be made.

The next item I would deal with is a proposal to amend Section 219A of the present Act. That section provides that the finances for all buildings for dwellings must come from loan funds, whether the council is using those moneys for the purpose of erecting houses for its employees—which, of

course, have to be let or leased; they cannot be granted freehold—or whether it is using the moneys for the purpose of building homes which can be sold or let to other than employees. I find that this proposal appeared in a Bill that was introduced in 1945. I think it was deleted in this Chamber but was reinstated in another place. It was not insisted upon at the conference of managers, and was taken out. I do not see that any very great principle is involved. The Water Supply Department, the Railway Department and the Forests Department are, I think, permitted to use moneys from their general revenue account to provide housing for their employees; and I see no reason why a municipal council should not be permitted to use money from general revenue for a similar purpose. Again I would reiterate that the employees under the present legislation are not able to get the freehold of such property.

The next clause is a proposal to amend Section 338A of the Act. Before dealing with that, I think it is well to mention that Section 338 sets out the purposes for which a council can issue bylaws and regulations. Section 338A was an addition in No. 59 of 1945 and it gives the Governor-in-Council the right to prescribe uniform general regulations that will over-ride any of those issued from time to time by a municipal council. There is another proposal to include Section 451 of the Act as portion of Section 338A. Section 451 deals with the vote of owners and how it is to be taken and under it a council has the right to prescribe bylaws and regulations. But it does not contain the same provision as is to be found in Section 338A, that the Governor-in-Council shall have the right to prescribe general regulations that would over-rule those made by the council in connection with a vote of owners and how it is to be taken.

Hon. J. B. Sleeman called attention to the state of the House.

Bells rung and a quorum formed.

Mr. STYANTS: The next proposal is an alteration to Section 347, which provides for councils to erect public baths and washhouses. The amendment proposes to give them the additional power to building lavatories, urinals and privies. I would point out that urinals and privies are provided for under Section 348 of the Act, so it would seem that the only additional power required would be that for the provision of lavatories. One thing I would like to know —and I cannot find anything about it in the Act—is whether a council has the right to provide waiting or retiring-rooms. That is one of the requirements that has been brought very prominently under the notice of municipal councils. The need has been stressed for the provision of retiring or waiting-rooms, particularly for females and especially mothers. If waiting-rooms and retiring-rooms cannot be brought under the heading of privies it might be well to make provision for them in this section. I have no objection to this clause, because for a number of years municipal councils have had the right to provide urinals and privies and have exercised that right, and the only additional power that is given to them here is for the provision of lavatories.

Section 347 of the Act provides for public baths, but not swimming pools, to be provided, controlled and managed on land acquired by the council, or under its care. The Bill provides for swimming pools, the same as public baths, but there is a proviso that any finance to be used for the purpose of establishing public baths or swimming pools is to come out of loan funds, and the ratepayers are to be given the opportunity of saying whether they approve the proposal. That is much on the same lines as at present. Whilst councils have the right now to provide public baths, they cannot establish swimming pools, and it is now proposed to include them.

The next suggestion is to alter Section 434 of the Act which provides for priorities of claims for moneys arising from the sale of land, but does not mention drains and fittings from and in connection with the land to connect with any sewer. The Bill proposes to give this particular claim the fifth priority. This is in connection with moneys received from the compulsory sale of land for non-payment of rates. I think that any claim the Government might have in regard to a Government sewerage scheme is already protected under the second priority; and a municipal council which has put in a sewerage scheme under the Health Act is also protected under another section. There would probably be a duplication of priority.

The next proposal is to alter Section 442 of the Act which sets out the undertakings, deemed to be works within the meaning of the Act, which councils can perform. The Bill proposes to include lavatories, urinals and privies. This would be a consequential amendment on the previous one. Section 450 of the Act deals with the power to demand a vote of owners; the vote to be taken on 20 signatures of owners of ratable land in the municipality. The Bill proposes to increase the number to 50, or 10 per cent. of the total number of ratepayers, whichever is the lesser. I think this is all right, although it may create what could be termed an anomaly. I have looked up the figures in connection with a number of municipalities and road boards in the State, and I find that there are 21 municipalities in Western Australia. With the exception of four, namely, Wagin, with 309 dwellings, Carnarvon with 200, York with 383 and Busselton with 222, everyone would come under the provision of 50 signatures. They range from Perth with 22,500 dwellings and I think it would be reasonable to assume that there would be an owner's vote for each dwelling. It may be that one person would own four or five dwellings, but that would be offset by the fact that there are many premises for which two or three owners would be entitled to vote.

I find that in the City of Perth there are on the Lord Mayor's roll 26,000 ratepayers entitled to vote. It is reasonable to assume that the number of dwellings in each municipality would provide a fair estimate, in round figures, of the number of owners who would be available for the purpose of voting or signing one of these petitions. The move is quite a good one, although it may be said that an anomaly is created in that a small place, such as Narrogin with 609 dwellings, would need the same number of signatures to demand a poll as would the City of Perth where there are 22,500 dwellings. But I believe the move is in the right direction. It will probably, in some measure, prevent a disgruntled few from being able to get a petition signed, and put a council to a lot of expense to take an unnecessary poll on what is a laudable and desirable objective.

The next proposal is that which seeks an alteration to six weeks instead of one month as the time in which a poll can be demanded. The Minister said that it was his personal opinion, and that of some of the municipal corporations, that the period should be altered to six weeks. Personally, I think a month is sufficient time to allow for the signing of a petition when a poll on some proposed loan is required. After all, the maximum number we propose to require under the amendment is quite small.

Hon. F. J. S. Wise: The municipalities are not very large.

Mr. STYANTS: There are 21 municipalities and only four of them would come under the 10 per cent. provision. Under that proposal, the approximate numbers would be—Busselton 22, York 38, Wagin 30 and Carnarvon 20. If anyone was genuinely anxious to have a petition signed for the purpose of having a poll on a loan proposal, he could get it done in a day. There would be no need for a month, and to extend the time to six weeks may, in some instances, hold up a proposition of an urgent nature that the council would wish to put into operation. But if the majority of municipalities throughout the State have indicated that they would like an extension to six weeks, I have no objection. The only other proposal is the one we discussed the other night, namely, that to insert in the Act authority for the State Housing Commission to issue loans to municipalities for the purpose of providing roads in those areas where the Commission proposes to indulge in a big building venture. I think that is quite laudable. As a matter of fact, it is quite a good business proposition for the State Housing Commission. I understand that if a private person, or a company, purchases an estate and has it subdivided for the purpose of building, and advertises the blocks, it has itself to provide roads prior to the sale of the individual allotments.

Hon F. J. S. Wise: That is necessary under two Acts, I think.

Mr. STYANTS: It is quite a good proposition for the State Housing Commission, which will be owning these large blocks of new houses, to be able to advance money to a municipal council, which will have to repay the whole sum, under certain conditions. The only portion I query is where the proposed agreement states that it shall

repay the principal and interest, if any. I would like the Minister to explain to the House the circumstances under which the State Housing Commission would be able to loan money, interest free, to a local authority. From the knowledge I have of the State Housing Commission, I should say it has borrowed quite a lot of money from the Government Superannuation Fund. The Commission will have to pay interest to the sources from which it has borrowed money. If it is the intention that interest shall be paid, that portion of the clause should be eliminated. There is really only one portion of the Bill to which I would take exception, and that is the provision of a definite date on which a council will be able to start a crusade against the owners of properties that have balconies or verandahs supported by posts. I intend to take exception to that.

The Minister for Local Government: I shall meet you in that respect.

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

BILL—CROWN SUITS.

Second Reading.

Order of the Day read for the resumption from the 10th September of the debate on the second reading.

Hon. J. B. SLEEMAN: I move—

That consideration of this Order of the Day be postponed.

Motion put and negatived.

HON. J. B. SLEEMAN (Fremantle) [10.2]: I am sorry, Mr. Speaker, that I have to rise at this late hour to discuss the Bill but fortunately I have not a lot to say. As a matter of fact, I rise rather with fear and trembling to deal with a Bill of this description seeing that it is purely a legal measure and I am confronted by an array of legal members sitting opposite. We have not been told very much about the Bill. The Attorney General relied more upon what he said some years ago than on what he had to say when he moved the second reading. He reminded me of the man with a barrow of bricks who rolled it in and tipped it up and left it to others to know what it was all about. The Attorney General said in effect, "If you want to know more about this, you can go back to 1944 and read what I said in those days. If you do, you will know all about this Bill." Why all this haste and hurry? In 1944 the present Attorney General introduced a Bill which was ruled out by the then Speaker.

Hon. A. H. Panton: Who was Mr. Speaker in those days?

Hon. J. B. SLEEMAN: Not satisfied with that, he moved a motion setting out that in the opinion of this House such and such a thing should be done. The Minister inferred that this legislation has been introduced in the interests of the poor man. When people on the other side of the House start telling me anything of that sort, I commence to look for the nigger in the wood pile. It is not usually their way to do anything for the poor working man. Look what they did with regard to the 40-hour week! In whose interests were they working then?

Hon. A. H. Panton: What are they doing regarding the banks now?

Hon. J. B. SLEEMAN: I quite understand the attitude of the Premier, the Minister for Lands and the Minister for Works when they tried to smash workers' compensation in the interests of the poor man.

The Attorney General: There is nothing about workers' compensation in this Bill.

The Minister for Lands: And in any case that is not correct.

Hon. J. B. SLEEMAN: They said that if a man lost one joint of a finger it did not mean anything at all.

Hon. F. J. S. Wise: Who said that?

Hon. J. B. SLEEMAN: The Minister for Lands.

The Minister for Lands: I said nothing of the sort.

Hon. J. B. SLEEMAN: The Minister voted for that. He supported Mr. Lindsay when he moved in the matter and stuck to him.

The Minister for Lands: I cannot remember so far back as all that.

Mr. Rodoreda: But "Hansard" can!

Hon. J. B. SLEEMAN: I am interested in the attitude of the member for Kanowna because in 1944 he put up a vigorous protest against the Crown Suits Act, but now

he is right in the Minister's corner. On the occasion I speak of, the present member for Kanowna said—

A complete statement would disclose that with modern legislation various Crown departments have been established by Act of Parliament under a Minister, who is a body corporate and who is liable to sue and be sued both in contract and tort. Proceedings against such Ministers are taken by exactly the same procedure as an action between subject and subject.

I want to know what the Bill is wanted for now in the circumstances. The hon. member talked about the petition of right. He said that before 1898 it was operative but since then it was not. I would just like to tell members something about what happened before 1898 and before the petition of right, and indicate how some people got on.

The Minister for Lands: You are not opposed to the Bill, are you?

The Attorney General: No, he is for it.

Mr. Marshall: The parties on the Government side of the House are not the only ones with legal minds and lawyers in their ranks.

The Attorney General: Quite so!

Hon. F. J. S. Wise: There is a difference between lawyers and men with legal minds!

The SPEAKER: Order! The member for Fremantle will proceed.

Hon. J. B. SLEEMAN: In 1894 a man named William Wilkinson presented a petition to the Legislative Assembly. In the course of the petition William Wilknson said—

Your petitioner has been; since October, 1886, the holder and occupier of a block of land of 400 acres . . . . in the Greenhills district east of York, in this colony.

That through nearly the centre of the said block of land there was a bush track, which was then the principal route between the town of York and the district south-east thereof, more especially for sandalwood traffic.

That further to the eastward the said track intersects many other blocks of land sold by the Lands Department, some before and some since 1886.

Then the petition sets out that a permanent road had been surveyed two miles east of the petitioner's land but the road had not been cleared for traffic till 1892. The department had promised that the traffic along the bush track would be diverted to the new road but that the powers vested in the Lands Department had not been used; the new road had not been opened for traffic nor had the old track been formally closed. I do not intend to read the whole of the petition but that shows what the position was regarding petition of right in 1894.

The Minister for Lands: That is very convincing.

Hon. J. B. SLEEMAN: The petition contained the following paragraph:—

That your petitioner filed a Petition of Right in August last, for hearing in the Supreme Court, claiming damages from the Commissioner of Crown Lands for the loss and injury sustained by your petitioner for the neglect and refusal of the Lands Department to carry out the undertaking above set forth, and to clear your petitioner's land of traffic.

Notwithstanding what the member for Kanowna said regarding the petition of right in 1898, what I am referring to happened in 1894.

Hon. A. H. Panton: And who won?

Hon. J. B. SLEEMAN: Then there is this paragraph in the petition—

That your petitioner is notified that the Governor of this Colony has been advised by the Executive Council not to send on such Petition of Right for hearing in the Supreme Court.

It does not seem that members of Parliament were given an opportunity to deal with the the petition of right in 1894.

Hon. F. J. S. Wise: Did you say that the Government decided not to send the petition forward?

Hon. J. B. SLEEMAN: Yes.

Mr. Cornell: That must have been a Labour Government.

Mr. Bovell: At any rate, it was before responsible Government was established.

Hon. A. H. Panton: And we were not born then!

Hon. J. B. SLEEMAN: I have been wondering whether this Bill will suit anyone; it certainly will not suit the poor man. I have been looking through the early history of the State and I find that one McDonald was responsible for bringing in the original Crown Suits Act. He and William Wilkinson and some others were responsible and the then Government, headed by one of Western Australia's greatest sons, Sir John Forrest, introduced the Crown Suits Bill. That was because McDonald and Wilkinson caused the Government to do so.

Hon. F. J. S. Wise: Were any of those people lawyers?

Hon. J. B. SLEEMAN: I do not know who they were, but I find that in the Legislative Assembly the then Attorney General, Mr. Septimus Burt, said—

I am sure the hon. member who has brought this matter forward may rest assured that he has satisfied all of us that he has done his duty in the matter and well represented what little of the case that has been placed in his hands to bring before the attention of Parliament. This matter of William Wilkinson and his block of land is a very old subject, and ought to be pretty well worn out by this time.

Hon. E. Nulsen: When was that?

Hon. J. B. SLEEMAN: That was in 1894. I think he pretty well exhausted Parliament with what he called his grievances. Later, Sir John Forrest said—

I should like to inform members that the fact of a piece of land being surveyed, in this colony, with a track running through it, is a very common occurrence. There are tracks all over the country. Some have been in use for many years, others for a shorter time. Some that were in use years ago are almost neglected now, while others are used to this day. In surveying these lands, whether for special occupation, or conditional purchase, or freeholds, the surveyor carries out, as well as he can, the instructions of the department. He either surveys the old track—if he considers it of sufficient importance—or, if he finds that it unduly cuts up and spoils the land, or would necessitate a large amount of fencing by the holder of the land, he tries to divert the traffic to one side by surveying another road, so as to injure the property as little as possible. That was what was done in this instance. If we were to hold for a moment that the Government were responsible for every track that runs through a piece of land that is surveyed, I really do not know where the obligations of the Government would end. We must remember that there is free selection, without survey, in this country. People often apply for the right to go on the land before it is surveyed, and the Government do not know anything at the time about the tracks in existence.

The Attorney General: This is not a meeting of the Historical Society.

Hon. J. B. SLEEMAN: It seems that they had some reason in those days for bringing down a Crown Suits Bill. They knew they had to combat the M'Donalds, the Wilkinsons, and everyone else, and deal with impecunious lawyers. That was one of the reasons why Sir John Forrest brought this measure down. Further on he said—

The petitioner sued to recover damages for trespass once, and got judgment, the Judge holding that there was no right-of-way over this track. He then sued a second trespasser, but that case was considered a frivolous one. I believe he has been suing almost everyone, and so much trouble and annoyance has he caused in his district that a petition was addressed to the Government asking the Government to suppress him as a nuisance to the district. Of course, the Government took no action in regard to that petition; but so it was, I tried to assist him myself, and all I got for it was a grossly insulting letter, and he grossly libelled me in the public press. If there is any hardship in this case, all I can say is there are hundreds and hundreds of cases exactly similar in this country.

Those were the words of Sir John Forrest. Then they brought down the Crown Suits Bill.

Hon. A. H. Panton: How did Wilkinson get on?

Hon. J. B. SLEEMAN: Not too well. In 1898, when introducing the Crown Suits Bill, the Attorney General said—

The main object of the measure is to practically give the subject the same rights against the Crown, with certain modifications, as subject now has against subject.

One day the member for Kanowna told us we could sue as subject against subject, and the next he said we cannot do that and advocated the introduction of the Bill that the Attorney General has introduced.

Hon. E. Nulsen: I said nothing of the sort.

Hon. J. B. SLEEMAN: Only the other day the member for Kanowna said—

I do not see why any tortfeasor or wrongdoer should be exempt from liability just because he is an employee or servant of theirs. Under the the Crown Suits Act if such an individual knocks a person down and that person is injured and loses a limb the victim has no redress against the Crown, and in consequence no compensation. I cannot see the justice or equity of that. I feel that the Crown has no more rights in that connection than has an individual, a firm, a partnership, an association or a company.

If an employee of the Crown does detriment to a person by injuring him or her in some way there is no reason why the Crown should be exempt from responsibility. Yet even a Minister who committed a wrong would be protected under the Act. This Bill makes provision for the Crown to sue and be sued. The same process will be available both to the Crown and to the subject—

and so on. But in 1944 he said—

A complete statement would disclose that with modern legislation various Crown depart-

ments have been established by Act of Parliament under a Minister, who is a body corporate and is liable to sue and be sued both in contract and tort. Proceedings against such Ministers are taken by exactly the same procedure as an action between subject and subject. Actions are frequently brought against various Ministers of the Crown for alleged wrongs or breaches of contract done or committed by servants of the department concerned.

Hon. F. J. S. Wise: Have you anything there on the Ravensthorpe case?

The Attorney General: That cost the Crown a bit.

Hon. F. J. S. Wise: It was a classic.

Hon. J. B. SLEEMAN: I have quoted from the Attorney General, the Hon. R. W. Pennefather. Mr. Leake, then member for Albany, said—

But there is no question of petitions of right under this Bill. The subject may go to the Court and practically present his petition to the Court; and, very fairly, that petition is to be heard and inquired into. So I shall support the second reading of the Bill.

Hon. A. R. G. Hawke: The present member for Albany seems to be very interested.

Hon. J. B. SLEEMAN: Then we come to the gentleman who was one of Western Australia's greatest sons, and who said that the Crown should be in exactly the same position as a private individual.

The Attorney General: Have you yet reached within 50 years of the present time?

Hon. J. B. SLEEMAN: I have been dealing with 1898, when the Crown Suits Bill was introduced. Then Sir John Forrest said—

I am glad this Bill meets with favour from hon. members. It is, I believe, more liberal than the law in England, because it gives a remedy against the Crown for torts, whereas in England no such remedy lies. It has been said that the Crown should be in exactly the same position as private individuals. Well, in a matter of this sort, I do not think that the fact that one happens to be a Minister of the Crown should in any way influence one's opinion on this point, because other persons may be in the same position at any time. Therefore the opinion I give is not in any way influenced, I hope, by the position which I temporarily occupy.

A little further on he said—

All those things are not done in England—only a few of them. As for the mines and lands there, I suppose there is an administration; but it is an administration on very certain and well known lines—an administration of property that is well understood and fully known. But what is the case in this colony? Anyone can apply to the Mines Department for a goldmining lease, for which he pays £24 if he gets 24 acres. A surveyor is sent out to mark out the land. Then, perhaps, a rush takes place; the ground may be pegged out all round for miles, the original applicant having his pegs there, too. The survey takes place, and we do not know what happens, for we cannot tell what is done in these markings. The surveyor is a licensed surveyor, and he marks out the land, and sends the plans in, and upon those plans the department acts. Then, for any little mistake that may be alleged to have occurred, the Government may be said to be liable; and we know of an instance in which there was a dispute over the survey boundaries of a lease, in which I think about £20 has been paid to the Government, where a claim for £30,000 was made. That sort of thing will occur again, and it may not be £30,000 but £300,000 that will be claimed as damages, and such a claim may possibly be allowed because it is against the Crown.

Mr. Bovell: Is this a bedtime story?

Hon. J. B. SLEEMAN: If the hon. member wants to go to bed, there is nothing to prevent his doing so. In fact, I think he has been asleep half the night.

The Minister for Lands: That is not so. Do not lose your block.

Hon. J. B. SLEEMAN: The report continues to deal with the case of M'Donald.

Hon. F. J. S. Wise: Mrs. Barlow is not mentioned, is she?

Hon. J. B. SLEEMAN: I have not heard of any action being taken to enable Mrs Barlow to get a fair deal. She has to go to the court and say, "Please Mr. Chief Justice, may I prosecute the member for West Perth, or somebody else?" before she is able to do it.

The Minister for Lands: Do you think she is getting an unfair deal?

Hon. J. B. SLEEMAN: She is certainly not getting a fair deal in accordance with what the Attorney General has lately told us of fair deals.

The Minister for Lands: She will be along to see you next week.

Hon. J. B. SLEEMAN: She should be included in the Crown Suits Bill. Sir John Forrest went on to say—

The case of M'Donald cost many thousands for very little received. That was a case of £10,000 or £20,000 which, perhaps, the country might be able to pay. The people of the country as a whole stand in a most insecure

position indeed in regard to claims which may be made against the Mines or Lands Department. I pointed the danger out to the Secretary of State when I was in London, and I think I startled him when I told him of the immense damages which might be claimed under the Mines Act. He sent for his legal adviser, and I was told that such things could not happen, and that no judge or jury would allow the Government to be mulcted in such damages. But I know the Government stand a poor chance when they get into court.

Later on he said—

There are always impecunious lawyers to be found—

The Chief Secretary: Now the nigger has been found.

Hon. J. B. SLEEMAN: I am trying to give the House all possible information. Sir John Forrest continued—

There are always impecunious lawyers to be found very willing to take up the case of a man who has nothing as against the man who has something.

A member: Pettifogging lawyers.

The Premier: I do not want to call them "pettifogging lawyers."

Mr. Vosper: Call them "Dodson and Fogg."

The Premier: There are lawyers who are willing to a charge nothing in case of defeat, and who stipulate for a big fee or a division of the proceeds of the verdict in the case of a win.

Mr. Marshall: It still goes on.

Hon. J. B. SLEEMAN: Sir John continued—

I wonder that before now some plan has not been devised to get security for costs in such cases.

Further on he said—

The other day the Crown was persecuted by a man about nonsensical claim to which this House had refused to listen, and which no-one with any sense would consider.

Mr. George: What was it?

The Premier: It was over some land in the bush. The Government surveyor had tried to assist this man by diverting a road in order not to cut his property, and then the man brought an action against the Government for selling him land with a bush track through it. That litigation lasted for years, and, in two or three days' time, I hope to put before Parliament the documents relating to it, including letters from the Secretary of State. I tried to keep this man out of court, because his case was a most frivolous one, but he got into court, and, fortunately, a verdict was given for the Government. But what did the judge do? The judge would not give the Government costs, even after all the persecution to which they had been subjected. The Government do not want costs against a poor man, but it was strange that such an order should be made after years of trouble and nonsense over a frivolous case. It was a good case for those who undertook it on behalf of the poor man.

Hon. A. H. Panton: In what year was that?

Hon. J. B. SLEEMAN: Still 1898. I have quoted a few things to show what has happened.

Hon. E. Nulsen: When did you expect to get to 1944?

Hon. J. B. SLEEMAN: I have already been there, but if the hon. member wants more, I do not mind giving it to him. The hon. member said the other night that he was now speaking from his conscience. When he spoke in 1944, it must not have been from his conscience, but from the point of view of the Crown Law Department. If that is so, I prefer that to the hon. member's conscience when it comes to a legal matter. No doubt the Crown Law Department advised him when he spoke on the measure in 1944.

Hon. F. J. S. Wise: Evidently the Crown Law Department has not been advising the Attorney General.

Hon. J. B. SLEEMAN: The voice of the Crown Law Department in 1944 was evidently not the voice of the member for Kanowna in 1947. The Attorney General complained about the space of time in which the Crown might be proceeded against. The ordinary time is six years. The Minister is now making an excuse for not adhering to six years, but desires to limit the time to 12 months. He explains this by saying that the Crown is more vulnerable to claims than is a private person. It seems to me that he holds the same opinion in 1947 as Sir John Forrest held in 1898. He is not prepared to make the period six years because it is the Crown that is being sued. He wants to make it 12 months, and his reason is that the Crown is more vulnerable to claims than is a private person.

I hope that before the Bill is passed, we shall be told something more about it. I cannot see that the measure will protect the poor man. I do not think a poor man would be likely to be found suing the Treasury for £20,000, £30,000, £40,000 or

£50,000. As I see it, as the member for Kanowna did see it, but does not see it now, a man suffering hurt can sue and be sued the same as between subject and subject.

Hon. E. Nulsen: So he should.

Hon. J. B. SLEEMAN: So he can. Unless I am given more information about the Bill, I shall vote against the second reading.

MR. SMITH (Brown Hill-Ivanhoe) [10.27]: This is a simple Bill, as the member for Kanowna used to tell us when he guided us through the intricacies of legal measures, aided by notes from the Crown Law Department. The Attorney General has told us that this is a technical Bill. But how is it technical? Take two or three kinds of petitions of right, mix them up with some damage under contracts, quasi-contracts and tort, flavour it with a little of the Commonwealth Judiciary Act of 1903 and the New South Wales Crown Suits Act of 1912, avoid the whole truth with regard to the position in England, South Australia, Victoria, Queensland, New Zealand, Canada, Northern Island and the Isle of Man, subject it to a little heat for an hour or so and you produce a Bill that is the first blow on the part of this Government in the interests of the wealthy sections and the wealthy persons of this community, and against the best interests of the people.

Hon. J. B. Sleeman: I thought that.

Mr. SMITH: The Attorney General, in introducing this measure, lays himself wide open to a charge of having acted out of pique, because he or the firm with which he is connected was under the impression that it could take action against the Crown through the medium of petition of right. His firm advised a wealthy corporation wrongly in connection with the matter and suffered in its reputation in consequence.

The Chief Secretary: Don't you believe that. Justice should be done against the Crown.

Mr. SMITH: I said that the Attorney General leaves himself open to the charge, because all those who are barking at the heels of the leaders of the Liberal Party at the present time are changing the Prime Minister of Australia with bringing in legislation because he is suffering from pique over a High Court decision.

The Chief Secretary: Isn't he?

Mr. SMITH: I draw the attention of the House to the position in which the Attorney General finds himself over a High Court decision. I do not pretend to be able to discuss this measure on the same level as can the Attorney General, with his advantages against mine in educational opportunities. I place myself in connection with this measure in the position of a juror who has to be convinced by counsel that the case put forward by him is the case to which the juror should subsribe. The Attorney General invited us to read the speech he made in 1944. In it he said—

> Many people are deeply interested in the motion and its fate, not because they will get any money by it, but to see what sort of standard of civilisation we have got to in our State, and whether we will stick by the principle that the King can do no wrong—which was evolved something like 1,000 years ago, and flourished in the time of a King who lost his head through being too fond of it, King Charles the First.

There was a lot of mis-statement in that utterance, I want to inform members, with regard to the period in which a petition of right has been available to subjects of the Crown. I would like to know where these people are who are awaiting so anxiously the fate of this measure. I say they are in some of the solicitors' offices in St. George's Terrace. They are contemplating the possibilities of this measure and are so overcome with emotion in respect to is that the tears are running out of their eyes; or there may be a few of those impecunious lawyers about whom the member for Fremantle has spoken, who can see a chance under this measure of bringing prosecutions against the Crown of the mouse-in-the-meat-pie order, by which they might secure damages against the Crown on behalf of equally impecunious clients.

When introducing the Bill, the Attorney General said that the time has arrived when the archaic law, that the Crown can do no wrong, should have no place in the jurisprudence of a progressive country. That is just a bit of specious pleading, just a bit of plausibility which might sound all right superficially, but which actually is entirely wrong. The Attorney General knows that the maxim, "The King can do no wrong,"

has its origin in the fact that the petition of right is not applicable to the King in person, and from that fact alone arises the maxim that the King can do no wrong. The so-called maxim advanced by the Attorney General, that the Crown can do no wrong, is merely a corruption of the original maxim. The Attorney General knows that the petition of right is the foundation for giving subjects some opportunity of redress against the Crown in connection with certain wrongs.

The Attorney General: That does not apply here.

Mr. SMITH: It does not matter whether it does or not. I am talking about the maxim and the Attorney General's corruption of it. When he says the Crown can do no wrong, he knows the Crown can be sued in many ways as well as under a petition of right. The petition of right was introduced to give subjects the opportunity of obtaining redress for certain wrongs, which redress they could not get through the ordinary processes of law.

Hon. E. Nulsen: That is now obsolete.

Mr. SMITH: Never mind! It is not obsolete, although it may be in this State. The petition of right is not obsolete.

The Attorney General: In this State it is obsolete.

Mr. SMITH: The petition of right is not even archaic, as the Attorney General would have us believe. It was only in 1860 that it was regularised by statute in England, although I think I am right in saying that it has been in operation since the reign of William II, away back in 1090 or so. Besides, even if these statutes or procedures bear the polish of antiquity they are not to be condemned on that account alone.

Hon. F. J. S. Wise: The law is based on them.

Mr. SMITH: Of course it is. The law is based on decisions and procedures that have come down through the centuries, like the Ten Commandments. Would any person condemn them because they are archaic?

The Honorary Minister: No.

Mr. SMITH: Would anyone condemn them because Moses made a re-statement of laws that were in operation thousands of years before among the Babylonians and the Assyrians? We do not condemn those things because they are ancient; they were the product of very wise men. Members should understand that the Crown can be sued in this State under a variety of Acts and in a variety of ways outside the Crown Suits Act altogether. Rights that are specifically preserved in this measure have been brought forward by the Attorney General. When he spoke of the claims that could be made, he divided them into contracts, quasi-contracts and torts. Well, he made a very nice distinction there, I must say, because later on, when he uses the word "tort," he does not make the same distinction. "Tort" seems to me, although I cannot give a definition of it, to mean something like trespass. It could mean damage, assault, hitting with a motorcar, getting on to another person's property, and a dozen other different things, but the generally accepted meaning is being on other people's property without any right.

So it is with torts, apparently; and, because this word "tort" has a broad as well as a narrow meaning, the Attorney General seemed to use it in both senses in the speeches he has made on this measure. He went on to say that prior to 1867 the common law applied and the subject could sue the Crown for redress in the case of a contract, or quasi-contract but not for a wrong or tort and that under the Ordinance of 1867 he could sue for any one of them. He conveyed the impression that the subject could sue for any one of them just like that!—under this Ordinance of 1867. He did not tell us it was necessary to get a petition of right under the Ordinance. That would be telling us too much. He did not tell us it was necessary to make application through a petition of right to the Governor-in-Council and through his Ministers, asking them, pleading with them, to issue a fiat so that the case could be proceeded with. He gave the House the impression that all that was necessary was to say, "I want to proceed on behalf of Dalgety & Co. against the Crown", and the officer behind the counter would say, "Fill in this form; it will be all right, old chap". But as a matter of fact, under the Ordinance, it was necessary to apply to the Governor-in-Council through a petition of right in the hope that one would get a fiat which would say, "Let right be done", and then one could proceed through the Supreme Court in connection with any claim.

But do not forget the Government had that measure of protection under the Ordinance. This Ordinance was introduced into this country in 1867 by the Legislative Councillors of that time because of the difficulties that existed in connection with an application to the King for a fiat through a petition of right. That is why they introduced it, because of the time it would take for the petition to go Home by sailing ship to London and for the Home Secretary to consider it and for him, in turn, to pass it on to Cabinet with his recommendation, and for the King to issue his fiat, whatever it might be, if he issued it at all, and if the Ministers recommended that he issue it; and then of the time it would take to come back again. So the wise councillors of that period introduced the ordinance that would give the subjects of this State the same rights as the people of England had under the petition of right, and to give the Government of this State the same protection that the Government of England had under he petition of right, the protection that it could advise the King to reject the petition on the advice of his Ministers.

Under the Crown Suits Act that the member for Fremantle has been speaking about, no fiat is required at all. The proceedings probably start with a petition—I believe they do. I think I am right in saying that under Section 33 a month's notice of the filing of the petition must be given and that gives the Crown some opportunity to decide during that period whether it will indulge in litigation or not in connection with the case that is pending or has some probability of being conducted. I would like to point out in connection with these cases against the Crown that they do not all come to a court, even if they have sufficient justice in them to secure a petition of right, or a fiat under a petition of right, if such a fiat could be obtained in this State. These cases are matters of contention between the Crown and some subject.

They are cases that are very often settled out of court if the subject has a good case and a good claim against the Crown. It is only when there is a difference of opinion between the Crown and its subjects that the question of a case ever arises. I would like to ask the Attorney General—seeing that he said in connection with the Ordinance that the subject could sue for any one of them: that is, wrongs under contracts, quasi contracts or torts—whether he thinks the Legislative Council in 1898 took a step backward when it introduced the Crown Suits measure. It is quite obvious that the Legislative Council of that day threw the gate wide open as far as the Crown and subjects were concerned in the specific cases mentioned in the Crown Suits Act. The Attorney General knows that the more we specify, the more we limit. Would he suggest that the Legislature of 1898 did not know that—with men like the Attorney Mr. Burt in it, and George Leake? Of course he would not suggest anything of the kind. So the Legislative Council and the Legislative Assembly of that day knew they were throwing the gate wide open in connection with the cases that the subject could bring against the Crown, and so they specified the cases—mentioned them in the Act—that could be brought. They were wiser in their generation than we are, apparently, because this measure the Attorney General is bringing forward now is throwing the gate wide open in respect of all kinds of charges or cases for damages against the Crown.

The Chief Secretary: Is that not right?

Mr. SMITH: No!

The Chief Secretary: Of course it is!

Mr. SMITH: I will tell the Chief Secretary why it is not, before I get through. I say it is not right. I say that the Legislative Council in specifying the cases were wiser in their generation than we are now. I want to say this in connection with the legal profession not only here but in Australia generally: That, because it has been a preserve for the sons of wealthy men, men with long purses, the position in the legal profession today is that the Sir John Lathams and the Dr. Evatts and the Owen Dixons are as rare as roses in the Sahara. The other members of the legal profession merely bask in their reflected glory.

Hon. J. B. Sleeman: The Chief Secretary can put that in his pipe.

Mr. SMITH: The legal profession was under a wrong impression for 46 years! What an admission. I do not know why. When the Crown Suits Act was introduced into the Legislative Council in 1898, the Hon.

George Randell, the Colonial Secretary of that day, said—

> This Bill will be the means of repealing two Acts, one of which was passed as long ago as the reign of William the Second, 1087.

Tell me, would that be the petition of right? He went on to say—

> And the other was passed 30 years ago, since which there has been an advance in knowledge and an increase in legal acumen.

Would that be the repeal of the ordinance? Both the petition of right and the ordinance were referred to by the Hon. G. Randell when he introduced the Crown Suits Act into the Legislative Council in 1898. Here is something I want the Attorney General to explain. In 1944 he spoke of a case in which a farmer and a soldier were concerned, and he said—

> The farmer counterclaimed and desired to sue for damages which had been sustained by him, but he was unable to sue the Commonwealth because that was a wrong, and the Commonwealth, being the Crown, is not liable for wrongs. All the farmer could do was to sue the soldier who was driving the truck, and as the farmer's claim was for several hundred pounds, even had he succeeded, he would have found difficulty in collecting the amount of damages from the private soldier who happened to be driving the truck. The Crown, the Commonwealth that is, in whose employment the soldier was, under the ancient principle that the King can do no wrong, was free from any liability for damage suffered by the farmer through the accident.

That sounds different from another part of the same speech when the Attorney General said—

> Under the Commonwealth Judiciary Act, 1903, provision is made for suits and actions by the subject against the Commonwealth, and it is there provided by Section 56 of the Act that any person making any claim against the Commonwealth, whether in contract or in tort, may, in respect of the claim, bring a suit against the Commonwealth in the High Court, or the Supreme Court of the State in which the claim may arise.

The other day he said—

> We see, therefore, that in the Commonwealth, since 1903, and in New South Wales since 1912, the subject has been entitled to get redress against the Crown in the same way as he would be entitled against an individual, and the Crown has accepted as proper for itself to accept, the same obligations as it requires the ordinary man and woman to accept for injuries which he or she commits against any other person.

Will the Attorney General tell me, in face of that statement, why the farmer could not take action against the Commonwealth? In support of the contention that the Commonwealth Judiciary Act gives all these privileges to the subject, the Minister quoted Mr. Justice Lowe as saying—

> It seems clearly established that the Commonwealth is liable in tort.

I want to know just what Mr. Justice Lowe meant when he said that? Was he using the worh tort in its broad meaning—that is a wrong that might occur under a contract, a quasi contract, or as the result of an accident? Was that the sense in which he was using the word, because it is frequently used in that way? Or does a tort consist of a wilful and negligent act which the law recognises as wrongful, and which has caused the plaintiff harm? If we had that definition of the word tort we might know where we were. Mr. Justice Lowe gave a series of illustrations which were quoted by the Attorney General in the speech he made in 1944, and one of them was—

> Servants of the Crown may defame those who deal with them, yet the Crown is free from liability.

If this Bill goes through I assume that in the future the Crown can be sued for defamation of character if one of its servants is guilty of defaming the character of some gentleman with whom he is dealing. That is the kernel of the whole Bill. It indicates the possibilities under the measure. If a servant of the Crown defames a subject of the Crown, with whom he is dealing, then the Crown can be sued for the defamation, not the servant. Of course, no-one who is not wealthy will sue the Crown.

The Chief Secretary: Why?

Mr. SMITH: Such a person would not have the money to do it.

The Chief Secretary: What rot!

Mr. SMITH: These cases are contentious. They were referred to once in this House by the Attorney General as 50-50 cases; those in which the decision rests with the person who has the last guess.

The Attorney General: When did I refer to that?

Mr. SMITH: When the Attorney General was on this side of the House.

The Attorney General: I have no recollection of that.

Mr. SMITH: I have a distinct recollection of it, and fortunately I have a good memory.

The Attorney General: So have I.

Mr. SMITH: It is the one who has the last guess.

The Attorney General: That is a current joke.

Mr. SMITH: It is not. The Minister knows that there is often great difficulty in deciding cases involving law. He would not deny that. As Sir John Forrest said, this is a Bill for the rich man and not for the poor man. The Attorney General spoke of a subject who was knocked down by an audit inspector from the Treasury. He said that because the inspector was from the Treasury the subject could not sue the Crown. Of course, he was stretching the long bow there. But, assuming that is the position and such an audit inspector knocked down a rich executive, there would, under this Bill, be no limit to the damages. If this inspector knocked down a £10,000 a year man—some person whose services to the community are worth that much—what damages would his widow get against the Crown compared with what the widow of a worker on the basic wage would get? She probably would not take action in any case because, as Sir John Forrest or some other member of the Legislative Council or the Legislative Assembly in 1898 said, Bills of this description, like the Crown Suits Act itself, if they do not limit the damages, constitute one law for the rich and another for the poor.

There is no limitation in this measure, except to the particular cases which it specifically excludes. But when the question was asked in the conservative Legislative Council of 1898 why the Government should have the privilege of limiting the damages to £2,000, the answer was that the Government represented the whole community, and when one individual brought an action against the whole community in regard to contract or negligence, to have no limitation would be to give assent to the principle that there should be one law for the rich and another for the poor. The Attorney General gave a most cogent reason, I think, against the passage of this measure when he said the Crown is more vulnerable than the subject. The Attorney General knows how vulnerable the Crown can be with so many servants in its employ.

The Chief Secretary: And so many lawyers to defend it.

Mr. SMITH: The Crown becomes liable for damages in connection with the torts of each one of them—such as, for instance, defamation of character or the accepting of non-negotiable cheques against the strict instructions of a superior officer. That is a most cogent reason why this measure should not be passed. The Attorney General knows how vulnerable the Crown is. He knows that a syndicate is more vulnerable than the subject; and that a small company is more vulnerable than a syndicate, and that a big corporation is more vulnerable than a small company, and the Crown more vulnerable than any of them.

Hon. J. B. Sleeman: It is reduced to 12 months because of that.

Mr. SMITH: Governments, like companies, come within the category of those who have no body to be kicked or soul to be damned. Someone said in the Legislative Council, when the Crown Suits Act was going through, that courts and juries have less regard for the welfare of Governments than they have for subjects. On those grounds alone I think this Bill should be rejected. Down in the city the retailers have clubbed together in an association for their own protection in cases of prosecution. They are afraid individually to take action against shoplifters in case some of those who charge the shoplifters may be mistaken and find themselves liable for heavy damages. So they have got together and they launch such prosecutions through the Retailers' Association, knowing how vulnerable they are individually. The Dalgety case, which gave rise to this legislation, illustrates how vulnerable the Crown will be if the measure is passed, and how it could be involved in heavy damages though its servants had done nothing that could be classed as a wrongful act. No servant did anything that could be classed as a wrongful act in the Dalgety case. Mr. Justice Rich said the whole procedure was misconceived. The action of bypassing the local Government was wrong.

Hon. J. B. Sleeman: They must have been badly advised.

Mr. SMITH: They must have been, sending the petition of right home direct to the King and the Home Secretary in a country engaged in war. When the fiat was issued it was not a fiat "let right be done," but "let right be done subject to the right of the Crown to demur," and the Crown did demur, and because of that a case was stated and specific questions were set out, some of which were answered in the affirmative by Mr. Justice Dwyer in the Supreme Court, but in the negative when the matter got to the High Court. There was a dirty piece of work in connection with that case in bypassing the local Government and the local Governor. I would like to know what the member for Nedlands would say if we bypassed the State and went to Canberra.

It is said that rights that are vested in Governments should be referred to the composition and structure of Governments rather than to the nature and extent of their powers. It is a well accepted theory, but apparently it was not satisfactory to the local solicitors who took the Dalgety case. They were not satisfied with the composition and structure of the local Government and they did not lodge the petition of right with the Lieut.-Governor, or whoever it should be lodged with in this State to give an opportunity to the Minister of the Crown and the Lieut.-Governor of seeing whether the fiat should be issued or not. In the Dalgety case Mr. Justice Rich said that the whole procedure was wrong and ill-conceived, and he cited cases to support those statements. In 1898 Sir John Forrest said:—

> I wonder that in these free colonies of Australia some of the Governments have not been half ruined by the processes of law. The Government does not get the consideration of courts or juries that private individuals do.

Quoting the Attorney General, Sir John Forrest said:—

> Reference will be made to the limitations, but hon. members would easily see the necessity for these. Suppose there were no limitations and a pilot ran one of the big mail steamers on the rocks and wrecked it, an action for damages in a few of these cases would ruin the Government.

Then he also referred to the possibilities under mining leases. Sir John Forrest also said:—

> "There is also the opinion of the member for Albany, Mr. George Leake, himself a solicitor, in which he complimented the Government on the Bill brought down in 1895, which was thrown out of the Legislative Council on account—Mr. Leake said—of the limitations imposed." Mr. Leake said, "It might be said that under this Crown Suits Bill the rights of the subject against the Crown have been considerably limited, but when the provision as to torts is considered it will be seen that the present Bill gives the subject a much wider scope than he has under the English law. Although the subject is limited in his actions against the Crown the provisions are sufficiently liberal not to prevent a person damaged in a railway accident—or any other public work—from recovering damages from the Crown in the ordinary course of law. The Attorney General has mentioned an instance where without certain limitations the State might be placed in the most difficult position, and it is only to guard against possibilities of that kind that limitations are proposed.

This legislation merely creates a new target for the litigous in the community. It creates opportunities for a few against the best interests of the people and at the expense of the many. It postulates that the Government is the legitimate prey for all and sundry and that anyone who can successfully sue the Crown is a hero in his own right. The Crown ought to be attacked! That is what this postulates. As the Government ought to be attacked, it should be made more vulnerable so that it might be easier to launch such attacks. It suggests that the Government is something apart, not a part of the people or a part of the whole of us; it suggests that under no circumstances should the Crown be placed upon a pedestal.

The member for Nedlands, when he spoke in 1944, asked why should the Crown be placed upon a pillar? I shall tell members why. It is in the interests of good government, for the maintenance of law and order. We go to the picture shows and when a likeness of the King is thrown on the screen, we stand up as a mark of respect to His Majesty. We do that not only because he is a good, clean-living man, but because he is the rallying point of all activities throughout the Empire, both in peace and in war. We respect him because he is His Majesty and because of the people's majesty; because he is the symbol of the people's majesty. That is why we respect the Crown. We respect the sovereignty of the Crown because that sovereignty represents not only the King who is the fountain head of all authority, but the means by which

that authority is asserted and exercised. Down through his Parliament, whether it be in England or any other part of the Dominions, and down through his local representatives, through all the various Dominions—

The Chief Secretary: Like the Arbitration Court!

Mr. SMITH: —through all the instrumentalities by which the authority of the Crown is asserted and exercised—through all these our respect for the soverignty of the Crown is demonstrated. Why do a wrong in the shape of anything that would undermine or to any degree lessen the respect we should pay to the Crown, because the Crown is the whole realm, including the King and Parliament and all instrumentalities through which the authority, of which His Majesty is the fountain head, is exercised? Any measure that purports to place the subject on the same level as the Crown should be condemned outright. To suggest that the subject should have the same respect paid to him as to the Crown that represents all subjects is not, in my opinion, wise legislation, nor is any kind of legislation that attempts what could be construed as undermining the respect that all subjects of this Empire, who are loyal to the Empire, ought to pay to the Crown. As for the talk about the procedure that is archaic, as the Attorney General said, is there not about these old laws and procedure that which bears the polish of antiquity? Sometimes it is difficult to discover the reason behind them, and what actuated the men that enacted them. But when we prosecute inquiries and try to discover the motives, we generally find that there are indeed good reasons behind them. One of the reasons why the same rights have never been extended to the subject as have been extended to the Crown is that it is in the best interests of the whole of the community that the Crown should be placed on a pedestal.

THE ATTORNEY GENERAL (Hon. R. R. McDonald—West Perth—in reply) [11.16]: I do not think I yield even to the honourable and eloquent member for Brown Hill-Ivanhoe in loyalty to the Crown, but after all we must have some sense of proportion. What does this Bill provide? It simply provides that the Crown, which, of course, in these days is the Government, shall pay its just debts like any ordinary common man and that if the Crown knocks a man down and injures him, it provides that compensation shall be paid to the individual or to his dependants just like any ordinary man would be compelled to do. That is all it does. I can see nothing very extraordinary or anything to cause an outburst of heroics because any such proposition is brought forward in a Parliament that hopes to be reasonably progressive.

Hon. J. T. Tonkin: If it is as simple as you say, how is it that this matter has not been corrected before?

The ATTORNEY GENERAL: In earlier days and even in 1898, as the hon. member must be aware, the Crown engaged in very small activities compared with what is done today. When this State built a railway it was quite an innovation, but even that has not been done in England to this day. In 1898 in Western Australia when they went so far as to build a railway, there were no trading concerns or sawmills or brickworks and the Crown was limited to a very few activities of government. It has been found that the Crown service has grown in so many directions that it represents about one-quarter of the employed people of the Commonwealth. They come into contact with the rest of the people in so many of these activities that the situation has undergone a complete change. Justice is something that does not depend upon the individual.

Every person, rich or poor, is entitled to justice before the tribunals of the country and even before Parliament and before its instrumentalities. Justice does not respect persons and that is why in our law courts we see the figure of Justice with a bandage over her eyes indicating that she does not look to see whether the person is rich or poor. While we set out to protect the poor —if there are any very poor amongst us today—I hope we shall always do so and that we shall protect the defenceless at all times. At the same time, the individual who has saved £1,000 or £10,000 is still a citizen and is entitled to justice before the courts of the land. Nothing could be further from the truth than to say this is a rich man's Bill. That is a very shallow view to take of the legislation. It is a Bill for any citizen who has been wronged by the Crown.

The term "tort," as the member for Brown Hill-Ivanhoe suggested, is simply another word for "wrong." Any person who wilfully or negligently wrongs another person causing him damage or injury can have a claim lodged against him and that claim is what is technically described as a "tort." Such an individual is liable to pay damages if he is a private citizen and the injured person should be entitled to secure damages in the same way if the injury is done by the Government through its employees, just the same as a company or a corporation will pay damages for injuries, torts, or wrongs which a servant may inflict on someone else in the course of activities he is discharging for the company or corporation.

I well remember the first time I came into contact with a petition of right. It was in connection with the case mentioned by the member for Kanowna—the Ravensthorpe case. A number of men were employed as miners in the copper mines at Ravensthorpe. I cannot remember the number, but I think there must have been between 50 and 100. So far as I am aware, nobody could classify them as rich men; I would not say they were poor men, but they were working men. They conceived that, in connection with the arrangements for working the mines, they had been cheated by the Crown or its agents of a proportion of their earnings from the mines.

Hon. J. B. Sleeman: On a point of order! Is the Attorney General in order in introducing new matter by bringing up the Ravensthorpe case, because no member on this side of the House will be able to reply to him?

Mr. SPEAKER: The Minister is not entitled to introduce new matter in the course of his reply.

The ATTORNEY GENERAL: The Ravensthorpe case was referred to by the member for Kanowna and by other members, and it is directly relevant. That was the first case in which I had ever had any association with a petition of right. I was then acting for that marvellous and sacrosanct party, the Crown, but the miners found they had no remedy against the Crown under the Crown Suits Act, and so they fell back on a petition of right and, in those innocent days of 16 or 17 years ago, the then Solicitor-General, Mr. Sayer, and others imagined that the petition of right still lay in spite of the Crown Suits Act. A number of people had brought petitions of right before the courts and had succeeded. The miners of Ravensthorpe, because they had no remedy under the Crown Suits Act, brought a petition of right and recovered ultimately from the Crown, I think, upwards of £100,000.

That is incomparably the largest petition of right this State has ever had, and it was brought by Ravensthorpe miners for money they suggested—and this view was accepted—the agents of the Government had wrongfully withheld from them for their labours. It is by far the largest sum ever recovered in this State on a petition of right. So this is as much a poor man's remedy as it is a remedy of anyone else.

Mr. Graham: Tell us something about your alleged personal pique.

The ATTORNEY GENERAL: Afterwards I shall tell the hon. member, because, it is a very rich joke, just how I came to introduce this Bill. It is a story worth telling, but I shall not refer to my alleged pique. It was found in 1944, as the member for Brown Hill-Ivanhoe rightly said, though I am not sure what he did say, that contrary, to the belief of lawyers—

Hon. A. H. Panton: It was not very hard to understand what he said.

The ATTORNEY GENERAL: I rather thought he suggested that a petition of right still lay.

Mr. Smith: I did not. I said Mr. Randell stated that it was repealed in 1898.

The ATTORNEY GENERAL: In spite of what Mr. Randell said, a petition of right was used and accepted by the courts, and money was recovered through the courts and the procedure was recognised by the Crown Law Department from 1898 when Mr. Randell spoke until 1944, a period of 46 years. But in 1944 the point was taken that the effect of the Crown Suits Act of 1898 had, in fact, been to repeal or abolish the procedure by way of petition of right. Consequently, had the Ravensthorpe miners brought their case in 1945, they would, so far as I can see, have had to whistle for their money. The limitations on the subject, on the poor man, the rich man or the middle-class man, are now more than they were

before in the 46 years between 1898 and 1944, in which year the petition of right was held to be no longer applicable. I am not wedded to this Bill. I do not really care whether it be passed or not.

Hon. J. B. Sleeman: Then drop it; let it go out.

The ATTORNEY GENERAL: But it has been the law of the Commonwealth since 1903 and there has been no alarm about the number of cases brought against the Commonwealth. I admit that the State or the Commonwealth, by reason if its enormous number of activities, is more vulnerable in the sense that it is more liable to be sued than is a private person, but is vulnerability to be a test of liability? Is the Broken Hill Co. to be less liable than a poor man? I think this is a proposition that needs only to be stated in order to be discounted.

The Government, by this Bill, is merely proposing to accept the same obligation to men and women as it expects men and women to accept between themselves. In this Bill one or two archaic laws are referred to. There is a writ of capias which the Crown can still exercise and which I want to abolish and the hon. member wants to retain, because he wishes to keep the Crown on the pedestal or pillar, if I may use that remark. Capias is a writ whereby the Crown can arrest someone owing money and throw him into gaol. That is one of the archaic remedies of the Crown which the hon. member would retain and I would abolish. The time has gone when we should retain—even if it is not exercised—the power of the Crown to pick up anyone who owes it money and throw him into gaol. We do not stand for such things in these days.

The Commonwealth has had this equality before the law for 44 years and New South Wales has had it for something like 20 years. Neither the Commonwealth nor New South Wales has for one moment thought it led to any increase in its liability. Both those authorities have had experience of the law and have kept the law. In England in 1927 a Select Committee was appointed, led by Sir Henry Slesser, one of the judges of the High Court of England, and the committee made a report that the Crown there should accept substantially the same liability as did a private person; and that was supported by a great number of representative institutions which are mentioned in the speech I made in this House in 1944. At the beginning of this year the English Government, led by Mr. Attlee and Mr. Bevin, had the temerity, through their Lord Chancellor, to introduce in the House of Lords a Bill which I have here and which is designed substantially to make the Crown liable in the same way as the subject is liable; in other words, substantially, and with certain limitations due to their having a Navy, armed forces and so on, it is towards the principle I am proposing in this Bill.

Mr. Smith: Has it been passed?

The ATTORNTY GENERAL: I do not know, but I think it will be. There is no reason why is should not be, but I will find out. In the First Schedule to that Bill the English Government takes the step of abolishing the petition of right as an aged out-moded relic of the time when the King could do no wrong. I think that, in view of the decision in 1944, that the safeguard we had beyond the Crown Suits Act in the petition of right is no longer applicable, we should take steps on the lines of the Commonwealth and New South Wales and as proposed by the English Parliament to ensure that the Government will accept the same liability as the private person accepts under the Government's laws. So I commend the Bill to the House. I feel sure there is nothing in it that the House will regret, and there is in it a principle of which Parliament will have reason to be satisfied and proud.

Question put and passed.

Bill read a second time.

House adjourned at 11.33 p.m.