new field, that is a most gratifying result. The report is issued by one of our inspectors upon whom I can place the greatest reliance. I ask members, therefore, to be a little patient with us in the education of the native child, as we are convinced we can get results.

Mr. Triat: That is obvious.

The MINISTER FOR EDUCATION: As to the problem facing us of teaching native children along with white children, I say quite definitely that there will be no segregation. For one thing, it would not work even if we attempted it. Two sets of lavatories, two sets of wash-basins, in fact, two sets of everything, would be required.

Mr. McLarty: That is desirable in some cases.

The MINISTER FOR EDUCATION: No, it is not. Cleanliness on the part of all children attending school is the requisite. If all the children are clean, there is no need for separate conveniences. It is not always, unfortunately, the black child who offends; we have had trouble with some white children.

Mr. McLarty: I think you should have a look at some of the native camps.

The MINISTER FOR EDUCATION: I am aware the hon. member mentioned a matter which is a worry to us. One cannot expect children to come to school clean if their home conditions are dirty; but education will improve that position. If the children are segregated, it will take much longer to effect improvement in the home than it would if we kept the children together and gradually raised the standard. We hope, in co-operation with the Health Department, to effect improvements in the living conditions of the natives and so make it all the more desirable that there shall be no segregation.

I could not close my remarks on this Vote without making reference to the work being done by the Parents and Citizens' Associations throughout the State. I am happy to say that we have had the most friendly co-operation. As a result of the existence of these associations, schools have benfited considerably. Only a few months ago, one of these associations, not far from Perth, spent the sum of £250 in equipping a school right throughout with radio and amplifying devices. That is something which would have taken the school a long time to obtain in the ordinary way; and the equipping of the school in that way will confer a very distinct benefit upon the children. Similar work has been done in other schools throughout the State. I am grateful indeed to those associations, the members of which have given much of their time and money to improving the lot of children attending school. Without their help, the work of the department would be much harder and the children would not be as well off as they are. I take this opportunity to express the thanks of the department to those generous men and women who devote so much of their time to this very interesting and very important work.

Progress reported.

House adjourned at 11.5 p.m.

Legislative Council.

Wednesday, 14th November, 1945.

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

MOTION—TROTTING CONTROL.

As to Report by Mr. E. A. Dunphy.

HON. J. CORNELL (South) [4.35]: I move—

That the report, if any, made by Mr. E. A. Dunphy, to the Chief Secretary as a result of his inquiries into the recent dispute between the W.A. Trotting Association and the Owners, Breeders and Trainers' Organisation, be laid on the Table of the House.

Some months ago there was a total cessation of trotting in the metropolitan area, arising out of a dispute between the Trotting Association and the Owners, Breeders and

Trainers' Organisation. With a view to terminating the dispute satisfactorily to both sides a deputation waited on the Chief Secretary, and it was agreed that the then Assistant Crown Solicitor, Mr. Dunphy, should inquire into the merits of the whole case. I understand that after an exhaustive inquiry, and after hearing both sides, Mr. Dunphy submitted a report giving his views and findings. As a result of that report, we have before us now a Bill to rearrange fundamentally the control of trotting in this State. That Bill contains 35 clauses.

I am of the opinion that it would be of assistance to the House and would clear up a good deal of misapprehension which I have ascertained exists in the minds of some members if the report were tabled and recourse could be had to it, and Mr. Dunphy's reasons for the necessity of controlling the sport in the manner suggested in the Bill examined. That is the only reason I desire to see the report tabled. I informed the Chief Secretary that I intended to give notice of this motion, and he said he had no objection to laying the report on the Table if the House so desired. With his characteristic modesty, the Chief Secretary did not bring along the report to bolster up his case for the Bill. Of course, he has the alternative of quoting from the report when he replies to the debate on that Bill. But I understand he has no objection to its being tabled; in fact, he prefers that it should be tabled, and then members can acquaint themselves with its contents. I hope the House will agree to the motion. I think it is bound to agree without any delay to the tabling of the report.

Hon. H. S. W. Parker: Why not the whole file?

Hon. J. CORNELL: I do not think the Chief Secretary would have any objection to tabling the whole file, together with the report. At present, I will move the motion as it stands.

HON. C. B. WILLIAMS: (South) [4.40]: I intend to support the motion because I am of the opinion that if the Government had appointed a Royal Commission into trotting in Western Australia before submitting this Bill to the House, it would have had a better chance of getting the measure passed. If members could view the evidence put before Mr. Dunphy, when acting as intermediary between the parties, some who have been trying to shuffle on this question might be prepared to vote in an intelligent manner

THE CHIEF SECRETARY (Hon. W. H Kitson—West) [4.42]: It is true that th then Crown Solicitor, Mr. Dunphy, pre sented to report, together with his recommen dations for the Bill that has been presente to this House, but not exactly in the wa that Mr. Cornell suggested. Mr. Dunph was requested by the Government to conside this matter, to make inquiries where h thought fit, and to submit his recommenda tions and a draft Bill. As I told the Hous in introducing the measure, that has bee done. The question has been raised as t whether Mr. Dunphy's report—and now, understand from Mr. Cornell's remarks, an relevant papers associated with the report— should be laid on the Table of the House After Mr. Cornell spoke to me about thi matter I took the precaution of asking Mr Dunphy had he any objection to his repor being placed on the Table of the House. H said, "It is the basis of the Bill. I do no see why it should not be placed on the Tabl of the House." That being the case, if mem bers desire the report and the relevan papers to be placed on the Table of th House, I have no objection to that course be ing adopted.

Question put and passed; the motio agreed to.

BILL—SUPREME COURT ACT AMENDMENT (No. 2).

Returned from the Assembly with amend ments.

BILL—LEGISLATIVE COUNCIL (WA TIME) ELECTORAL ACT AMENDMENT

Second Reading.

THE CHIEF SECRETARY (Hon. W. H Kitson—West) [4.45] in moving the secon reading said: It will be recalled that in 194 Parliament passed the Legislative Counc (War Time) Electoral Act, which gives auth ority for the exercise of the franchise b qualified persons who are members of th Forces outside of Western Australia, t record a vote at elections for the Legislativ Council. The duration of that Act was fo a period of 12 months only, and last sessio it was necessary to move a continuance Bil This Chamber agreed to the period being ex tended to the 31st December, 1945.

Under this Act as it stands at present any qualified member of the forces can vote for any election or by-election for the Legislative Council while that Act is in existence. As the biennial elections take place next year, and there is always the possibility of a by-election, and seeing that there is a considerable number of members of the Forces still outside Western Australia, who will have no possibility of returning to this State within the next few months, it is proposed by this Bill to extend the period for a further 12 months to the 31st December, 1946. That is all there is in the Bill. It is purely a continuance Bill, providing for the Act to continue for a further period of 12 months.

Question put and passed.

Bill read a second time.

In Committee.

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

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

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [4.50] in moving the second reading said: It is proposed by this Bill to amend Section 15 of the Act of 1939-1943, in order that its provisions may be effective until the 31st December, 1946, at least. The principal function of the Act has been to stabilise the price of rents at the rates existing at the 31st August, 1939, and to prevent the imposition of unfair rentals. The Act covers all types of leases, whether written or oral, and applies to all kinds of premises.

An indication of the efficiency of the Act and of its administration can be obtained from the knowledge that Western Australia is one of the only two States in which the whole of the Commonwealth landlord and tenant regulations are not enforced. This is clear proof that the Commonwealth Government considers that the State Act provides a satisfactory control of rents, and it has therefore not insisted that the Commonwealth regulations should apply to their fullest extent in Western Australia. It has also been authoritatively stated that rents in Western Australia are more equitably stabilised than in any other State.

The State Government has attached great importance to this matter, that control of rents has a direct relationship to the price fixation of commodities and to the fixation of wages by the Arbitration Court, apart from the necessity for curbing the operations of those landlords who see in other people's necessity the opportunity to make money quickly. In order that both landlords and tenants could obtain authoritative advice, the State Government made the services of an officer of the Crown Law Department available for this purpose. This officer in the past two years has personally interviewed approximately 11,000 persons and has dealt with a large number of inquiries by correspondence. Most members are aware that he has done a remarkably good job.

A similar service has been operated by the Commonwealth Crown Law Department, and all members are no doubt aware of the work done in this connection by the Soldiers' Dependants' Appeal Committee. Early in the war the State Government made available the services of an officer who had gained much experience in the employment relief branch of the Public Works Department, Mr. William Mather. With him was also Mr. Shean, of the Crown Law Department. Both the officers made available for this difficult work have been very successful in their efforts for the people who have approached them. Officers like Mr. Mather seldom come under public notice and I take this opportunity to speak from personal knowledge of the excellent work he has done.

A recent statement by the Prime Minister that the Commonwealth landlord and tenant regulations must continue indicates the necessity for the continuance of the State Act. Actually, the provisions of the State Act relating to the ejectment of tenants is superseded by similar provisions in the Commonwealth regulations, but in other respects the State Act prevails. Section 15 provides that the Act shall remain in existence during the war and for six months thereafter. By legal interpretation the war will not cease until the Governor-General has declared by proclamation that it has ended.

Hon. H. S. W. Parker: Where did you get that legal advice?

The HONORARY MINISTER: That is my information.

Hon. C. R. Cornish: When will that be?

The HONORARY MINISTER: I cannot say. If precedent be followed, the Governor-General will not issue the proclamation until such time as all the signatories have attached their signatures to the last of the peace treaties that will be entered into. The object of the Bill is to obviate the possibility of the war legally ceasing and the Act lapsing during a period in which Parliament is in recess and thus unable, if desirous, of extending the life of the Act. It is the Government's contention, with which I am sure members will agree, that circumstances make it imperative that the Act should remain in operation until the end of next year. Its cessation while there was still a shortage of houses would undoubtedly precipitate, in many cases, an excessive increase of rents—a situation that would be fraught with unpleasant possibilities for many tenants. The knowledge we possess of the acute shortage of houses makes it imperative that this measure be passed. I therefore have no hesitation in recommending it to the House. I move—

That the Bill be now read a second time.

On motion by Hon. H. Seddon, debate adjourned.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendment No. 7, had disagreed to amendments Nos. 2, 3, 5, and 6 made by the Council, and had agreed to Nos. 1 and 4 subject to further amendments now considered.

In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

No. 1. Clause 2 (2):—Delete the words "or the provisions of any other Act" in lines 11 and 12.

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to a further amendment as follows:—

Add to the amendment the words "and delete the words 'and the provisions of any other Acts' in line 17."

The CHIEF SECRETARY: The Assembly has agreed to the Council's amendment and asked that similar words be deleted from another part of the subclaus The amendment was moved by Mr. Park and seems to be consequential.

Hon. H. S. W. Parker: I think it is co sequential.

The CHAIRMAN: That is so.

The CHIEF SECRETARY: I move—

That the amendment, as amended, be agre to.

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

No. 2. Clause 5 (1):—Insert the wor "at the time of the commencement of th Act" after the word "which" in the se ond line of subparagraph (i) of paragra (a) of the proviso.

The CHAIRMAN: The Assembly's re son for disagreeing is—

The acceptance of this amendment wou create anomalies and is in conflict with t principle of uniformity in the proviso.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

This amendment was moved by Sir H Colebatch. The intention was to provi that where certain sections of Governme employees might go beyond £750, the would still be subject to the Act. If w agree to this amendment it will mean th sooner or later there will be anomalie The better procedure would be, in the eve of these sections going beyond the lim provided in the Bill, to amend the legisl tion to provide for a higher salary ran coming within the scope of the Bill. It there that the anomaly would be created, the opinion of another place.

Hon. Sir HAL COLEBATCH: I w under the impression that the idea of e cluding was to exclude certain officers. do not intend to press the amendment, b I am sure it will mean that the Service wi find it is debarred from appealing in ma cases where it is thought an appeal shou be allowed.

The CHIEF SECRETARY: The clau provides that only those officers receivi £750 a year or less shall be subject to t Bill. Sir Hal Colebatch considered that view of the fact that there were likely be alterations in the salary range of so of these officers which might take them b yond £750, while they would be able appeal so long as they received less th £750 they would be debarred from doing

once they passed that amount. He suggested we ought to have a schedule of officers who would be exempt from the Bill rather than have a salary limitation. We found that was impracticable.

A large number of officers were affected. In many departments it was not possible to say which officers it was thought should be exempted from the provisions of this measure. Eventually this Chamber agreed with Sir Hal Colebatch's contention. At that time I used the argument that if the occasion arose where, as a result of a reclassification, numbers of officers now receiving less than £750 received more than that amount, that difficulty could be overcome by an amendment to the Act. Apparently another place has taken that point of view. It has put forward a substantial argument to the effect that the amendment, if agreed to, will lead to anomalies. We may find certain sections of officers who, as a result of a reclassification, would be getting beyond £750 and would be entitled under the Bill to appeal, while other officers who today have the same right as those officers would be debarred from doing so.

Question put and passed; the Council's amendment not insisted on.

No. 3. Clause 5 (1)—Delete the paragraph (b) of the proviso.

The CHAIRMAN: The Assembly's reason for disagreeing is—

It is considered the benefits of the legislation should be granted only to members of the employees' organisations which are responsible for bringing about progressive improvements in the conditions of employment.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

Some members regarded this clause as giving preference to unionists. I pointed out at the time that there were hardly any non-unionists in the Government service, but that in large departments there were several awards and agreements under which various employees are employed, and that when it came to a question of appealing against the appointment of a certain individual it was merely right that only members of the organisation covered by the award or agreement concerned should have the right to appeal. This Chamber said that was unadulterated preference to unionists, and would not have it. Another place has advanced, in different language, the same reasons which I submitted.

There is another point which I mentioned previously, namely, that a member of an organisation may be promoted and a member of another organisation working under another award may desire to appeal against that appointment. Under this clause, only those employees who are members of the organisation covered by the award concerned will have the right to appeal. I am told that unless we do something of this kind, a certain amount of dissatisfaction is likely to arise. It would be possible for a person outside the ambit of an award to appeal against the appointment of a man who was covered by that award.

Hon. H. S. W. PARKER: I would not object to the clause but for the fact that a unionist is bound to subscribe to political party funds. I think it is wrong that Government servants should be bound to subscribe to the funds of a particular party. I feel sure there are many conscientious objectors under that head. Were it not for that fact, I would support the Assembly's request, but in the circumstances I cannot do so.

Hon. L. B. BOLTON: I oppose the motion. When the Bill was brought before us I pointed out that this part of it definitely provided for preference to unionists. That would deprive those members of the Public Service who desired to appeal from having the right to do so, and would not give them the protection they should have.

Hon. L. CRAIG: I hope the Committee will insist on this amendment. The reasons given constitute an admission that were it not for the unions the employees concerned would not have received improvements in their conditions. Is it not an indictment of the Government, that it is only as a result of the pressure of the unions that these improvements have been brought about?

Hon. G. Fraser: They are the result of arbitration awards.

Hon. L. CRAIG: Some employees object to being forced into organisations, and their principles will not allow them to contribute to some other party's funds. I do not see why a man should be prevented from receiving promotion because of his political principles. It would be a mistake to say to a man, "Unless you belong to an organisation, you will not get promotion."

The Chief Secretary: This Bill does not say that.

Hon. L. CRAIG: It means that.

The Chief Secretary: No.

Hon. L. B. Bolton: What hope has he if he is not a member of a union?

Hon. L. CRAIG: He may not receive the promotion that he deserves because he does not belong to a union and, because he does not so belong, he is not allowed to appeal. The result is the same. His political principles may not permit of his belonging to a certain organisation.

Hon. G. FRASER: I hope the Committee will not insist on its amendment. All the Assembly is endeavouring to do is to give the benefits to those who pay for them. The attitude of this Chamber is to give the benefits to those who do not contribute anything towards them. It is through the efforts of that organisation that this Bill is before us.

Hon. L. Craig: You would not give a pension to anyone who had different views from you.

Hon. G. FRASER: It is not a question of views at all, but of giving people what they have paid and worked for.

Hon. L. Craig: And to others.

Hon. H. SEDDON: There is more in it than that. I know of men in the Government service who have been strongly associated with certain political ideas and they have received promotion. Other and more capable men should have got the promotion but did not. If we allow this to remain we are going to perpetuate that state of affairs.

The CHIEF SECRETARY: I consider the arguments put forward to be a red herring. There are very few if any Government servants who are not members of one organisation or another.

Hon. W. J. Mann: Then what are you afraid of?

The CHIEF SECRETARY: Personally, nothing. This is what the organisations want, and what they are entitled to. Mr. Parker said that every member of the union is compelled to subscribe to a political party. He knows that is not true.

Hon. H. S. W. Parker: I do not.

The CHIEF SECRETARY: Some members of the School Teachers' Union are supporters of Labour and others are anti-Labour. But not one member of that organisation is compelled to subscribe to any body at all outside of his own organisation. It is not affiliated with any political party as far as I know. The members of the Civil Service Association are not compelled to subscribe to any political association. This talk of having to contribute to a political party is all so much bunkum.

Hon. H. Seddon: No. If an organisation is associated with Trades Hall it must contribute.

The CHIEF SECRETARY: If an organisation is affiliated it is called upon to make a contribution.

Hon. H. Seddon: And the members have to do so too.

The CHIEF SECRETARY: The union pays the affiliation fee which is infinitesimal.

Hon. H. Seddon: It is a political fee.

The CHIEF SECRETARY: I only wish that every trade unionist was a solid Labour supporter. There would then be no Legislative Council like this.

Hon. H. S. W. Parker: The secret ballot saves it.

The CHIEF SECRETARY: This is a pure fetish with some members. There have been occasions when members have felt sorry that they voted against something or other because they thought it had something to do with preference to unionists or the Trades Hall or the Labour Party when they later found that they had made a mistake. I cannot mention one person who does not belong to an organisation. The people covered by the award are the ones who should have the right of appeal. The Government is anxious that all the organisations connected with the Government service should have the kind of appeal that they desire.

Hon. L. B. Bolton: Is not this forcing them into an association to have the right to appeal?

The CHIEF SECRETARY: No, because I cannot mention one who is not a member of an organisation. Mr. Bolton and his organisation have certain ideas as to what should be done on behalf of its members, and so these organisations have ideas as to how their business should be prosecuted and we are trying to carry that out in this Bill.

Hon. C. R. CORNISH: I support the Chief Secretary. There must be very few members of the Government service who are not unionists. A man who joins a union does not have to vote for Labour.

Hon. W. J. MANN: The Chief Secretary would not say that we should force any person to do something that he conscientiously believes to be wrong. If we accept this clause we will be saying to the Government employees that they must either affiliate with the union or be disadvantaged to the extent of not being able to appeal against promotion. That is definite evidence of pressure and force. I cannot support it.

Hon. H. S. W. PARKER: The A.L.P. rules provide that every member of a union affiliated with its is pledged to vote for and support the selected Labour candidate.

The CHIEF SECRETARY: Rather than allow the hon. member to develop that argument I give him the lie direct.

Hon. G. Fraser: And I second it.

The CHAIRMAN: Order! That is not a point of order.

Hon. H. S. W. Parker: In which respect is it incorrect?

The CHIEF SECRETARY: Mr. Parker says that every member of every union affiliated with Trades Hall is pledged to support a particular candidate.

Hon. H. S. W. Parker: The selected Labour candidate.

The CHIEF SECRETARY: That is not true. They are not pledged to do that.

Hon. G. Fraser: There would be many pledges broken if they were.

Hon. H. S. W. PARKER: I must accept the Chief Secretary's statement but it is contrary to the copy of the report of congress that I read, and also contrary to what I have been told by many men.

Hon. G. Fraser: You would not be here if they voted for the cause.

Hon. H. S. W. PARKER: That is so. The ballot, fortunately, is secret. We cannot get a member of a union, affiliated with the A.L.P. to work for us in the open without grave risk.

Hon. G. Fraser: You have some who work for you at different times.

Hon. H. S. W. PARKER: Yes, and one such individual has not been able to get back his job that he had in 1930 when he worked for me.

The Chief Secretary: It would be interesting to know who that is?

Hon. G. Fraser: I can mention some who have worked for you who are still in their old jobs.

Hon. H. S. W. PARKER: No doubt. Every member of the A.L.P. is expected to vote and work for the selected candidate.

Hon. G. Fraser: Are not members of the Liberal Party the same? What about Macfarlan in Melbourne.

Hon. H. S. W. PARKER: I have never yet found out how they can in any way discipline a member of the Liberal Party.

Hon. G. Fraser: How did you do it to J. J. Simons?

The CHAIRMAN: Order! The debate is getting wide of the mark.

Hon. H. S. W. PARKER: I do not know that J. J. Simons can be disciplined. I think I am right in saying that it is the duty of the members of the A.L.P. to vote for and support the selected Labour candidate. We know that every effort has recently been made to get the Teachers' Union to affiliate with the A.L.P.

The Chief Secretary: By whom?

Hon. H. S. W. PARKER: I do not know but efforts have been made. I do not want the State Civil Service to get into the dreadful condition of the Commonwealth Civil Service. It is reported in "Hansard" where an organiser of the union went around with a paper signed by the Deputy Commissioner stating that if the employees did not join the union they would receive no benefits of any sort. I do not want that to happen here. If these people are all members of the union why worry about this clause?

Hon. G. Fraser: As free as the Barristers' Board and the solicitors' union!

Hon. H. S. W. PARKER: That is one union that this Government does its utmost to prevent carrying on its calling. This very Bill contains a clause providing that solicitors must not appear for the people concerned in the measure. The Government, as an employer, should be an example. It should not be necessary for its servants to join an organisation to get their just and due rights.

Hon. E. H. H. HALL: I do not believe in preference to unionists, but I do believe in facing up to realities. I do not intend to insist upon the amendment because a majority of the civil servants are in favour of the Bill, and do not want the Council to insist upon this particular amendment. We must accept the position as it is. I speak in the light of my experience of over 20 years as a

Government servant. I did not have to be compelled to join my organisation. The benefits to be derived from membership of an organisation with my fellow workers was self-evident to me, and I joined up willingly and readily. We desire a contented Civil Service, and as a majority of the Government employees desire the passage of this legislation, the sooner we agree to it the better.

I appreciate to the full what Mr. Parker has said and know that in many instances what he has stated is true. Men who belong to certain unions have to be very careful about expressing their political views and disclosing how they intend to vote. They know they will be penalised if they speak about such matters openly. In view of the wish of the majority of the civil servants in this matter, we should not insist upon the amendment. I do not want it said on this occasion that the Council—I was not here last year to participate in the consideration of an earlier measure—has still further delayed the Civil Service getting what is so much desired.

Hon. L. B. BOLTON: From Mr. Hall's point of view what he has stated may be quite all right, but I am not willing, in conceding to the Civil Service the right to an appeal board to deal with promotions, to agreed to that at the expense of granting preference to unionists. We have heard a lot about the benefits that are derived by unionists and are not shared by those less fortunate.

Hon. C. B. Williams: They are not unfortunate! Those that do not belong to unions are merely scabs. That is how it appears to me and appears in your eyes too.

The CHAIRMAN: Order!

Hon. L. B. BOLTON: I shall read to the Committee a copy of a letter that came under my notice. It was sent to a man who had applied for a position in the Government Service in Perth. I can vouch for the authenticity of it, because the man was previously employed by me.

Hon. C. B. Williams: Was he a union man?

The CHAIRMAN: Order!

Hon. L. B. BOLTON: He came to me and explained the position. I said, "Surely that is not right." The man replied, "Oh, yes it is; here is the letter I received." I was so staggered that I took a copy of the letter. I do not wish to give the man's name.

Hon. C. B. Williams: We will take yo word for it.

Hon. L. B. BOLTON: I can show it the Minister.

The Chief Secretary: It should be la on the Table of the House.

Hon. L. B. BOLTON: Very well. He is what the letter stated:—

With reference to your application for position on the staff of this branch, I desi to advise that you have been selected for a pointment as an Investigation Officer, Grade on a salary range of £306/366, with a co mencing salary of £306 per annum, plus £ per annum cost of living allowance.

Here is the particular point that I wish draw attention to:—

Should, however, you become a member the Temporary Clerks' Association, your co mencing salary would be £330 per annum, pl £40 per annum cost of living allowance.

Hon. C. B. Williams: That is about 6d. week.

Hon. L. B. BOLTON: It does not matt if the man had to pay 1d. per week to b come a member of the Temporary Clerk Association.

The CHAIRMAN: Order! Mr. Williar will have an opportunity to speak later o

Hon. L. B. BOLTON: If members wa any further proof than is provided by th letter, I certainly do not.

The CHIEF SECRETARY: I thought M Bolton was about to make some awful d closure!

Hon. L. B. Bolton: I think it is an awf disclousure.

The CHIEF SECRETARY: Those con tions have applied in the Commonwealth Pu lic Service for many years.

Hon. W. J. Mann: That does not say is right.

The CHIEF SECRETARY: That is o of the conditions of employment. It is accordance with the Public Service Act a has been in operation for years.

Hon. V. Hamersley: That is news to me.

The CHIEF SECRETARY: That is ease of preference to unionists wi regard to salaries; there is no qu tion about that. I am not surprised that M Bolton took a copy of the letter to pla on his file with the object of resurrecti it when it came to a discussion on the qu tion of preference to unionists. I say th

any man or woman employed in an occupation that is covered by an Arbitration Court award and is not a member of the appropriate organisation, is not deserving of the privileges which that organisation obtained in respect of his or her employment.

Hon. C. B. Williams: Particularly as the individual paid nothing towards getting the privileges.

The CHIEF SECRETARY: Why does Mr. Bolton subscribe to the Employers' Federation? Is it not because the federation protects him and his fellow employers? The same principle applies to the workers. I make no exception at all as to the occupation he or she may follow. It may apply to a Government servant, a teacher or—

Hon. C. B. Williams: The police.

The CHIEF SECRETARY: It applies equally to private employees. The girl who types in an office and the woman who cleans the office in which she types, should each belong to her respective organisation. If they are not prepared to do so then they are not entitled to privileges obtained by such organisations. I subscribe to that principle very strongly.

Hon. G. W. Miles: And that is why you did not take exception to the police joining up.

The CHIEF SECRETARY: I cannot understand the reason why some members take up the cudgels on behalf of a small minority. There are always one or two people who will be out of step and in many instances they are not worthy of consideration at all. Members take up the cudgels on behalf of one per cent. and are prepared to take no notice of what 99 per cent. wish. This provision is desired by all organisations employed by the Government, and for that reason this Committee should not insist on the amendment.

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

Ayes	11
Noes	16
Majority against	5

AYES.

Hon. C. R. Cornish	Hon. W. H. Kitson
Hon. G. Fraser	Hon. T. Moore
Hon. E. H. Gray	Hon. H. L. Roche
Hon. E. H. H. Hall	Hon. C. B. Williams
Hon. W. R. Hall	Hon. A. L. Loton
Hon. E. M. Heenan	(*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. G. W. Miles
Hon. L. B. Bolton	Hon. H. S. W. Parker
Hon. Sir Hal Colebatch	Hon. H. Seddon.
Hon. L. Craig	Hon. A. Thomson
Hon. J. A. Dimmitt	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. W. J. Mann	Hon. F. E. Gibson
	(*Teller.*)

Question thus negatived; the Council's amendment insisted on.

No. 5. Clause 14 (3):—Delete all words after the word "means" in line 16, down to and including the word "conduct" in line 18, and substitute the following words:—"potential efficiency, special qualifications, aptitude for the discharging of the duties of the office to be filled and personal characteristics conducive to harmonious working, together with merit, diligence and good conduct."

The CHAIRMAN: The Assembly's reason for disagreeing is —

It is considered the present wording of the clause is sufficient to enable the taking into consideration of every reasonable factor.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

The Assembly apparently believes that the clause, as originally submitted, is quite sufficient for the purpose. This is another amendment which I consider the Committee might agree not to insist upon.

Question put and passed; the Council's amendment not insisted on.

No. 6. Clause 16 (1):—Delete the words and parentheses "(not being a legal practitioner)" in lines 32 and 33.

The CHAIRMAN: The Assembly's reason for disagreeing is —

The board should operate as far as possible on the same basis as the Industrial Arbitration Court.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

We had a very lengthy discussion on this point, and I have no doubt that Mr. Parker, in view of his earlier remarks, will have something more to say on it. We are anxious that this appeal board should function successfully and we think that the principle which applies in the Arbitration Court should also apply to the proceedings of this board. Under the Industrial Arbitration Act, legal practitioners are not allowed to appear for parties in the Arbitration Court. It is desired by those who are concerned with this Bill that that provision should apply to this board. Personally, I

can see no reason why an appellant should desire or require the services of a legal practitioner. I hope the Committee will not insist on the amendment.

Hon. H. S. W. PARKER: Personally, I entirely agree with the Chief Secretary that a man who desires to appeal, if he is qualified for the job, ought to be qualified to conduct his own appeal. What I object to is that persons properly trained to undertake this work should be debarred from appearing before the board. In the Arbitration Court, however, highly specialised advocates appear for parties and command, and get, three or four times the fee which an ordinary barrister gets. It is not called a fee, but is a present or payment by way of annual salary. However that may be, it is a side issue. If civil servants are satisfied to walk down the street and employ an agent, as was done under the landlord and tenant legislation; if it is their desire to engage persons whose charges are not controlled, as solicitors' fees are, let them do so.

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

Ayes	11
Noes	16
Majority against	5

AYES.

Hon. J. M. Drew	Hon. W. H. Kitson
Hon. G. Fraser	Hon. A. L. Loton
Hon. E. H. Gray	Hon. T. Moore
Hon. E. H. H. Hall	Hon. C. B. Williams
Hon. W. R. Hall	Hon. H. L. Roche (*Teller.*)
Hon. E. M. Heenan	

NOES.

Hon. L. B. Bolton	Hon. G. W. Miles
Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. C. R. Cornish	Hon. H. Seddon
Hon. L. Craig	Hon. A. Thomson
Hon. F. E. Gibson	Hon. H. Tuckey
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. G. B. Wood
Hon. W. J. Mann	Hon. J. A. Dimmitt (*Teller.*)

Question thus negatived; the Council's amendment insisted on.

No. 4. Clause 13 (2):—Insert a new paragraph after paragraph (c) to stand as paragraph (d) as follows:—

(d) The applicant recommended shall if he defend his claim at the appeal be entitled to receive expenses similar in every respect to those laid down in this section for the appellant and such expenditure to be a part of the cost and expense of administering this Act.

The CHAIRMAN: The Assembly agre to the Council's amendment subject further amendments as follows:—

Delete in line 1 of paragraph (d) the wo "shall" and insert in lieu the word "may. Delete in lines 2 and 3 the words "entitl to receive" and insert in lieu the wor "granted by the Board."

The CHIEF SECRETARY: I move—

That the amendment, as amended, be agre to.

The effect is practically the same. Dr. Hi lop, I think, was responsible for the orig nal amendment. I do not know wheth the alternative amendments meet with h approval or not.

Question put and passed; the Assembly amendments to the Council's amendme agreed to.

Resolutions reported, the report adopt and a message accordingly returned to t Assembly.

BILL—MEDICAL ACT AMENDMENT

Report of Committee adopted.

BILL—SOUTH-WEST STATE POWE SCHEME.

Second Reading.

THE CHIEF SECRETARY (Hon. W. Kitson—West) [5.59] in moving the seco reading said: This Bill, which is suppl mentary to the State Electricity Commissi Bill, is not very lengthy, but it is neverth less important. It contains two major pr visions: Firstly, to approve of the report the Electricity Advisory Committee on t South-West National Power Scheme, and adopt and carry out the recommendatio contained in that report; secondly, to aut orise the acquisition of the undertaki known as the Collie Power Co., Ltd. copy of the Electricity Advisory Commi tee's report has been laid on the Table the House, and I understand that copies a being made available for the convenience members, though I have not seen one so fa I feel sure that members when examini the report will be impressed with the tr mendous amount of careful work which it obvious has been carried out by the commi tee in obtaining the material for its repo

The members of the committee are we known and highly-qualified engineers ea of whom holds an executive position of gre responsibility in the State. I refer to M

R. J. Dumas, the chairman of the committee, and Messrs. F. C. Edmondson, who is general manager of the City of Perth Electricity and Gas Department, and W. H. Taylor, manager of the W.A. Government Tramways. These gentlemen have performed their work on the committee in an honorary capacity and have therefore given generously, not only of their ability and experience, but also of their own time in carrying out the duties of the committee and in accumulating the data for this report. We are indeed fortunate that we have been able to utilise the services of three such willing and capable officers.

In 1943, the committee was allotted the task of investigating the advisability of establishing a central power station in the South-West of this State, and it was asked to base its opinion on economic, developmental and practical angles. Four years earlier, a commission had recommended against the adoption of such a scheme, but in that case the commission's terms of reference were not so extensive as those given to the Electricity Advisory Committee in 1943, and also the commission was not required to take into consideration the future possible development of the area. The Electricity Advisory Committee has revealed in its report that it has taken evidence from interested authorities and persons in the principal towns of the South-West and has also gathered considerable information in the metropolitan area from the Chambers of Commerce and Manufactures, the Sawmillers' Association and many other city authorities with interests in the South-West. Opportunity was also taken to obtain advice and information from Government departments and officials.

The committee, during its investigations, bore in mind that the Government's ultimate object was the extension of electricity facilities throughout the settled areas of the State, which for future electrical development the committee has divided into seven regions. These have been classified as follows: Geraldton, Northam, East from Northam, Goldfields, Upper Great Southern, Lower Great Southern, and the South-West regions. The committee was limited, however, by the terms of reference of its authority to recommendations concerning the South-West region, which it describes as bounded in the north by Waroona, to the east by Collie and Pemberton, by Augusta in the south, and to the west by the ocean. The towns of Northam and Pinjarra were not included in this region as it was considered that their supply of power would be provided from Perth.

An interesting and important recommendation is the eventual connection of the proposed South-West scheme with that of the metropolitan area. This, it is suggested, will follow two routes—one through Pinjarra, and the other via Brookton, York and Northam. This link would be of paramount importance from a defence point of view, and would provide an alternative source of supply in the event of the disablement of a power station by enemy action. A matter that gave the committee a great deal of concern was the hard work and lack of amenities which are the lot of many women and children in rural districts. Electrical power can assist to alleviate these conditions and make rural life more attractive, and thus help to counteract migration from country districts to the city and the larger towns.

In order to assist towards combating this most undesirable drift, the Government is anxious to make an early start with its scheme of adequately electrifying the South-West and eventually extending the facilities to the other settled regions of the State. The committee in its investigations was greatly impressed with the evidence tendered by representatives of the dairying and sawmilling industries. These witnesses were unanimous in their opinions concerning the benefits that electrical power would bring to their enterprises. It must be clearly understood, however, that the area to be covered, together with the State's small population and limited financial resources, makes the entire scheme one of comparatively colossal proportion. Therefore the work that will be carried out for some years must of necessity be of a preparatory or foundation nature only. In this manner will be laid the foundations on which in future years can be built a greatly expanded scheme which will provide electrical facilities for many more persons than the present project can provide for.

The Government proposes to investigate shortly a scheme whereby those persons who cannot be assisted under the present proposal may also receive the benefits of electrical power. This would entail the provision of individual units, perhaps locally made, that could be made available, on reasonable terms, to persons in remote localities whose prospects of connection with

the main scheme would be negligible for many years at least. The use of these units would prevent the necessity of erecting many miles of low tension transmission lines and would probably be less expensive both to the consumer and to the Government. It is anticipated that valuable information in this connection will be obtained from an electrical engineer of the Public Works Department who has been sent to the United States of America to investigate thoroughly the most modern developments in electric power, particularly in respect to the methods in use for the generation and distribution of power in rural districts in that country.

I hope these facts will be appreciated by those persons who may be critical of the Government's efforts when their properties are not immediately connected with the scheme. The committee has estimated that a period of 3½ years will elapse from the date of commencement of the scheme to the time when it will first provide electrical power in the South-West. It early became obvious to the committee that immediate distribution of electric power over the entire South-West, both in the regions of close and scattered settlement, would be an economic impossibility. The committee was guided in this realisation by the fact that the scheme in its infancy must inevitably bear an annual financial loss, and that this loss must not be of proportions that would affect the operations of other important and essential post-war projects that also will of necessity produce substantial initial annual losses. It is to be regretted that schemes of this kind are very costly and take a long while to put into operation, and that in the initial stages the results of their operations cannot be hoped to meet the full financial obligations.

With this restriction in mind, the committee has recommended that there be three stages in the progress of the scheme. An annual loss of £30,000 after allowing for interest, depreciation, etc., is estimated in the first years of operation. With its intimate knowledge of the problems ahead and of the resources which the Government can marshal, the committee has suggested that the work of the first two stages should each be carried out over a period of 5 years; the length of the third stage to be governed by the conditions then existent. The committee does not dogmatise in connection with the period of the stages. These can be lengthened or shortened according to circumstances and are merely a framework on which plans may be built. After taking all factors into consideration, the committee is convinced that the basis of any scheme for the electrification of the South-West is the purchase, modernisation and extension of the generating station at Collie owned by the Collie Power Coy., Ltd.

The committee believes that for at least the early stages of the scheme Collie will be the centre of by far the largest consumption of power in the South-West, particularly if the comprehensive agricultural area water scheme is proceeded with, which will involve the raising of Wellington Dam, and which will necessitate the provision of pumping stations to pump water to a point between Collie and Narrogin from where it would be reticulated over a large area of the Great Southern district. This pumping scheme would require approximately 11,000,000 units of electrical power annually. When it becomes possible to provide power for the Upper and Lower Great Southern regions, it will be necessary to connect those areas with the South-Western supply; but this will be impracticable if the power station at Collie is not controlled by the Government.

The Bill therefore gives the proposed State Electricity Commission the power to purchase the undertaking of the Collie Power Coy., Ltd., as a going concern, or alternatively to lease it and operate it as the commission desires. In the event of negotiations between the Government and the company failing, authority is provided for the acquisition of the undertaking under the provisions of the proposed State Electricity Commission Act. In the event of compulsory acquisition being necessary, the amount of compensation to be paid to the company is not to exceed the amount which would have been assessable if acquisition had been made on the 1st October, 1945. Any additions made by the company after that date are not to be taken into account in assessing the compensation to be paid if, in the opinion of the Court, such additions were not necessary and were only made with the object of inflating the company's claim for compensation.

Sitting suspended from 6.15 to 7.30 p.m.

The CHIEF SECRETARY: I have already said that the Electricity Advisory Committee had recommended that the South-West power scheme should be developed in three stages, and I propose to refer to those stages. Stage 1 of the proposed scheme envisages the purchase of the Collie power station and the erection there of three new generating sets with two new boilers and the necessary cooling pond. This it is estimated will cost £420,000. Also included in stage 1 is the erection of new tranmission lines and new distribution mains and the connection to the scheme of all possible consumers. By the end of stage 1 it is anticipated that electric power will be available to the towns and surrounding districts of Collie, Bunbury, Narrogin, Boyup Brook, Picton Junction, Dardanup, Brunswick, Harvey, Yarloop, Waroona, Donnybrook, Capel, Busselton, Balingup, Kirup, Greenbushes, Bridgetown, Manjimup, Pemberton, Boyanup—a very important and extensive area.

In stage 2 another boiler will be installed at Collie and power will be supplied to Albany, Kojonup, Brookton, Pingelly, Wagin, Katanning, Woodanilling, Broomehill, Gnowangerup, Tambellup, Mount Barker, Denmark, Nannup, Yallingup, Margaret River and their adjacent areas, and tenders will be called for the erection of a 10,000 kilowatt generating station at Bunbury. The total estimated cost of the second stage is £556,000. The estimated total cost of stage 3 is £500,000 which would provide for the construction of the Bunbury generating station. This will substantially increase power generation to enable a wider distribution of power in the areas included in stages 1 and 2. During stage 3 action will be taken to connect the South-West power scheme with the metropolitan area scheme by means of two interconnections, one via Pinjarra and the other through Brookton, York and Northam. The total cost of these three stages, including the pumping of water from Wellington Dam for the proposed Great Southern water scheme, is estimated to be £2,160,000.

The committee considers that consumers should be charged at the rate of 5d. per unit for the first 20 units, 4d. for the next 20 units, 3d. for the next 60 units, 2d. for the next 500 units, 1½d. for the next 4,400 units. and 1¼d. per unit for all units over 5,000. per month, the minimum monthly charge to be 5s. If that can be accomplished, it will be a tremendous improvement on the charges that operate at the present time for power supplied from the smaller stations that are now operating. It is anticipated that after five years of operation the scheme will have become financially self-supporting. The committee emphasises that the scheme as recommended is flexible and can be amended to meet further developments should they arise. It is considered that in the 1945-46 financial year very little actual expenditure, apart from liabilities, can occur. Machinery and equipment will be on order, but a small quantity only will have been delivered. It is very unlikely that the compulsory purchase of the power company's assets would be finalised prior to the 30th June, 1946, and should this be so, the actual expenditure to the 30th June, 1946, should not exceed £80,000.

Members will be interested to know that the scheme will be equipped in such a manner that will be possible to use not only Collie coal but an alternative fuel should that become necessary at any time. The committee has recommended that as the generation and distribution of electric power is a public utility, it should be owned and operated by the Government, and that the operating authority should be the Public Works Department. In New South Wales the Public Works Department operates satisfactorily a large electricity supply system with several power stations and very extensive transmission and distribution systems.

In commending this Bill to the House I do so in the knowledge that the Government is fully aware of the necessity to bring electricity to the maximum number of persons, and at the same time that costs and prices to be charged to consumers should be kept at a reasonable level, and that the hard working men and women of country districts should be given the opportunity to enjoy the amenities and to acquire the labour-saving devices that are available to those who dwell in the metropolitan area. The scheme will undoubtedly speed industrial enterprise in the South-West and should result in the establishment there of new and important industries. It will be a vital contribution to the Government's policy of decentralisation of industry and of population, and it is hoped will eventually prove to have attracted wealth and migration to the State.

I have endeavoured to give an explanation of the Bill, but I would recommend a study of the report of the Electricity Advisory Committee, of which I believe members now have copies, and of the plan that has been laid on the Table of the House, which I think will repay the time it may take. As I said, when introducing the State Electricity Commission Bill, I believe these three electricity Bills will mark a new era for the southern part of Western Australia. In every country where electricity has been developed to modern designs and under modern conditions, it is noticeable that remarkable progress has been made. If this scheme, which was strongly recommended by the advisory committee, can be put into operation within the next five or six years, or even within the next ten years as regards its completion, it will make a remarkable difference to the economy of Western Australia, and the South-West of this State will be able to carry a much larger population and will probably reach a position that will compare favourably with that of any similar area in Australia. If members look at it from that point of view, I am sure that, notwithstanding the huge cost involved, they will agree that the time has arrived when the co-ordinating and control of electricity supplies and power generally in this State should be in the hands of a committee such as is proposed in the Electricity Bill, so that the people of the State might reap full benefit and value from the land that so far has been so productive. I commend this Bill to the House and trust that members will agree with its proposals. I move—

That the Bill be now read a second time.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 7th November.

HON. SIR HAL COLEBATCH (Metropolitan) [7.40]: Following the excellent example set by the Minister in moving the second reading of this Bill, I shall be brief in my remarks. I see no reason for repeating the arguments for and against that I used when a Bill of like content was presented to this House last year—I think later in the session. This Bill, in one respect that I shall indicate later on, is better than the Bill we had last session, bu it is still a long way from being satisfac tory. I see no reason to adopt any differ ent attitude from that which I adopted las year. I shall support the second readin and will submit certain amendments, bu unless those amendments or others of equa force are agreed to in Committee, I shal vote against the third reading. I think i is customary—if there are exceptions to th rule I do not know of them—when Parlia ments have the great advantage of workin under a bicameral system, for some metho to be devised for settling differences be tween the two Houses. The Chief Secre tary indicated the nature of those method in several cases, and I think most of thos are far better methods than are provide under this Bill.

There is a great deal to be said in favou of the joint sitting, but I agree that ther should be a method of settling difference between the two Houses. The only metho we have at present, when a difference goe far enough, is the conference. Lookin back, not only over my present period a a member, but going back 30 odd years, think the conference method has generall proved fairly satisfactory and has resulte in smoothing out a good many difference I do not remember any instance in whic this Chamber has been called upon to sac rifice any principles of importance as a re sult of a conference. However, I thin there should be a method of settling di ferences. This Bill is naturally divide into two parts, money Bills and Bills tha are not money Bills. Personally I am no going to dispute the right of the Legislativ Assembly to control the matter whe money Bills are concerned, but I do insi that they shall be money Bills and tha there shall be no possibility of their bein anything else. It is said—

How oft the sight of means to do ill deed makes ill deeds done.

Passed in its present form, this Bill wou make it possible for the Government to d clare a Bill to be a money Bill and to i clude in it something that was not legit mate in a money Bill and thus deprive th Chamber of any opportunity of amendin or rejecting it.

A money Bill, according to this measur is what the Speaker, supported by a maj rity of the members of the Standing Orde Committee of the Legislative Assembl

says is a money Bill. To start with, that would mean that the Legislative Assembly would have the sole right of saying what is a money Bill. But it would go further; it would mean that the Government would have the sole right of saying what is a money Bill because, at the present time and one might say at all times, a majority of the members of the Standing Orders Committee of the Legislative Assembly would be supporters of the Government, whatever party might be in power. I am not speaking merely with reference to the present Government. The committee would be elected by a majority of the members of the Assembly and, at the present time, a majority of the members of the Standing Orders Committee of the Assembly consists of Government supporters; and I think that will always be so.

I do not believe that that is a proper method to decide what constitutes a money Bill. In nine cases out of 10, probably in even more, there will be no question as to what is a money Bill, and I do not think it is necessary for the Speaker to have the support of a majority of the members of the Standing Orders Committee which, in any event, would be only a formality. I think the certificate of the Speaker that the measure is really a money Bill would be sufficient. I would want, and what we are entitled to insist on is, some means of effective protest if matters are included in a Bill that take it out of the category of being a money Bill over which the Legislative Assembly should have supreme authority.

There are, I daresay, a great many methods by which this might be determined. The method I suggested last year, I consider, was a good method, because it would be applied only when there was reason to apply it. It could never be frivolously applied. My method is that within a certain period after the submission of a Bill, it should be competent for two-fifths of the members of either House to lodge a protest, in the case of the Legislative Council, with the President, and in the case of the Legislative Assembly, with the Speaker. This would mean 12 members of the Legislative Council or 20 members of the Legislative Assembly, which would be a sufficient number to guarantee that there would be nothing in the nature of a frivolous protest and that the protest would be entered only when there was good ground for it. In the event of a protest being lodged, a committee of privilege would be set up consisting of three members of the Council and three members of the Assembly, presided over by a judge of the Supreme Court, who would have a casting vote but not a deliberative vote. This would be a simple method to apply, because the definition of a money Bill is clearly laid down and, as it would be a legal matter, it would be a suitable matter for a judge of the Supreme Court to decide if there was an equality of votes as between the members of the Legislative Council and the members of the Legislative Assembly. If the judge said, "No, this is not a money Bill," then we would deal with it as with any other Bill. If he said, "This is a money Bill," we could make suggestions but could not insist upon them.

Now let us turn to a consideration of ordinary Bills. In this respect the measure now before us is a little better than the one that was presented to us last session. The Bill of last session said—

> If any Bill (other than a money Bill or a Bill containing any provision to extend the maximum duration of Parliament beyond three years) is passed by the Legislative Assembly in three successive sessions (whether at the same time or not)—

Then it proceeded to say what should be done. This Bill contains the further words—

> —or a Bill to amend the Constitution Act, 1899, or the Constitution Act Amendment Act, 1899, or this Act or a Bill by which any change in the constitution of the Legislative Assembly or of the Legislative Council shall be affected.

Those words are in the amendment I had proposed to move had the Bill of last session passed the second reading. For that reason, I say that this Bill is slightly better than the one of last year, but the objection I take is that it would be competent under the measure we are now considering for the Government, in the course of a single Parliament, to force legislation through in spite of the opposition of this House. Consequently, I think an amendment should be inserted providing that between the second and third passing of the Bill, there shall be a general election.

It has been contended by supporters of the Government that there is no necessity for this, that the very fact of the party being in power is evidence that the people have supported the policy of the Government.

Surely that is an absurd argument! Our system of representative Government is by no means perfect. The elector in every case simply has to choose between two programmes; and to say that, if he votes for the Liberal candidate, he is supporting every item on the Liberal programme or that, if he votes for the Labour candidate, he is supporting every item on the Labour programme, is just absurd.

Hon. C. B. Williams: What about the Country Party?

Hon. Sir HAL COLEBATCH: That is not at all in accordance with the facts, but if this Bill were passed, it would be competent for the Government during a single Parliament to force through a Bill covering a matter that had never been on its platform and had never been presented to the people, something entirely new, something a trade union conference or a conference of the Liberal Party had decided upon after the election. There can be no justification for the argument that a Bill put forward by a Government is necessarily something that the people have approved of, but if between the second passing of the Bill and its third submission a general election is held and the party supporting the Bill is successful, then I think it might fairly be contended that electors approved of it, because it would be a duty of the party to make it a fighting issue in the election.

I do not think that this House wishes, or ever has wished, to oppose the will of the people. Going back a long time, previous, I think, to any of the present members having a seat in this Chamber, the first difference between the two Houses of which I have a definite recollection arose over the question of imposing a land tax. This House rejected the proposal, and incidentally it was not a proposal of the Labour Party. There was a general election; the party that had proposed the land tax was successful and this House then passed the measure. Speaking from memory, that occurred 40 years ago, perhaps more. I cannot see why the same sort of thing should not happen now.

Members should bear in mind that such a Bill would be one of some importance. It would be a major issue; it would not be a trifling matter. If it were trifling, it would not matter much what became of it. We can assume that it would be a matter of importance. Consequently, if it were passed in two sessions and then a general electio were held, the electors could be told, "If yo return this party to power, this Bill will g through in spite of anything the Legislativ Council may do to stop it." It would b a legitimate surmise, then, that the peop desired that particular piece of legislatio That is all I desire to say on the subject, e cept to make it clear that I shall put amen ments on the notice paper. I am in no wa wedded to those specific amendments, but shall insist that amendments of fully lik effect shall be carried. Otherwise, I sha vote against the third reading.

HON. H. S. W. PARKER (Metropolita Suburban) [7.55]: This Bill proposes to d two things. One is to prevent this Chamb from rejecting a money Bill, and the oth is to provide that a Bill that passes th Legislative Assembly on three occasions an is rejected by this Chamber on two of the shall then become law. As regards the firs it seems to me that this Bill is not correc A very simple means by which the law ca be altered to prevent this Chamber from r jecting a money Bill is to amend the Co stitution Act Amendment Act. Section 4 of the Constitution Act Amendment Ac 1899, reads—

(1) Bills appropriating revenue or mone or imposing taxation, shall not originate the Legislative Council; but a Bill shall n be taken to appropriate revenue or moneys, to impose taxation, by reason only of its co taining provisions for the imposition or a propriation of fines or other pecuniary pen ties, or for the demand of payment or appr priation of fees for licenses, or fees for regi tration or other services under the Bill.

(2) The Legislative Council may not amen Loan Bills, or Bills imposing taxation, or Bil appropriating revenue, or moneys for the ordi ary annual services of the Government.

(3) The Legislative Council may not amen any Bill so as to increase any proposed charg or burden on the people.

(4) The Legislative Council may at an stage return to the Legislative Assembly an Bill which the Legislative Council may n amend, requesting by message the omission amendment of any item or provision therein provided that any such request does not i crease any proposed charge or burden on th people. The Legislative Assembly may, if thinks fit, make such omissions or amendmen with or without modifications.

Hon. J. Cornell: That is the Commo wealth Constitution word for word.

Hon. H. S. W. PARKER: I do not know whether it is or not. I am dealing with our Constitution.

Hon. J. Cornell: Read the Commonwealth Constitution and you will find that the wording is the same.

Hon. H. S. W. PARKER: I have no desire to read the Commonwealth Constitution because I am dealing with the State Constitution. That was a State Constitution before the Commonwealth was inaugurated.

Hon. J. Cornell: Nothing of the sort. I was on the committee that recommended the insertion of that provision.

The PRESIDENT: Order! The hon. member will have an opportunity to speak later.

Hon. H. S. W. PARKER: That is exactly the same as Section 53 of the Commonwealth Constitution; the marginal note of our Section 46 tells me that. However, I am dealing with our Constitution. Apparently it has been held that this House may reject a money Bill regardless of Section 46. Whether it may or may not does not matter. Let us assume that this House has the power. All that is necessary is to add a few words at the end of Subsection (4) as follows:—

and in any event the Bill shall be presented to the Governor for his assent.

The concluding portion of Subsection (4) would then read—

The Legislative Assembly may, if it thinks fit, make such omissions or amendments, with or without modifications, and in any event the Bill shall be presented to the Governor for his assent.

I do not think anyone would seriously object to that. I certainly would not. I have no desire that this House should in any way interfere with the financial policy of any Government. The Legislative Assembly holds the purse strings, and with the small amendment to the Constitution Act Amendment Act that I have mentioned, all the difficulties as to what is or what is not a money Bill could be overcome, and it would be perfectly clear what this House may do and what it may not do in regard to money Bills. That would clarify the position. I come now to the second point which deals with Bills other than constitutional Bills and money Bills which automatically become law after being presented on three occasions. Sir Hal Colebatch has already pointed out the dangers there and I do not propose to deal with them again. This measure is also dangerous because it has been compared with the English Parliament Act. There is no analogy between the two. Every member of this Chamber goes up for election within six years. If members here have gone against the wishes of the people they have to present themselves for election. Every two years one-third of our members must face the people. We know there is an argument about the difference in the franchise, and I will deal with that in a moment.

The idea of the Government seems to be to reform Parliament. As far as I can see its idea of reformation is, as has been said by a member in another Chamber, to wipe out the Legislative Council. A recent Press report of the remarks of a prominent member of the Labour Party in the East was that it was the object of the A.L.P. to abolish all Legislative Councils. I do not think there is any secret about it. But before we do that let this Legislative Council insist upon a reformation of the Assembly. I point out how ridiculous is the representation in the Assembly. In that Chamber there are seven Cabinet Ministers who represent 30,382 adult persons, each one of whom is compelled to be on the roll and to vote if there is an election. I and two others represent just as many voluntary electors. They voluntarily put themselves on the roll for the Metropolitan-Suburban Province. We should not reform the Legislative Council until we reform the Legislative Assembly.

Hon. C. B. Williams: Caucus elected the Ministers; you are getting into party business there.

The PRESIDENT: Order! The hon. member will have an opportunity to speak later.

Hon. H. S. W. PARKER: I emphasise the greater need for reformation of the Legislative Assembly when a section of that Chamber, representing 30,000 electors, governs the whole State, as Mr. Williams pointed out. One province of the Legislative Council represents more voluntary electors than do those seven Ministers. Is it not time that there was a redistribution of seats in the Assembly, and also in the Council? If we have a redistribution in the Assembly on a proper basis—

The Chief Secretary: What would you call a proper basis?

Hon. H. S. W. PARKER: I am not going to suggest that it is essential that it be one man one vote throughout the country, but as things are at present it is ridiculous. If I go into details of what is proper as regards elections, I fear, Mr. President, you will call me to order for speaking on matters not relative to the Bill. Therefore I shall confine myself to the measure. If an Assembly, elected on a proper redistribution of seats, brought down a Bill for some alteration of the Legislative Council it would carry considerably more weight than this one which is sent down year after year, and members of another Chamber say that they are sending it down well knowing that it will not be agreed to by the Council. It is not, to my mind, sent down with the real purpose of any reform because there has been no request from any body of electors for this reform. It has never been put to the electors, except in a general way—abolish the Upper House. It has never been made an issue. I remind members that the Legislative Assembly was created by this Council and now that body says, "We have grown big and autocratic and will get exactly what we want while we have pocket boroughs, etc."

Hon. J. Cornell: That is biting the hand that nurtured it.

Hon. C. B. Williams: You made the pocket boroughs; not this Government.

Hon. H. S. W. PARKER: It is not a question of who made them, but of who is retaining them. When the Bill was last before the House one member said, "Why give these powers away?" There has been no really serious trouble between the Assembly and this Chamber. We have not rejected any legislation of any moment. We have not rejected more Bills from the Assembly than the Assembly has from us, and the majority of Bills are introduced in the Assembly. Perhaps not as many, but nearly as many Bills as are rejected by this House, are rejected by the Assembly which has a perfect right to reject them, and we have that right too.

We are here for a very good purpose, namely, to prevent hasty legislation. I do not blame the present Government, or its supporters, for voting for quite a number of Bills that they considered might as well not be law. But they have to do that because of the pressing demands of their electors. The electors very often do n know as much as members of Parliamen but members are not in a position to g against the electors. Fortunately we in th Chamber are here for a longer period th members of another place. We are mu freer to act according to our conscienc Furthermore the majority of us are n tied to any party vote, but can do as v like. The safety of this country lies in t fact that we have this Chamber constitut as it is at present. Therefore I oppose t second reading of the Bill.

HON. J. CORNELL (South) [8.11]: intend to vote against the second readi of the Bill as I did last session. I have re the Bill and it is the same little lady th was presented here last session but with d ferent coloured lipstick on. I would li to know what demand there is for this B Where does it come from? Not one indi dual, since the last vote was taken, h ever mentioned the Bill to me, and I tra about a good bit. What are we asked give up? Mr. Parker has quoted Section of our Constitution. That is the part th deals with the powers of this House respect of money and other Bills. That s tion was imported into our Constitution so long ago. Some little time before Hal Colebatch went to London as Agent G eral he was chairman, and I happened to a member, of the committee that broug down the recommendation that we ad practically word for word the powers of Senate in the Commonwealth Constitutio

There are only two differences betwe the Legislative Council and the Sen with regard to powers. One is the meth of election. Senators are elected ev three years and members here every t years. The other difference is the fra chise. It is adult franchise for the Sen and a varied franchise for this House. have been 33 years in this Chamber I have yet to learn where this Cham thwarted another place in regard to its ancial policy or its domestic policy. E the people responsible for this Bill point, election and other times, with pride to wonderful achievement they have made respect of progressive legislation while t have been in office. All such progress legislation has to get the sanction of t place, and it has received it. While th

may be valid argument for a change in the franchise, or a liberalisation of the franchise, I cannot see any necessity for a change in regard to the powers of this House. They have never been abused; certainly not to the extent that the Senate has abused them, for the Senate went to the length of reducing Supply by £1,000,000.

It may be difficult to determine exactly the present Government policy in endeavouring to bring about this new proposal. Take the position regarding money Bills and the Constitution as it stands. Down the years this House has religiously refrained from imposing any extra financial burden upon the people. The Constitution forbids this House to do so and never once has the Legislative Council violated that provision. This House has the power to reject a money Bill at the first, second or third reading stage, but I have yet to learn that it has ever done so. What it has done is to request a reduction in certain forms of taxation. The Legislative Assembly has stood to its guns and insisted upon its proposals. It would not agree to the Council's requested amendments. Then this House has pressed its requests and in such instances a conference has been held. In the whole of my 33 years of experience in this House I can remember only one breakdown in regard to financial matters, and that was in connection with the re-enactment of the Financial Emergency Act. For what happened this House was more or less to blame because two of its managers went to the conference saying that they would not change their opinions, and they did not do so. That difficulty was overcome by the holding of a special session at which the legislation was again dealt with.

That is the only instance of which I have any recollection where there was an honest difference of opinion upon which a conference was held and a successful compromise was not arrived at. I do not think the attitude of the Council in that respect worsened the position of the country or the people. In this instance the Bill submitted proposes to take away the rights of the Council and with the presentation of a certificate from Mr. Speaker setting out that the Bill presented is a money Bill and has the concurrence of the Assembly's Standing Orders Committee, this House will have to swallow the pill without its being sugar-coated at all. All this House will be in such circumstances will be a set of recording angels accepting what it is told with regard to money Bills. As to general Bills we can amend them, insist upon our amendments and even when we do that, invariably a way has been found to reach an amicable understanding between the two Houses. Let members consider the Industrial legislation that has been placed on the statute book during the past 15 years. All that legislation was enacted as a result of compromise and understanding as between the managers of both Houses.

As I read the Bill now under discussion, in future, if we agree to it, a measure can be introduced and if rejected three times will become law. That means that a Bill will extend over three ordinary sessions, the effect of which is that it would be before Parliament for approximately three years. What sort of a Bill would it be that could be introduced only to hang fire for three years and then become law? My advice to members is to reject this Bill and adopt an attitude similar to that of last year. I understand that another Bill is to be placed before us with the object of amending the Constitution so as to substitute a new franchise for the Legislative Council. Thus we have a double-barrelled sort of proposition. The Government attitude is that if it cannot alter the franchise for this Chamber and thus change the representation here, it will hamstring the Upper House by means of the Bill now under consideration. There is certainly no necessity for the two Bills. Which Bill does the Government want?

Hon. G. Fraser: Both.

Hon. J. CORNELL: That is inconsistent. If universal suffrage applies to the election of this House, the Government would not dare say —

The PRESIDENT: Order! The hon. member well knows that it is out of order to refer to a Bill that is not before the House.

Hon. J. CORNELL: I know that, but I am merely referring to a principle.

The PRESIDENT: Then I take it as a mere incidental reference.

Hon. J. CORNELL: Yes. We will assume that the Government succeeds in applying universal suffrage to the franchise for this House. In those circumstances, would the Government require the Bill now before us? If the Labour Party could not secure the return of a sufficient number of supporters to this House, that in itself would be a con-

demnation of Labour. This is a two-edged sword—one hamstrings the Council and the other is to provide for universal suffrage.

The Chief Secretary: That applies to the Commonwealth Government.

Hon. J. CORNELL: I made that remark earlier.

The Chief Secretary: Then why object to it here?

Hon. J. CORNELL: I said that with that one exception our Constitution is similar to that of the Commonwealth.

Hon. L. Craig: But we are not given the powers of the Senate.

Hon. J. CORNELL: No. Although the Constitutions are similar, we have not the power that is exercised by the Senate which has amended Supply Bills and other measures that do not come before this House. For instance, the Senate can amend the tariff, and if that is not a money Bill, I do not know what is. I shall not support the second reading of the Bill. I can see no demand for it, and I do not desire to be one to stand idly by and see the Legislative Council commit suicide.

HON. C. B. WILLIAMS (South) [8.25]: I support the second reading. I was elected on the same platform as was Mr. Cornell. I was elected in order to see that this Council was voted out of existence. The difference between Mr. Cornell and myself is that during his 33 years here he has altered his opinions, and during my 17 years in the House I have not altered mine.

Hon. J. Cornell: You would alter them if you had the chance!

Hon. C. B. WILLIAMS: Interjections are disorderly, but I can reply that if I did have the chance I would not alter my opinion. I agree with some of the remarks of Mr. Parker as to the redistribution of seats in the Legislative Council. If an alteration were affected in that respect, it would at least give the Labour Party an opportunity to have supporters elected to this House. I suppose I will get myself into trouble again. Every time I make a speech it seems to me that I get into trouble. I agree that the Legislative Council should be abolished. It is a sheer waste of time and money and intelligence. We elect people to the Legislative Assembly. Mr. Parker remarked that he and his colleagues were elected by so many electors who represented more than those who elected seven Ministers of the Crown. Mr. Parker should explai his argument. Two of the Ministers a representatives of North-West electorates

I do not know that the Labour Gover ment had any say in creating the four Nort West seats with so few voters any more tha it was responsible for creating three Nort West Provinces for the Legislative Counc to be represented by the members who a in the House today. I am not referring t them personally, any more than Mr. Park did with regard to others. Still I thin those members represent about 600 voter If Mr. Miles were here we could get t figures, because I believe it was a hard fig to get everyone to vote on that occasio The Labour Government had nothing to d with that. The province that you, Mr. Pr sident. Mr. Cornell and I represent, cove practically about a third of the State, e tending from Southern Cross to 30 or 4 miles west of Ravensthorpe and on to t South Australian border. At present the are not many electors there because of t decline of agriculture and mining.

The Chief Secretary: That will be rectifi in the future.

Hon. C. B. WILLIAMS: Yes.

Hon. W. J. Mann: When?

Hon. C. B. WILLIAMS: You have taug me, Mr. President, not to take any notice interjections, so I will ignore them. Th will revive. The North-East Province is r presented by Mr. Seddon, Mr. Heenan, a Mr. W. R. Hall, and that province has pure mining and pastoral interests and can nev have anything else.

Hon. J. Cornell: What about the two-t school?

Hon. C. B. WILLIAMS: There are n many of our electors at that school. Ho ever, I suppose I will get into trouble aga there.

Hon. G. Fraser: Do not anticipate.

Hon. C. B. WILLIAMS: I am gettin used to it. In the Metropolitan and Metr politan-Suburban Provinces there are s seats for this House. I trust I am connec ing my remarks with the Bill, Mr. Pres dent. If Labour wishes to abolish th House, I say very definitely that there only one way by which it can be done, a that is to secure the requisite number members here.

Hon. L. Craig: And then they would n do it.

Hon. C. B. WILLIAMS: The Government would stand by that policy.

The PRESIDENT: Order! I must ask members to allow Mr. Williams to proceed with his speech without interruption.

Hon. C. B. WILLIAMS: In the Metropolitan and Metropolitan-Suburban Provinces in years gone by we had some Labour members. I think there was a gentleman named Lewis and another gentleman named Davies. The name of the third I forget; he was an elderly man.

The Chief Secretary: Mr. Clydesdale.

Hon. C. B. WILLIAMS: No. There was another one—Mr. Doland. I want to show that Labour, if it set out to try to win those seats, could abolish this House. It has to win three seats in the South Province; it has a chance. It has to win three seats in the North-East Province; it has an excellent chance there, because it already holds two. In the Central Province it already holds two. In the West Province it holds three. Those 12 seats should, and could, be won by Labour. That leaves the Metropolitan Province and the Metropolitan-Suburban Province. For many years Labour has not fought those seats, and I think that is a reflection on the Labour movement, particularly as in Fremantle, Kalgoorlie and Geraldton, the workers pay their money to ensure that a Labour Government is returned and that the party has reasonable representation in the Legislative Council. Neither the Metropolitan Council nor the Midland District Council of our party has put forward any candidate at all for some years.

Members: Shame!

Hon. C. B. WILLIAMS: It is. Mr. Bolton and others may smile, but I happen to be a voter in the Metropolitan Province. I agree that this House should be abolished and I believe the Labour movement should do its best to get it abolished. The Government has no chance of securing the improvements which it desires in this Chamber.

Members: Hear, hear!

Hon. C. B. WILLIAMS: But still, it has its effect, if members would but take notice. From their point of view, not from ours, they should see that more generous treatment is meted out to the legislation brought forward by the Labour Government.

Hon. L. B. Bolton: Well, well!

Hon. C. B. WILLIAMS: We had today a discussion on preference to unionists. I do not desire to go back over what this Chamber turned down. I regard, and the movement regards, preference to unionists as a fetish. I am not too keen on forcing men to be unionists; I am keen on the fellow who pays for an award, and think that all workers should be in a union.

Members: Hear, hear!

Hon. C. B. WILLIAMS: I do not like workers who are forced into a union. As a matter of fact, Australians do not like conscription, although that question has had to be considered at times. The Labour movement does not like conscription. The position is quite clear to me. I was elected in 1928, as were all the Labour members of this Parliament then and since—although some may not now be members—to abolish this House. We were elected on the same platform in 1928 as Mr. Cornell was elected on in 1911. I was one of his back-stops then. He had plenty of others. I make it clear that so long as this Council does not attempt to cut down its autocratic ways, so long will the Labour Government be in possession of the Treasury benches. It is the best advertisement for my party, absolutely.

Hon. J. A. Dimmitt: Why destroy us?

Hon. C. B. WILLIAMS: I shall be going out in a couple of years. I could very easily be a destroyer. Mr. Cornell tried to compare this Chamber with the Senate. You, Mr. President, allowed him to proceed. By analogy, I presume that you will allow me now to make a comparison. I see a vast difference between a Senate, elected on the same franchise as the House of Representatives, and this Chamber. I care not how the hon. member tried to put his argument up. In the Senate there are three parties, Labour, Liberal and Country Party—call them what one likes. There is no independence in the Senate at all. Senators can never take the stand which members in this Chamber can take in reviewing legislation, because they are not elected to do so. Sir Hal Colebatch was a Western Australian Senator, but he was just as much a party hack as any other senator elected in this State. Where is the comparison between the Senate and this Chamber? There is none. If a senator did not do what his particular party wished him to do, he would not be selected on the next occasion. We know that. I have seen it occur. This Chamber is different, I admit.

Members can more or less defy their parties. I do not know how other members get on, but I get into trouble often enough. I have seen legislation brought forward in this Chamber, when Mr. Baxter was Chief Secretary, which certainly was not turned down with the assistance of the Labour Party. There were only eight Labour members then. The present Labour members were elected to help to abolish this Chamber. In Queensland the nominee House was abolished by members who were nominees of the Labour Party. Labour in the end succeeded in abolishing the nominee Chamber in Queensland. In New South Wales there was a similar nominee House, but it is now elected by the combined votes of the two Houses on the proportional voting system, and now we find the chickens coming home to roost there. Shortly, within 12 months to two years, the Legislative Council in New South Wales will almost certainly be abolished.

Members: No.

Hon. C. B. WILLIAMS: Hold on a minute! They are not elected in the same way as are the members of this Chamber. They are not returned by the electors.

Hon. L. Craig: They are elected by Parliament.

Hon. C. B. WILLIAMS: The hon. member should not have spoken. I know, but others here do not probably understand, that the Stevens Government amended the Constitution of New South Wales. It made provision for the Legislative Council to be elected by the combined vote of the two Houses. I am not going into further detail, except to say that it was on a proportional system of representation. That obviously gave Labour representation in the nominee Chamber of, I think, seven or ten members. With by-elections, and the preponderance of power in the Assembly in New South Wales, I believe—from information I have received—that Labour in New South Wales will have a majority in both Houses. That means that at the next elections the New South Wales Legislative Council will be abolished.

Hon. L. B. Bolton: Labour will go out there.

Hon. C. B. WILLIAMS: Do not give me a pain in the ticker! It is bad enough as it is.

The PRESIDENT: Order! I ask that the interruptions cease.

Hon. C. B. WILLIAMS: If it gives an solace to my friend, let him have that! was born in Victoria, as I told members week ago. Even the Government of Vi toria has a Labour majority. As I said, the next elections for the Legislative Coun in New South Wales, Labour will have absolute majority. Is not that true?

Hon. Sir Hal Colebatch: There are lo of things in New South Wales we do n wish to copy.

Hon. C. B. WILLIAMS: I happened meet a man the other day who was told th there were no houses available in Sydne and he replied, "Who wants to go to Sydn to live?" I am not interested in New Sou Wales. The last 35 years or more of m life have been spent in Western Australi I want to abolish this Chamber. I do n think it will ever be possible to abolish t Legislative Council in Victoria. There a chance of doing so in South Australi where a better system of voting obtains. U less the system has been altered in Victor during recent years, a candidate must ow property worth £1,000 before he can nom inate. It is not my intention to deal wi the other Bill; but I point out that wh the other Bill comes forward we shall ha to decide whether a Victoria Cross winner 25 years of age can become a candidate he or whether he is to be put on one side un he is 30 odd years of age before he c represent his State in this Chamber.

The Labour Party should speed up a capture enough seats for this Chamber, wi one aim and one object—its total abolition. would feel sorry for some members becau they would have to pay a few pounds in t future in order to fight elections to ke their seats. I would feel sorry for m self if I got the cane, but I cann support a measure brought forward the Government that asks for the abo tion of this Chamber, when there a only eight Government supporters to try enforce its pious wish. Until the Gover ment or the party sets out to catch eve seat that it is possible to capture in th House, I think any move such as this pr sent measure is simply a pious wish. Neve theless, I would add that quite a few me bers here can always rest assured that the party in another place will always be in the present position while they carry on as th are doing.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—JUSTICES ACT AMENDMENT.

Second Reading.

HON. E. M. HEENAN (North-East) [8.45] in moving the second reading said: As its Title implies, this Bill proposes to amend Section 29 of the Justices Act, and its purpose is to bring justices of the peace into line with stipendiary magistrates and judges in the matter of retirement from the bench on attaining the age of 70 years. For the information of members, I would point out that the Stipendiary Magistrates Act of 1930, in Section 4, provides, inter alia—

No person shall be capable of being appointed or entitled to hold office as a stipendiary magistrate after he has reached the age of seventy years.

The Judges Retirement Act, 1937, has a similar section which provides that any judge appointed after the coming into force of the Act shall retire on attaining the age of 70 years. Although the Licensing Act does not contain a similar provision, I believe that the Government applies the principle with regard to the retirement of the members of that court.

Hon. J. Cornell: They wanted someone else on the job.

Hon. W. J. Mann: They could put the lot of them out and it would not matter.

Hon. E. M. HEENAN: Justices of the peace, therefore, should not be allowed to sit on the bench after attaining the age of 70 years, as at present, because their judicial powers are fairly comprehensive and frequently of the utmost importance. Briefly, their jurisdiction as set out in the Justices Act is as follows:—

1. To hear any offences made punishable on summary conviction.
2. To hear any offences not by the Act declared to be treason, felony, a crime or misdemeanour, and where no other provision is made for the trial of such person.
3. To issue summonses and warrants.
4. To witness declarations and such like documents.

It will be appreciated, therefore, that the office of a justice of the peace is a very important and responsible one and I readily pay tribute to the good work that justices have done and are doing for the public purely in an honorary capacity. It is an office rightly held with pride because it is usually bestowed on those who have won the trust and respect of the communities in which they reside. I therefore do not propose to do anything in this Bill that will take away the commission from those on whom it has been bestowed. All that is proposed is to restrict their jurisdiction by preventing them from sitting on the bench after they have attained the age of 70 years, thus bringing them into line with the judges and stipendiary magistrates. If the principle of retirement from the bench at 70 applies to those trained men, I do not think anyone can argue that justices of the peace should not be brought into line. To justify the introduction of the measure, perhaps I should add that in my experience, especially in country centres, it is not uncommon for justices to continue sitting on the bench and dealing with matters of the utmost importance well after they have attained 70 years of age. I think it is only reasonable to put an end to this practice, and I commend the Bill to members. I move—

That the Bill be now read a second time.

HON. L. CRAIG (South-West) [8.59]: A Bill of this sort appears to create some levity. I would, however, congratulate Mr. Heenan on at least being allowed to introduce his Bill. The other day that courtesy was not extended to me because, I am afraid, my Bill had a personal effect. I am very glad indeed that Mr. Heenan has seen fit to bring a Bill of this sort before the House. We have through the years endeavoured to bring progressive legislation into Western Australia, and this House has seen fit to determine that judges of the Supreme Court should retire at the age of 70. The Government of the country, with the approval of this House, has also decided that civil servants shall retire at 65. Mr. Heenan pointed out the responsibilities imposed on justices of the peace, and this Bill, which I have no doubt will have a speedy and easy—

Hon. L. B. Bolton: Defeat!

The Chief Secretary: You are anticipating.

Hon. L. CRAIG: I am not anticipating.

Hon. J. Cornell: You are getting despondent.

Hon. L. CRAIG: No. This has no personal application, so it will receive a very speedy passage through this House.

Hon. E. H. H. Hall: Yours did, too!

Hon. L. CRAIG: It is not a question of age not being capable. In the Bill I had something to do with, I was not going to suggest that. But it is desirable that way should be made for some younger people to gain experience so that when that experience has been obtained the State may have the benefit of it. Why do we pass legislation retiring people at certain ages?

Hon. F. E. Gibson: In order to make room for others.

Hon. L. CRAIG: The hon. member has taken the words from my mouth. To make room for others; to allow others to gain experience. Junior members of the Civil Service look years ahead and say, "Look at all the people who have to die before I can get up the steps." But they can nevertheless say, "When some at least reach the age of 65, I shall have a chance to move forward."

Hon. E. H. H. Hall: You are making a speech on the retirement of members.

Hon. L. CRAIG: No, I am not.

Hon. E. H. H. Hall: It sounds very much like it.

Hon. L. CRAIG: I feel that in view of the legislation and conditions which this House willingly imposed upon others with high responsibilties, it should not be loth to impose those same conditions—

The PRESIDENT: Order! The hon. member must not reflect on this Chamber.

Hon. L. CRAIG: I was only reflecting upon the lack of courtesy of some members.

Hon. H. L. Roche: You are sore!

Hon. L. CRAIG: I am not sore. I commend the hon. member for introducing the Bill and have pleasure in supporting it.

HON. H. S. W. PARKER (Metropolitan-Suburban) [8.55]: This is an excellent Bill, but I am sorry it does not go far enough. My own impression is that no justice should sit on the bench when a stipendiary magistrate is available. I am sorry something of that sort is not included in the Bill. It is grossly unfair to ask citizens to sit in judgment on fellow-citizens in some town when a stipendary magistrate is available to be abused by the unfortunate individuals who come before him.

Hon. J. Cornell: I stopped that with regard to S.P.

Hon. H. S. W. PARKER: Yes. Undoubtedly the State should appoint stipendiary magistrates to act in these matters, which are serious and require experience. To my mind, too much is asked of honorary justices. If one goes to the Perth Police Court any day, one finds gentlemen sitting on the bench fining their friends and others for parking in the streets and for various other minor traffic offences. I do not think it is right they should be asked to sit on these cases when their personal friends might be before them. Whatever they do is wrong. If a friend is fined £1, he thinks he is fined double what he should have been because he is a friend. Other people say he has only been fined half because he is a friend of the justice. So justices get a tremendous amount of abuse, and, if possible, I intend to move an amendment along the lines I have mentioned. However, I have much pleasure in supporting the Bill.

HON. G. FRASER (West) [8.56]: Seeing that this is one of the few occasions on which the two legal eagles have agreed, I think the Chamber itself can do nothing but agree.

Hon. W. J. Mann: That is the reason why we should not.

Hon. G. FRASER: We generally have them expressing different opinions, but on this occasion the two great minds have thought alike. I intend to support the measure but, like Mr. Parker, I regret it does not go far enough. I would have liked to see the age of 70 fixed for the retirement of justices of the peace from all duties. In the past we have had great difficulty in getting justices of the peace appointed on account of the number that has been already registered. Many younger men who could have given greater service in the position have been denied that opportunity. It is not possible for a man over the 70-year mark to give the service required of a justice of the peace apart altogether from service on the bench because of his great age. Quite a large number of justices of the peace never make themselves available at all, and because of the large number of them we have been unable to get appointed many of the younger men who are prepared

to undertake the duty. I regret that the Bill is restricted to the bench only. I do not intend to move in Committee to alter the measure, but I hope that Mr. Heenan or Mr. Parker, when dealing with legal Bills on any future occasion, will keep what I have said in view with the idea of some other amendments being made along those lines.

HON. J. CORNELL (South) [8.58]: I am in a quandary over this Bill which provides that one cannot sit on the bench and fine anyone 10s. after one has reached the age of 70. I have been a justice for 35 years, and I have only sat on a bench once with another justice. We tried two men and he suggested that one should be fined more than the other. I disagreed and each was fined 10s. Neither forgave me till his dying day, and I have never sat on the bench since. So the Bill does not concern me. There has been reference to the retirement of judges and civil servants but whoever stressed that point did not state the real reason. The real reason for that provision is to make way for the promotion of others. My experience for many years in the South Province has been that it is difficult to get justices. I can go back 20 odd years to the days when the appointment of justices of the peace was not, as it is today, a close preserve and the prerogative of members of another place, and no prerogative of members of this Chamber.

Twenty odd years ago if a member of this House recommended some person for appointment as a justice of the peace, the Assembly member was notified, as were his two colleagues in this House, but that has gone by the board. The Assembly members now make the recommendations and members of this House have no intimation that so and so has been recommended for appointment as a justice of the peace. On one occasion the reply I sent was that there were more than sufficient justices of the peace in the electoral district to do the work required, but that if the appointment of justices went on for a little longer 60 or 70 per cent. of my electors would be justices of the peace. To say that I am not fit to sit on the bench and try a drunk at 70 years of age, is to say that I am not fit to be here.

The Chief Secretary: Ask Mr. Craig!

Hon. J. CORNELL: That is the position. Perhaps I am not fit to be here, but, at all events, I am fit to try a drunk. Does Mr. Heenan intend the provision to apply to justices who are already appointed?

Hon. E. M. Heenan: Yes, it is to apply to them.

Hon. J. CORNELL: Then I am going to vote against it. It will strike me off.

Hon. E. M. Heenan: It will not strike you off, but it will prevent you from sitting on the bench.

The PRESIDENT: Order! Hon. members must address the Chair.

Hon. J. CORNELL: My position as a justice of the peace is in jeopardy.

The PRESIDENT: The hon. member can only address Mr. Heenan through the Chair.

Hon. C. B. Williams: He has been here long enough to know that!

Hon. J. CORNELL: I am well aware of it, and I am sorry if I have transgressed. Where is the demand for this measure? What dodderer wants to carry on at 70?

Hon. C. B. Williams: Someone advertised in Perth at the age of 86.

Hon. J. CORNELL: It is the policeman who chases up the justice of the peace. The policeman who puts the old dodderer on to try a case is not fit to be in the Police Force.

Hon. G. Fraser: They have often to take those that are available.

Hon. J. CORNELL: My experience in the South Province has been that it is difficult to get a bench together at all. I agree with Mr. Parker that justices are called on to try many cases that should be tried by stipendiary magistrates. There was one case where a stipendiary magistrate was called upon to try a bookmaker, and the justices of the peace over-ruled the stipendiary magistrate. I was instrumental in getting a Bill through this House to ensure that the decision of the stipendiary magistrate would prevail, but there are just as many cases as ever, but it did have the effect that if the magistrate says the fine is £10 or £20 the justices of the peace cannot say that £5 is enough. I do not think there is any necessity for this Bill nor any demand for it, and I will vote against it.

HON. G. B. WOOD (East) [9.5]: I would not have spoken on this measure had it not been for a remark by Mr. Cornell, who asked

Mr. Heenan not to apply this to justices of the peace already appointed.

Hon. J. Cornell: I asked if it would apply to them.

Hon. G. B. WOOD: I urge Mr. Heenan to stick to the Bill as it stands. I am interested in a town where there are six justices of the peace. Five of them are over 70 years of age and it is difficult for the police to get any of those five to sit on the bench. While those five men are there, the Premier's Department will not appoint another one. I recently obtained approval for the appointment of another but, even so, there are still only two to sit on the bench in a town where there should be at least three or four. While those old men hold appointments, the Premier's Department is loath to appoint more.

Hon. G. Fraser: I met the same trouble.

Hon. G. B. WOOD: I hope Mr. Heenan will stick to this Bill so that justices of the peace who are over 70 years of age will not be allowed to sit on the bench.

HON. F. E. GIBSON (Metropolitan-Suburban) [9.7]: As one of those who, if this measure is passed, will come under the ban in the not distant future, I am heartily in accord with it. I have had about 38 years experience as a justice of the peace and I agree that a person who has reached the age of 70 has done all that is necessary in an honorary capacity in serving his country.

Hon. J. Cornell: He can resign.

Hon. F. E. GIBSON: I agree with Mr. Parker's suggestion that under no circumstances should a justice sit on the bench to try any case where, if the accused is found guilty, it is necessary to inflict a term of imprisonment. That is a job for a stipendiary magistrate and under such conditions a justice of the peace should not be called upon to act. It is suggested that the police at times look for justices to sit on the bench, but I know from experience that it is not only the police who look for justices to sit on the bench. There are others who are concerned in that. I am afraid that suggestions have been made and opinions have been expressed that would have been different had the stipendiary magistrate been sitting by himself. I think it is quite all right for a justice of the peace at 70 years of age to continue to witness documents.

Hon. G. Fraser: He could be made a commissioner for declarations.

Hon. F. E. GIBSON: I do not think that at 70 years of age he should be entirely removed from the position of justice of the peace, because he can still render good service to the people among whom he lives, and he has probably had experience that is valuable to those who come to him with documents. The greater part of my time at home is taken up with filling in papers relating to old age pensions and matters of that sort.

Hon. G. Fraser: A man could be made a commissioner for declarations and thus not prevent someone else being appointed a justice of the peace.

Hon. J. Cornell: Mr. Fraser would debate him to lance corporal.

Hon. F. E. GIBSON: I intend to vote for the second reading.

On motion by Hon. H. Tuckey, debate adjourned.

RESOLUTION—GAOL SITE AND MODERN PRISON REQUIREMENTS.

To Inquire by Joint Committee—Assembly's Amendment.

Message from the Assembly received and read notifying that it had concurred in the Council's resolution, subject to the following amendment:—

> (d) In view of the types of prisoners which have recently been kept at Pardelup Prison Farm and the number of escapes therefrom, whether such prison should not be closed and all prisoners kept in the modern gaol to be erected and Pardelup used for some other public purpose;

and further notifying that if the foregoing amendment were agreed to, the Assembly would be represented by Mr. Fox, Mr. North and Mr. Thorn.

BILL—CHILD WELFARE ACT AMENDMENT (No. 2).

Second Reading.

HON. E. M. HEENAN (North-East) [9.12] in moving the second reading said: This small Bill applies a similar principle regarding the retirement of special justices appointed to the Children's Court, at the age of 70 years. Section 19 of the parent Act, which it is proposed to amend, provides, inter alia, that

the Governor may appoint a special magistrate for any particular children's court. He may also appoint such persons, male or female, as he may think fit to be members of any particular children's court. It further sets out that no children's court shall be competent to exercise jurisdiction unless there be present the special magistrate or at least two members. When persons sitting as a children's court are divided the majority shall decide. It will therefore be seen that a children's court is composed of a special magistrate and members who are also appointed.

It will be realised that, in the absence of the special magistrate, two justices can deal with all offences coming within the jurisdiction of the Act. Members who comprise a children's court deal with vital and important matters and, while magistrates are not allowed to sit on the bench after attaining 70 years, the members or justices who are appointed are allowed to go on for any period. I think the same principle applies to this measure as I instanced in the previous Bill. Matters that come within the jurisdiction of the Children's Court are of the most profound importance. When a court disagrees, if a magistrate is sitting on the bench with two justices, the magistrate may be out-voted by the justices.

I have already pointed out that if a magistrate is not available, two justices may constitute the court. I consider that after a justice reaches the age of 70 years, he should be relieved of his obligation to sit on the bench. Serious matters come before such justices, often more serious than those within the jurisdiction of the Justices Act. I think we should apply the principle which is applied to judges and magistrates and which I hope will be applied to justices under the provisions of the Justices Act, namely, that when a man or woman reaches the age of 70, he or she shall be relieved of the duty and obligation to sit on the bench. I hope the measure will receive the approval of the House and move—

That the Bill be now read a second time.

HON. H. S. W. PARKER (Metropolitan-Suburban) [9.17]: I second the motion. This Bill involves the same principle as was dealt with under the amendment to the Justices Act and I support the measure.

On motion by Hon. J. Cornell, debate adjourned.

BILL—ELECTRICITY.

Second Reading.

Debate resumed from the previous day.

HON. H. SEDDON (North-East) [9.19]: The remarks I have to offer on this Bill will not be many. I simply wish to refer to certain provisions of the measure and compare them with the Act of 1937 which this Bill proposes to replace. Very important alterations are introduced into this Bill, and it is to these I wish to direct attention, as well as to the area that it is proposed shall be covered by this measure.

The Act of 1937 provided for an advisory committee to exercise certain powers, but the functions of the committee were definitely more advisory than anything else. Under a companion Bill to the measure now before us, that committee will be replaced by a commission which is to be given wide and extensive powers that were certainly never contemplated when the 1937 legislation was passed. For example, under the Act, local authorities had very definite powers with regard to establishing supply stations and also to granting concessions, but under this Bill the commission will determine whether local authorities may do those things. That is a very important innovation. The over-riding authority of the commission under this measure however is so extensive that it goes as far as to provide that anything in this measure that conflicts with the State Electricity Commission Bill shall be regarded as being subordinated. Clause 4 provides that where any by-law or regulation made under this Act is inconsistent with or repugnant to any provision made under the State Electricity Commission Act, 1945, or to any by-law or regulation made under that Act, such last-mentioned provision, by-law or regulation shall prevail. To show to what extent that could be carried I refer members to the provisions of Clause 7 of the Bill, which provide that no person shall—

(a) construct or establish any generating station; or

(b) instal any additional main generating unit; or

(c) extend any transmission works.

But there is an important proviso in Subclause (3) which states—

> Nothing in this section shall be deemed to prevent any person from—
> (a) generating electricity solely for his own private use and not for sale; or
> (b) selling electricity supplied to him by a supply authority to any premises owned by him if such electricity is sold only to his tenants occupying such premises and at prices not in excess of the prescribed charges.

There is a provision in the State Electricity Commission Bill whereby the commissioners may compulsorily acquire any supply station, and Clause 7 therefore is subordinated to that power. Local authorities, therefore, might find themselves in the position that, although they are able to generate and supply electricity more cheaply than the commission can do, if the commission likes to exercise its powers, it may take over the supply station. These are very important innovations, and I think the House should consider them seriously because, by passing this Bill, we shall be going a good deal further than the Act of 1937 and a great deal further, I believe, than the requirements of efficiency would demand.

Like the Act of 1937, this measure will extend over the whole State from Wyndham to Eucla and from Fremantle to the border, but the South-West power scheme, which is supposed to be the reason for the establishment of the State Electricity Commission, extends roughly over an area of some 10,000 square miles. The area of Western Australia is 975,000 square miles, and we intend to give the commission power to deal with and control any stations operating in the whole of that area, whereas I believe the intention of Parliament was and is that it shall confine its operations to the activities of the South-West power scheme, a scheme that I believe all of us are prepared to support.

Incidentally, the South-West land division comprises 98 000 square miles, and the State of Victoria, which has an electricity commission, and whose Act was obviously the foundation of our State Electricity Commission Bill, has an area of only 87,000 square miles. Consequently, if we restrict the area over which the commission may operate to the South-West land division, we shall still be giving it an area of country greater than the whole of the State of Victoria, and the conditions prevailing in Victoria, of course, are materially different with regard to the consumption of electrical power from what they would be in the South-West part of this State. Therefore I suggest that it would be wise for the House to consider the advisableness of restricting this measure to the South-West land division and permitting the old Electricity Act to operate outside of that area. In that way, we would preserve the advisory power of the committee and give the commission mandatory powers, if considered desirable within the South-Western land division.

In support of my argument, I would say that it might be detrimental to part of the State to allow the control of their electrical supply to be administered from a body centred in Perth. To elaborate that point, it will be necessary for me to deal with it when the State Electricity Commission Bill is under consideration. I see serious danger in that direction. In other ways, we in the more remote parts of the State have suffered from there being too much centralisation, and this Bill, together with the companion measures, will extend that defect. In the interests of Western Australia, I trust that the House will consider the desirability, firstly, of limiting the area to which this measure will extend and secondly, of revising the over-riding provisions included in this Bill. I propose to put certain amendments on the notice paper having those objects in view. Under these conditions, I shall support the second reading.

On motion by Hon. H. Tuckey, debate adjourned.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [9.28] in moving the second reading said: This Bill, which has been passed by another place, is for the purpose of admitting certain people as legal practitioners in Western Australia. In Scotland there are what are called writers of the signet and law agents. So far as I can gather, they are very much the same. It is much like an accountant who is a chartered accountant and an accountant who is a member of some other institute or association. These men in

Scotland are duly qualified lawyers, and I believe that there they may call themselves solicitors. Law agents of Scotland are admitted in most of the other States of Australia and most other parts of the Empire.

The other amendment is to permit the holder of a degree in law or jurisprudence of a university to become a practitioner in Western Australia. This proposal has been put forward at the request of the Professor of Law at our University, who points out that Rhodes scholars who go to Oxford and take law, get their degree of Bachelor of Civil Laws, which is a very high one. In order to be permitted to practise in Western Australia they would have to go further and qualify through one of the inns of court, and that means further fees. I gather it does not involve any further examination because I understand that the inns of court accept that degree. Anyway a Bachelor of Civil Law is a higher degree than that of Barrister-at-Law of one of the inns of court of London. It is, therefore, thought that they should be admitted, and the request of Professor Beazley is reasonable. The matter was submitted to the Solicitor General who is a Barrister-at-Law of one of the inns. He also thinks that this is quite reasonable. It is really for the purpose of assisting, rightly, any person who goes to Oxford and takes a high degree in law, so that he may be called to the Bar in Western Australia without having to go to some needless expense and extra time in passing through one of the inns. I have pleasure in submitting this measure for the favourable consideration of members. I move—

That the Bill be now read a second time.

On motion by the Chief Secretary, debate adjourned.

House adjourned at 9.32 p.m.

Legislative Assembly.

Wednesday, 14th November, 1945.

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

BILLS (2)—FIRST READING.

1, War Service Land Settlement Agreement.

2, War Service Land Settlement Agreement (Land Act Application).

Introduced by the Minister for Lands.

BILL—SUPREME COURT ACT AMENDMENT (No. 2).

Read a third time and returned to the Council with amendments.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

MR. WATTS (Katanning) [4.37]: This Bill seeks to amend the State Transport Co-ordination Act mainly in the direction of enabling the Transport Board to operate north of the 26th parallel of south latitude. When the original Act was passed in 1933, it was apparently not considered likely that the operations of the board would need to extend into the northern areas. In consequence, presumably, provision was made in the Act to the effect I have just mentioned. Times and the needs of the North-West have changed, and the fact that motor and air transport have become vastly more popular and serviceable in the intervening years has rendered it necessary for some alteration to be made in the law. The Minister for Transport in addressing the House yesterday indicated