

Mr. Hegney: Did not the Commissioner do what you told him?

Mr. MARSHALL: I am afraid he has had too easy a run. He had the power and used it. I have nothing further to say on that point. I will, however, go so far as to state that if the Minister for Railways is not to have direct control of the railways, then those in control of them should answer personally in Parliament for their actions. I find myself in accord with the measure in the main and am prepared to support it.

On motion by Mr. Hegney, debate adjourned.

House adjourned at 10.59 p.m.

Legislative Council.

Wednesday, 27th October, 1948.

CONTENTS.

	Page
Questions : Vermin—(a) as to combating grasshopper menace	1908
(b) as to grant for destruction of emus	1908
Education, as to White Gum Valley and Hilton Park schools	1909
Motion : Increase of Rent (War Restrictions) Act, to disallow court proceedings regulations	1909
Bills : Health Act Amendment, Assembly's message	1912
Builders' Registration Act Amendment, 3r.	1912
Workers' Compensation Act Amendment, 2r.	1912
West Australian Marine, 1r.	1921
Bush Fires Act Amendment, 2r.	1921
Western Australian Trotting Association Act Amendment, Com.	1927
Dissent from Chairman's ruling	1931
Personal Explanation	1930
Dissent from President's ruling	1931
The West Australian Club (Private), 2r.	1931
Adjournment, special	1932

QUESTIONS.

VERMIN.

(a) *As to Combating Grasshopper Menace.*

Hon. C. F. BAXTER asked the Honorary Minister for Agriculture:

(1) Has he received the report of a special conference on the grasshopper menace held at Mukinbudin on the 13th of this month, at which five road boards were represented? If so, will he implement their recommendations?

(2) Will he arrange some measure of preferential treatment in regard to the allocation of funds and plant for the suppression of grasshoppers in the outer or stock areas?

(3) Will he arrange for poison and bran to be sent to every vermin area, which is troubled with the grasshopper menace, not later than the 1st May each year?

The HONORARY MINISTER replied:

(1) Yes.

(2) The matter will be given consideration in conjunction with other infested areas.

(3) Poison bait is available to road boards on application to the Department of Agriculture. If necessary it will be forwarded prior to the 1st May.

(b) *As to Grant for Destruction of Emus.*

Hon. C. F. BAXTER asked the Honorary Minister for Agriculture:

Will the Government extend the grant for the destruction of emus for a further 12 months after the present grant expires on the 31st December next?

The HONORARY MINISTER replied:

A request will be made by the Treasurer for another grant to extend the present special bonus now being paid.

I would like to state further that £2,000 was granted, and up to the end of this year only £1,200 will have been expended. The present £2,000 will therefore probably be extended to June and the matter of providing more money will be given consideration.

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

EDUCATION.

As to White Gum Valley and Hilton Park Schools.

Hon. E. M. DAVIES asked the Chief Secretary:

(1) Is the Minister aware of the overcrowding in the White Gum Valley State School necessitating the use of an unsuitable hall for infants?

(2) Is it the Government's intention to add another classroom to the existing building?

(3) If the answer to the previous question is yes, when will the additional room be commenced?

(4) (a) Will the Minister advise when the building of the proposed new school at Hilton Park will be undertaken, and, (b), is it intended to accommodate infants only?

The CHIEF SECRETARY replied:

(1) No.

(2) No approval has been given.

(3) Answered by No. (2).

(4) (a) Tenders will be called in about six weeks' time. (b) No. School will cater for children up to Standard III. or IV.

MOTION—INCREASE OF RENT (WAR RESTRICTIONS) ACT.

To Disallow Court Proceedings Regulations.

Debate resumed from the previous day on the following motion by Hon. Sir Charles Latham:—

That Regulations Nos. 10, 11, 12 and 15, made under the Increase of Rent (War Restrictions) Act, 1939-1948, as published in the "Government Gazette" of the 3rd September, 1948, and laid on the Table of the House on the 14th September, 1948, be and are hereby disallowed.

to which Hon. H. K. Watson had moved an amendment as follows:—

That after the word "Nos.," the figure "3" be inserted.

Amendment put and negatived.

HON. SIR CHARLES LATHAM (East—in reply) [4.38]: I am inclined to believe that the Government regarded this as a hostile motion on my part, but I assure the House that it was not intended as such. The difficulty I find about regulations is in dealing with the ones requisite in order

to give effect to the wishes of members. When the measure under which these regulations were issued was introduced, there were in existence Commonwealth regulations under the National Security Act. I regret to say that the regulations with which we are now concerned are almost identical with those framed by the Commonwealth.

When the regulations were introduced by the Commonwealth, they had to cover the whole of Australia, many parts of which were remote from Canberra where the administration was effected. Those that are the subject of this motion have been drawn up in this State and are to be administered here where effect can be given to them more expeditiously and fairly than was the case when regulations were administered from Canberra. We were all hopeful that regulations more in keeping with the requirements of this State would have been promulgated by the Government when it had the opportunity to do so. There is a great deal with which I agree in the regulations that I am asking shall be disallowed, and also a fair amount that I do not agree with, but there is no alternative for me—or for members who think as I do—but to move for the disallowance of the whole of the regulations. We cannot amend them, and therefore there is no alternative.

If I judge the opinion of members of this House rightly the majority of them believe, as I do, that we should give reasonable treatment to those people who own one house only but are deprived of the right to occupy it. I selected Regulations Nos. 10, 11, 12 and 15 because some portions of them had reference to the subject-matter that I have just mentioned—owners of houses being deprived of the right to occupy them. In paragraph (b) of Regulation No. 10, there is the following:—

Any hardship which would be caused to the lessor or any other person by the refusal of the court to make the order; and

Then it goes on, in paragraph (c), as follows:—

Where the application is made on any one or more of the grounds specified in paragraphs (g), (h), (i), (ia), (j), (k) and (l) of sub-regulation (5) of regulation three of these regulations—whether reasonably suitable alternative accommodation in lieu of the premises is, or has been since the date upon which notice to quit was given, available for the occupation of the person occupying the premises or for

the occupation of the lessor or other person by whom the premises would be occupied if the order were made.

State regulations are not usually framed in that manner. That was an innovation under the National Security Regulations which, in the earlier stages, often bamboozled the people who should have been able to understand them. At that stage many lawyers were at their wits' end to understand the regulations promulgated from time to time. I regret that the Honorary Minister has not submitted any alternative proposal to give effect to these regulations. I was hopeful that he would assure the House that the Government would bring down amending regulations so that the wishes of the majority of members of this House might be met.

It is certain that, if these regulations are not disallowed, the court will have some jurisdiction, as it has always had under the State law, but the Honorary Minister's statement that I desired to go back to the bad old order was quite wrong. I never suggested that. I believe that at present, when homes are so scarce, a certain amount of protection must be given to some people, but I do not think we should ask that a person who owns only one house, having built it with the intention of living in it in his or her old age, should be deprived of the right to occupy it. Many members, like myself, have received numbers of most pathetic letters of protest from people placed in the position I have just outlined.

Regulations Nos. 11, 12 and 15 cover, in some small measure, my desires in this matter, but I am not permitted to take from them the portions that I think should not remain. Until the Government brings down regulations dealing adequately with cases such as have been mentioned in this House, I see no way out of the difficulty but for members to agree to the disallowance of those I have mentioned. Some time ago, when I said that I had received quite a number of letters, some doubt seemed to be raised as to my honesty, so on this occasion I will produce the letters in order that members may see that I have them in my possession.

The Chief Secretary: I do not think anyone questioned your honesty.

Hon. Sir CHARLES LATHAM: Yes, the Honorary Minister left in my mind the im-

pression that he did not think I had the letters to produce.

The Honorary Minister for Agriculture: I think you imagined all that.

Hon. Sir CHARLES LATHAM: No, I did not.

The Honorary Minister for Agriculture: You are very thin-skinned.

Hon. Sir CHARLES LATHAM: I have no objection to the Honorary Minister thinking what he likes, but I feel I am justified in asking members to listen while I read some of the letters that I have in order to show how the present position affects these people. I will not give the names of those concerned, though they appear on the letters.

The Chief Secretary: You might get a subpoena, if you do.

Hon. Sir CHARLES LATHAM: In my younger days I was taught to be cautious in that respect. The first letter is dated the 14th October, 1945, and reads—

Thank heaven there is someone taking this matter up. Is it just that old age pensioners should be deprived of their home simply because it is tenanted by an ex-Serviceman? Here is an instance. An aged couple bought a home in February, 1946. Owing to the stupidity and carelessness of the agent the sale was not completed for some months. The buyer gave the tenant six months' notice in February, but he took no notice of it. In the meantime the son, an ex-Serviceman, returned—had a cushy job in England—and the father very cunningly made the tenancy over to his son. The owner, aged 80, took it to court. The magistrate ruled that the son was the tenant and need not vacate. He stated, "I cannot break the law, but there is a moral law and these old people should have their home and you will be doing right in letting them have it." This is more than 12 months ago. The amazing part of it is that not living in the house it is treated as property. The result is this old couple receive only 17s. 3d. each fortnight. In conversation with a retired official of the Pensions Department he stated "It is a cruel and unjust ruling." There are a number of old age pensioners in the same position. I have spoken to ex-Servicemen and they say, "Why should we build a home or vacate when we are protected? You owners have not a dog's chance." I am an old man aged 80. I was wealthy at one time but lost every thing through mining ventures and the swindling London sharebrokers. Thus it is I have not penned my name hereto but I swear that every word of it is true. You will receive the heartfelt thanks of old age pensioners if you will see they can have their own homes.

I have many other letters, but will not read them all.

Hon. E. M. Heenan: Confine yourself to one or two.

Hon. Sir CHARLES LATHAM: I know that under the defence legislation a returned Serviceman cannot be evicted because he is protected, but it seems unfair that a house should be sublet to a returned man without the matter first being referred to the owner. As the magistrate said, it was unfair, but the man concerned was sheltering behind the law. That does not affect the present Government, because it is not concerned. It shows the disadvantages from which these people are suffering. I have another letter from a lady as follows:—

Re your object for lessors to obtain re-possession of their homes. I have two houses. My only income one house is let at 30s. a week. The man at the time made promises to keep the house in repair because he was then only a counter-hand but not going to the war. I will say War I and II. He now is a floor manager, a 6-room, brick garage, sleep-out, his married daughter goes back home to live, cheap rent for them, while my son who was away seven years, navy and army, now can't get married because he has no home to go to. I have applied for an increase in rent. He agreed to 35s. I might state it is going before the local court but the point is the lawyer gets £15 to £20. I been a widow I can't go myself so you see I get no benefit for about 15 months. The cost of living gone up leaps and bounds rates and taxes but still I must not ask for an increase a paltry 5s. a week. I paid 35s. a week before I bought it many years ago. This man promised all kind of things to get possession, but I had nothing in writing. So you can see it doesn't pay in lots of ways to vote No, which I did. They might just as well left it with the Federal Parliament causing the people all the expense to take it to the court. Now I am obliged to sell it but the tenant refuses to allow anyone through the house to look through.

The Chief Secretary: I hope she was advised that she could add the rates to the rent.

Hon. Sir CHARLES LATHAM: Yes, I think she knows that. There are quite a number of cases. There is a sad case of a man who was working in the 'fields suffering from miners' phthisis and he was instructed to go down to the coast. He has two young children and even when he asked the occupant of the house which he owns, to let him have one room, he was refused. What I want the Government to do is to

amend the regulations, because I cannot do it, and bring in a provision enabling—not instructing—the magistrate to give more favourable consideration to these cases that are really deserving of it.

The Chief Secretary: That is the law. The magistrate decides where is the greatest hardship.

Hon. Sir CHARLES LATHAM: He has a very wide choice.

The Chief Secretary: I am speaking with regard to soldiers.

Hon. Sir CHARLES LATHAM: Yes, I know. I am not blaming the Government for that. That is not the responsibility of the State Government. Then there is the case of a man who owns a house but as he is paying rent for the occupancy of another dwelling, he cannot get possession of the house which he owns. Those cases ought to be taken into consideration. Another complaint I have is that until an ejectment order is made, the State Housing Commission will not attempt to find a home for a person. When a magistrate issues an ejectment order and the tenant is granted a permit to build by the Housing Commission, then he says, "All right, I will now find a house." From information I received yesterday, I understand that a ballot is now to be taken for the allocation of houses. Thus, the position will be that if a man is lucky he will get a house; but if he is unlucky, he will not. I do not believe in the ballot system but I suppose it is regarded as the better way to satisfy the public.

Whatever action the House takes—it is entirely in the hands of members—I feel sure that we ought to instruct the Government to bring down amending regulations. There is no alternative but to adopt the course I am pursuing today; that is, to enforce the wish of the House on the Government that it shall bring down amending regulations. I am not too sure that when the Minister introduced the legislation he did not give an undertaking that there would be amending regulations.

The Chief Secretary: No. I said regulations would be brought down.

Hon. Sir CHARLES LATHAM: Yes. The Minister gave a copy of the existing regulations to me, and then when I found that the gazetted regulations were identical, I hoped that the Minister, when speaking

on this subject, would have told the House that there were some merits in the motion and that some steps would be taken to give consideration to these proposals. I hope that the regulations will be disallowed.

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

Ayes	14
Noes	11

Majority for .. 3

AYES.

Hon. C. F. Baxter	Hon. Sir Chas. Latham
Hon. L. Craig	Hon. A. L. Leton
Hon. J. M. Cunningham	Hon. W. J. Mann
Hon. H. A. C. Daffen	Hon. C. H. Simpson
Hon. R. M. Forrest	Hon. A. Thomson
Hon. H. Hearn	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. G. W. Miles
	(Teller.)

NOES.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. E. M. Davies	Hon. L. A. Logan
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. G. B. Wood
Hon. E. H. Gray	Hon. J. A. Dimmitt
Hon. W. R. Hall	(Teller.)

Question thus passed; the motion agreed to.

BILL—HEALTH ACT AMENDMENT.

Assembly's Message.

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

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

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

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 13th October.

HON. C. F. BAXTER (East) [5.1]: Happily, it is not often that the House is called upon to pass judgment on an amending Bill so voluminous as this one. For an understanding of its 55 pages, one has to be familiar with the Workers' Compensation Acts incorporated in the reprinted Acts of 1943 and with the amending Act of 1944. Later on, there will be promulgated a mass of regulations under one of the many subclauses of Clause 11 of this Bill.

The result must be a good deal of confusion and misunderstanding over matters in which it is highly desirable that there should be simplicity. I cannot help wondering whether it would not have been possible, particularly as there are four members of the legal profession in the Cabinet, to have a Bill that would have repealed all the existing Acts and would have embodied in one document all the features of those Acts that it was thought desirable to preserve. This would have been a great convenience to all parties. The Bill demands careful consideration by the House from at least three points of view—

(1) Will it improve existing legislation in the direction of securing to the worker who may be injured prompt, adequate and just compensation?

(2) Will it impose an additional burden on industry to a greater extent than is wise in the present chaotic condition of our State's economy?

(3) Is the machinery set up by the Bill calculated to achieve a maximum of efficiency with a minimum of cost?

As to the first of these questions, it would be difficult to deny the need for some increased benefits arising out of the decreased purchasing power of Australian currency, but it must not be forgotten that any further increases in production costs must mean a further rise in prices, and consequently further depreciation in the purchasing power of money.

We are experiencing the advantages and disadvantages of a seller's market. In accordance with the law of supply and demand, the seller can go a long way in fixing the price, and it is only natural that the seller of labour, which is in short supply, should take advantage of the situation. He has recently received very considerable benefits. One benefit that is not without application to this measure is the social services legislation of the Commonwealth Government—legislation which imposes considerable burdens upon industry.

Will this Bill increase that burden so far as Western Australian industries are concerned? As to this I think it would not have been too much to expect the Government to give Parliament facts that could have been ascertained. There is a statement by the manager of the State Insurance Office contradicting the assumption that the increased cost to industry will be

large. From other equally well-informed quarters come estimates of 35 per cent. and 40 per cent. increases in premium charges. It is significant that the Commissioner of the Victorian State Insurance Office permitted an increase in premiums after the passing of the 1946 Act in that State. Those increases proved quite adequate, with the result that his office, instead of showing a profit of £89,275, as it did in the year prior to the passing of the Act, sustained a loss of £32,357 in the first 10 months of the new Act's operating, notwithstanding the increased premiums. So that office went to the bad to the tune of £121,000. Thus it may be assumed that the new Act meant an increased cost to industry of something like £150,000 per annum.

To say that there will be no increased cost as a result of the amendments proposed by this Bill is entirely unreasonable. I regret that I am unable to say what the estimated increase of 35 per cent. to 40 per cent. in the premium rate would amount to. Certainly it would be a considerable sum. So the question arises, "Is it wise to increase the burdens on industry at the present juncture?" I would refer members to a brief review in a recent issue of "The West Australian" of a book published by Professor Copland, whose standing as an economist and whose experience as Prices Commissioner for many years, give authority to his opinions. He emphasises the fairly obvious fact that the economy of Australia is dependent on the high prices of wool and wheat, and adds—

The most disturbing feature of Australia's present economic situation is the failure of production to respond to high demand. The output of primary industries, handicapped by shortage of labour and essential materials, is generally not much above the pre-war level, while industrial output lags seriously.

The professor recognises a fact that some people are inclined to ignore, namely, that we have to hold our own in a highly competitive world, or else bear the consequences. He contrasts our lag in industrial output with what is happening in the United States of America and Canada, where the industrial output is up 85 per cent. and 65 per cent. respectively as compared with pre-war levels. If the time comes—as come it probably will—when world prices of wool and wheat recede, we shall suffer in two directions—firstly, be-

cause the primary producers have not been given the full benefit of existing high prices which might have enabled them to build up reserves against any form of misfortune, and, secondly, because of that lag in secondary industry development to which Professor Copland has referred, a lag to which industrial discord has made a major contribution.

Are we justified in throwing even a small obstacle in the way of industrial expansion in this State? Of course, I know that members of the Commonwealth Government have made their plans to meet any form of depression that may overtake us. One Minister proudly boasted that the Government had six hundred millions of money "earmarked"—a pretty phrase "earmarked"—to be spent in ensuring employment should a depression come, and the Prime Minister completed the flattering tale by saying that the Government had also "earmarked" public works to the tune of six hundred millions on which employment could be provided. Certain questions suggest themselves—

Where and in what form is this six hundred millions?

To what extent would it enable us to buy from abroad the thousand and one things that would be necessary for the carrying out of a big public works policy?

The Prime Minister recently boasted that, under and as a result of Labour administration, the savings of the people had increased from four hundred millions to six hundred millions, but everyone knows that six pounds will not buy as much as four pounds would buy previously, and that the six hundred millions of Commonwealth Bank credit will not go far in buying anything from other countries.

Is there any significance in this repetition of the sum "six hundred millions"? Can it be that it is the people's six hundred millions of savings that have been earmarked for the Government's six hundred millions public works policy? Or is it just a coincidence that so commanding a total as six hundred millions should be used in each case? We all hope that there will be no depression, but if it comes, the only way to meet it will be to expand production in all our industries, and for this reason I shall need to be satisfied, before I can support the Bill, that it will not impose an additional burden upon industry.

This brings me to the third point, "Is the machinery set up by the Bill calculated to achieve a maximum of efficiency with a minimum of cost?" It is important to bear in mind that all the cost of such machinery is to be borne by industry. It is to be paid for by the insurers and so must be allowed for in the premiums charged to those who pay for insurance. What will be the annual cost of this machinery? The one thing that may be regarded as quite certain is that it will far exceed any estimate that might be prepared today.

The board, to which very great powers are to be given, is to consist of three members: a chairman, who is to be a legal practitioner of high standing, and two others, one nominated by the Employers' Federation and one by the W.A. branch of the Australian Labour Party. These members will have to be highly paid, partly because only the most competent men could carry out the duties, and partly because they are specifically barred from engaging in any other occupation. There is to be a registrar, and goodness only knows to what extent the staff will grow.

Is a board so constituted likely to give the best results? It will have to deal with technical matters regarding which not one of the members may have any practical knowledge. If the wisdom of establishing such a board is admitted—and I am not prepared to admit it—there would surely be much to say in favour of a chairman as the only permanent member with power to invoke the assistance of a representative of the employer and employee sections of the industry concerned, though probably the same result would be achieved if he sat alone and considered the arguments advanced by the representatives of each of the parties. I am glad that no embargo is contemplated on the employment of legal practitioners on either side. No doubt, this is due to the fact that there are four legal gentlemen in the Government and that the need for giving the board some authority over the costs claimed by such practitioners was recognised.

But the board, in order to discharge all the functions allotted to it, will need to appoint a small army of inspectors. To what extent will they duplicate the work done by inspectors under the following six other Acts of Parliament:—Factories and Shops,

Inspection of Machinery, Mines Regulation, Coal Mines Regulation, Health, and Timber Industry Regulation? In the event of a conflict of opinion between these inspectors and those appointed by the board, which will prevail? Is it contemplated that the board will appoint a separate inspector skilled in each branch of industry? Very wide powers are given to the board, as follows—

1. Exclusive administration of the Act, without appeal.
2. Exclusive determination of all disputed claims.
3. Exclusive right of assessment of compensation.
4. Exclusive decision on existence and extent of dependency.
5. Exclusive decision on assessment of weekly payments after partial recovery.
6. Exclusive decision and sole right of making lump sum settlements.
7. Exclusive decision on liability of any person on medical and surgical costs.

The chairman has wonderful powers, including sole jurisdiction on all questions of law, or of law and facts mixed. He can, therefore, override or ignore the other members on all such cases. So, he must be a man of outstanding legal and administrative experience and integrity. The provision for the procedure before the board must be opposed most strongly. It is copied from the Industrial Arbitration Act where the broad principles of conciliation come first and the litigious side of arbitration follows. But that Act goes much further and actually prohibits the appearance of lawyers in the court.

The arbitration system aims at simplicity and the avoidance of technicalities so as to encourage the appearance of the parties most immediately concerned with the case. The Workers' Compensation Act, under the present proposals, would make the board exercise the judicial functions now reposed in courts of competent jurisdiction from the magistrates right up to the High Court of Australia. Lawyers are expected to appear, and lawyers will expect to be bound by rules of practice which are our proud British birthright. In deciding questions of fact, under present conditions, no previous legal decisions are binding on any court except such as established rules of evidence. To break down this principle is to risk doing real disservice to both parties. This is a retrograde step in legal history.

Rules of evidence have been formulated over a long period, partly by common law and partly by statute, with the intention, and the result, of reaching the truth and being uninfluenced by hearsay and rumour. The rules of evidence exclude testimony which is immaterial, and they prevent vexatious delays and the confusion of the administration of justice. Contrary to the report of the Royal Commission, the rules of evidence operate in favour of, and not against, the truth and the substantial merits of the case.

There must arise and continually recur many questions of law under the Workers' Compensation Act. Doubtless, many new ones will obtrude under the amended Act. These will certainly require decision by the board and by the Supreme Court. In reaching its decisions, the Supreme Court will be bound by the rules of recognised legal construction. It would be anomalous and ridiculous if the board were not also similarly bound. Under the present wording of the Bill, the board could disregard the meaning given to any section by the Supreme Court. This could lead to endless costly litigation and thus defeat the very objective of the clause. The provision will lead to the utmost confusion as it would be impossible for an insurer, or its legal advisers, when considering a case, to obtain any reliable guidance from previous decisions of the board. This will discourage the conciliatory attitude, and many cases will be fought that would otherwise be settled by conferences of the representatives of the parties.

No-one can estimate the cost of the board. It will depend on several factors, not least of which will be the personnel of the board. If its members are bureaucratically minded, then constant additions to their staff will be made so as to build up the "departmental" importance of their own appointments. Then there will be the possibly large additional cost to industry which will be superimposed upon, but separate from, the actual premiums paid. This will be brought about by the zeal of the servants of the board in policing the Act. The employer will have to pay for each new safety device ordered by the board, and to supply new ways, works, machinery and appliances at the order of the board. The employer shall be ordered to install such appliances and be given a "reasonable time"—which will be decided by the board—in which to comply, and in every case the employer shall post

in a conspicuous place in his establishment a copy of the notice served upon him by the board, and that notice shall remain so posted until the order has been complied with, the board has been notified and has graciously authorised its removal.

Any order, however unreasonable or impossible of fulfilment, shall be so treated, shortages of materials, equipment and building labour notwithstanding. This is likely to happen to firms of the highest reputation and standing. Can anything more calculated to upset industrial relations be imagined? Refusal to obey the order may result in the closing down of the whole or any part of the employer's business at the whim of the board. Where an accident occurs and the board is of opinion it was due to the failure of the employer to comply with the directions of the board, then the board may levy and collect from the employer a sum not exceeding one-half of the compensation payable to the worker. But there is not one sentence in the Bill which puts the onus on the workers to use safety appliances provided by the employer. Therefore, when a worker is injured through his failure to observe safety measures or to use provided safeguards, he goes scot free and his employers pay. Neither is the worker's name posted in a conspicuous place, nor is he fined half the amount of his compensation.

In Victoria the chairman of the board gets £2,250 per annum whilst the members each get £904 per annum. In New South Wales the board is comprised of three county court judges, and each receives £1,500 per annum. It must be remembered that Victoria has something like five times the number of workers that we have in Western Australia, and New South Wales has considerably more than Victoria. There would not be sufficient work here to keep a board fully employed unless it manufactured work, and that, of course, is what it would do so as to justify its existence. Actual experience quoted by one insurer shows that in the past five years, 1,618 claims were made under the Act, and not one was a contested claim. If this was unknown, will the Government give further thought to the advisability of creating the board?

Where a question of law arises in proceedings before the board, it may of its own motion, and shall if requested by any party to the proceedings, state a case for the decision of the Full Court of the

Supreme Court. The Full Court shall have power to make such orders as it thinks fit in regard to the case and to the costs incidental to the hearing and determination. The clause reads—

The decision of the Full Court of the Supreme Court upon the hearing of any such case shall be final and binding upon the Board and upon all the parties to such proceedings and shall not be subject to appeal.

Is that British? Section 73 of the Commonwealth Constitution gives the High Court jurisdiction to hear appeals from all judgments, decrees, orders and sentences of the Supreme Court of any State, or of any other court of any State from which, at the establishment of the Commonwealth, an appeal lay to the Privy Council.

The Chief Secretary: That is half correct. You have not got an absolute right of appeal to the High Court.

Hon. C. F. BAXTER: Section 73 provides for it.

The Chief Secretary: An appeal lies if there is an amount of more than £300 involved, or if it is a matter of great import, or by leave of the court.

Hon. C. F. BAXTER: I question whether this Parliament has any power to take away the right of appeal either to the Federal High Court or to the Privy Council; and if we have the power, it would be most unwise to exercise it.

The Chief Secretary: It is done under many Acts.

Hon. C. F. BAXTER: Not of this nature.

The Chief Secretary: Yes.

Hon. C. F. BAXTER: What other Acts of this nature?

The Chief Secretary: There is no appeal from the Court of Disputed Returns.

Hon. C. F. BAXTER: What is that compared with the magnitude of this measure?

The Chief Secretary: It is pretty serious.

Hon. C. F. BAXTER: When, and if, the Bill reaches the Committee stage, there are several clauses that will demand earnest consideration. For instance, a new provision of very doubtful wisdom is introduced by making the employer liable for any injury sustained by an employee on his way to and from work. Why should this responsibility be cast upon the employer? Members of the public generally have to pro-

vide their own safeguards when going from place to place on their lawful occasions. It is the sort of thing that is likely to increase premium rates substantially because it widens the risks that are being insured against. With regard to Clause 7, special attention should be given to proviso to Subparagraphs (i) (ii) and (iii) of proposed new paragraph (ba) of Subsection (2) of Section 6 of the principal Act which deals with this matter. It will be noticed that there are four paragraphs attached to the proviso, and these might make the main one entirely useless. For instance, a worker might be compelled to wait a long time for a bus—such things do happen. Supposing during that wait he visited the nearest hotel—again such things happen—and a subsequent accident was due, either directly or indirectly, to such visit, would the employer's liability still stand?

To sum up, my feeling is that the Bill is unnecessary, that it will increase the burden on industry at a time when every effort should be devoted to the expansion of existing industries and the encouragement of the establishment of new industries here, and that the machinery for the implementing of the Bill is cumbersome and must prove very costly. Even with our present workers' compensation set-up, Mr. Hawke, when Minister for Works, visited the Eastern States in an endeavour to influence people to commence industries in Western Australia, and he was told point blank by many, "No." These men said, "We have given the question of opening up business in Western Australia full consideration, but the new laws, particularly industrial laws, foremost among them being workers' compensation, prohibit us from attempting to commence an industry in your State."

Yet the Bill intends to add to all these restrictions. We are constantly criticising the Commonwealth Government for its creation of new departments and the multiplicity of officials and those who make no contribution to the wealth production of the country. We should consider the matter very carefully before we consent to the creation of a new department, which, because of the great volume of the duties entrusted to it, is likely to expand to a size quite beyond the contemplation of the framers of the Bill. The other day I noticed in the newspaper that there is to be a 10 per cent. reduction in the Civil Service in England. Under this Bill

there will be a 10 per cent. increase here. Already a great proportion of the people in this State are civil servants.

The provision concerning coverage while employees are travelling to and from work will be increasingly costly as the years go by. This is only natural because the workmen will become compensation-conscious and will see what others can get away with. They have a somewhat similar provision in Queensland, New South Wales and Victoria—introduced in each case by a Labour Government. The remarkable thing about it is that this particular provision has been introduced in this State by a non-Labour Government. Of course, we look to Labour Governments for that kind of legislation, but it is rather outstanding to find that our Government has introduced such a measure. In some directions it has gone beyond the provisions contained in the Acts operating in the Eastern States.

Hon. G. W. Miles: The Labour Government in England is dismissing 70,000 Civil Servants.

Hon. C. F. BAXTER: Yes, I have already referred to that, but the cost of such a provision in this State will bear heavily on primary producing industries as well as on secondary industries. In New South Wales for the year ended the 30th June, 1947—this is the latest information available—these "journey cases" comprised 3.7 per cent. of the total and cost 3.9 per cent. of the whole of the compensation paid. This is a large increase on previous years and the claims will keep on increasing because of such cases. In most of the cases a civil claim lies.

Is the worker to have it both ways and be treated more favourably than any other citizen? He should be forced to pursue his civil claim first and the damages collected in the civil case "set off" against his compensation payments. In any case, why should industry pay when the worker is not at work? If this provision remains, it must carry stringent safeguards in addition to those contained in the Bill. This type of legislation has been submitted to Parliament before, but this House has always disagreed with it because of the burden that industry would be expected to carry.

Hon. G. Fraser: Then it is about time that this House became up to date.

Hon. C. F. BAXTER: If the House intends to agree to this provision in the Bill, then the following safeguards should be included:—

1. That the injury was not due to the worker's own default or wilful act or to his negligence or insobriety.

2. That it was not due to his acting in defiance of the law or of any civil bylaw.

3. That it was not received during or after any substantial interruption of, or substantial deviation from, his journey.

4. That it was not received during or after any other break in any such journey which is deemed not to have been reasonably incidental to such journey.

It has been found that the position in the Eastern States is getting worse. There was a case the other day where a man walked away from the establishment in which he was employed and on his way home met with an accident. In that instance heavy compensation was paid. A little while ago a man in Melbourne going home from work dropped dead from heart disease. Naturally the insurers thought that this did not come under the particular section of the Act, but the case was tried and the insurers had to pay.

In Sydney quite recently, a man hurried to catch a tram on his way home from work and dropped dead with heart disease in the tram. The insurers were forced to meet the claim without demur because they knew that they would have to pay in any case. I know of another instance where a man riding his bicycle home from work dropped dead. His death was not due to industry, but industry was forced to meet the claim. Something should be done where cases like that occur.

Hon. G. Fraser: It might have been the man's work that caused it.

Hon. G. Bennetts: The man might have been working too hard.

Hon. C. F. BAXTER: I would like to find the man today who will work too hard! It would be something new on the face of the globe. That type of workman disappeared a long time ago.

Hon. G. Fraser: It is very easy to sling off, but there are many men who do not get paid enough for the work they do.

Hon. C. F. BAXTER: We should profit by the experience of others. It is most difficult to check properly the facts, and in many cases it is quite impossible. Next

I shall refer to the premium rates committee. This committee will have full authority under the board to fix maximum premium rates. It comprises the Auditor General as chairman and three other members, namely, the manager of the State Insurance Office, a person nominated by the insurers and a person nominated by the non-tariff insurers. That means there will be four men to manage this small concern compared with what obtains in the Eastern States where they have only three. Why have four? What I want to know is: Why is the Auditor General on the premium rates committee? What does he know about insurance and what experience has he had? Half the committee is comprised of Government servants. That is not right.

The Honorary Minister for Agriculture: What committee do you suggest?

Hon. C. F. BAXTER: The Auditor General should be left off the committee and the other three should remain. What does the Auditor General know about it?

The Chief Secretary: Do you want to have more civil servants or use the present ones?

Hon. C. F. BAXTER: The Auditor General is not an experienced man in these affairs. He has his own work to do, and in any case he has a big job already. The Government is following on the lines of all other Governments. The heads of departments have their own duties to perform, yet they are being loaded up with a lot of other work and are compelled to give their own work to someone else to do. This Government is not any improvement on the last Government in that respect.

Hon. W. R. Hall: I am very pleased to hear that.

The PRESIDENT: Order!

Hon. C. F. BAXTER: The employers have to meet all the expenditure, yet they have no say in the matter.

Hon. H. Hearn: We only pay.

Hon. C. F. BAXTER: They have to find the money and yet they have no say.

Hon. G. Bennetts: They get the profit out of the workers who are only slaves!

The PRESIDENT: Order!

Hon. C. F. BAXTER: Compare the position to that under the Motor Vehicle (Third

Party Insurance) Act. There we have two direct representatives of the motoring public on the premiums committee. Why the differentiation? Judging by the Minister's remarks, it appears obvious that he has been advised that over-all costs will not be very much higher than under the existing Act. Much the same error was made in Victoria in regard to the 1946 amendment to its Act.

The provisions for representation of non-tariff companies on the premium rates committee is unnecessary and uncalled for, and was not in the Bill when it was introduced in another place. The New South Wales premiums committee, upon which the original proposal is founded, consists of three representatives—as per the New South Wales Act of 1945. This Bill provides that there will be four, including the manager of the State Government Insurance Office. Apart from an even number being undesirable, the Government office representative has interests more in common with the non-tariff insurers, and their interests can be attended to by the Government office representative. Victoria has no workers' compensation premiums committee, but the machinery which exists there has worked extremely satisfactorily for over 30 years in the interests of policy-holders and all insurers, without non-tariff representation.

Hon. G. Fraser: That would be the greatest protection the employers would have.

Hon. C. F. BAXTER: There is a highly contentious matter in the Bill; I refer to the amendments to the Third Schedule, the offending ones being paragraphs (a) and (b). I would like the Honorary Minister to explain the intention of these amendments when he replies to the debate. The Third Schedule of the original Act would appear to provide compensation for workers contracting certain specified diseases which could be attributed to their employment. Is it intended by the amendments completely to substitute for the original Third Schedule one which would entitle any worker in any occupation, to compensation if he contracted a communicable disease of whatever nature—a common cold, influenza, mumps or paralysis—from one of his workmates with whom he came into contact, either at his place of employment or whilst travelling to or from work in a tram or train? If the amendments are intended to apply in

those circumstances, then I submit that the effect of these provisions will be—

(a) The cost will be too great a burden for industry to bear.

(b) So much litigation in proving or disproving claims that further cost to industry must inevitably result.

This is an important matter and I hope the Honorary Minister will explain it when he replies.

Hon. G. Fraser: I think we have heard that story before. The story about the burden on industry.

Hon. C. F. BAXTER: One hears a lot of stories, but people get into trouble listening to the hon. member's stories and I think he has often got into trouble himself. As regards the added cost of the new provisions, it is not possible for anyone to assess accurately the costs of some of the new benefits. For instance, travelling to and from work and technical schools will automatically widen the area of claims and will therefore cost more in the first year. But is it not likely that as workers realise the position—and this in many cases will not be immediate—the number of such claims will increase? The extension of workers' compensation cover to those earning £750 per annum must increase premium payments, but no-one could assess accurately the amount of such increase.

In respect of ordinary accident claims, but not including lump sum settlements, reliable estimates have been taken of a genuine cross section of actual cases. It is known from those estimates that there must be increased costs arising from these proposals, and that applies to lump sum settlements as well. The estimates indicate that if the Bill be passed in its present form the increased cost will be at least 30 per cent. Another estimate suggests that the increase will be not less than 27.8 per cent.

Hon. G. Fraser: Who arrived at those estimates?

Hon. C. F. BAXTER: As a matter of fact, it is known from the experience of certain insurers in connection with actual cases that have been reviewed, that the increased cost in respect of lump sum settlements will be about 40 per cent. In none of these estimates has any attempt been made to include the cost of the board or of the premium rates committee, the staffs involved or travelling and administra-

tion costs. These are what may be described as the unknown quantity. Naturally, the estimates do not include any additional cost that would be attendant upon the use of the board's discretionary powers, which also represent an unknown quantity.

With all due respect to what has been said, I cannot understand how any member can argue that the Bill, if agreed to, will not increase costs. For a start, from the workers' point of view, the raising of the minimum of 30s. to £2 and of the maximum from £4 10s. to £6 will represent an increase of roughly 40 per cent. Likewise the increased payments from £750 to £1,050 and from £750 to £1,250, must also involve premium increases. How could they be avoided? I do not cavil at the proposals to improve the position of the workers because the value of money has decreased so as to necessitate augmenting the workers' spending power.

For any member to suggest that the proposals in the Bill will not involve appreciable increases in the cost of workers' compensation insurance is sheer nonsense. I cannot see how the increase can be less than 40 per cent. if the Bill be agreed to in its present form, and as the years go by the increase will be still greater. Every member desires to be just to the workers and does not seek, in the case of accidents, to foist upon them payments that will merely be pittances. While desiring to be just, we must not go too far and impose a burden that industry cannot bear. We have both primary and secondary industries, and it is upon the exports of the former that we live. In my opinion, the time is not far distant when the prices of the commodities made available by primary producers will be much lower than they are today, and may possibly drop below the cost of production.

The Honorary Minister for Agriculture: I did not think you were such a pessimist.

Hon. C. F. BAXTER: The writing on the wall is plainly to be seen. It should be apparent to the Honorary Minister and to the Government generally; they are indeed optimists if they think otherwise. We must get back to a solid basis in the future. How can we do it? At present we are manufacturing secondary products for export, but no-one will suggest that we can

manufacture under conditions that will enable us to compete successfully with other countries, especially if added burdens are to be imposed upon industry.

Unless we are careful, we shall find that the few industries we have will go to the wall. On the other hand, we should so legislate as to enable our industries to continue, thereby ensuring that more and more employment will be available for our people. We should not impose burdens upon industry that cannot be borne. I shall await with interest the views of other members and, if the second reading be agreed to, I shall have some amendments placed on the notice paper. I trust we shall be able to make a workable measure of the Bill, one that will be in the interests of both worker and employer.

HON. L. CRAIG (South-West) [5.52]: I do not propose to spend much time on the second reading debate, for I do not think any member would refrain from supporting the Bill at that stage, seeing that it is essentially a measure for consideration in Committee. The sooner we get into Committee so that we may consider the ramifications of the Bill, the better it will be. It is a most complicated piece of legislation and seeks to give benefits to the workers additional to those they have enjoyed in the past. Personally I have no objection to that.

With the decrease in the purchasing power of money, the working man is entitled to benefits that will equal those that were available to him in the past and on a basis equivalent to the new purchasing power of money. I believe the Workers' Compensation Act has in the past been grossly exploited in Western Australia and elsewhere in the Commonwealth. It always happens in connection with social legislation that a section of the community will abuse privileges that are made available.

Hon. G. Fraser: The worker cannot get away with it unless he has professional men to assist him.

Hon. L. CRAIG: That is not the point. The Act has been exploited in many instances by professional men. Very often it has been due to their good-heartedness, because they want to assist the worker. I

would not have it otherwise. No-one knows better than Mr. Fraser that exploitation has been indulged in at Fremantle.

Hon. G. Fraser: I do not know of it.

Hon. L. CRAIG: Then I do.

Hon. G. Fraser: My experience has been that the worker has not got all he has been entitled to.

Hon. L. CRAIG: The Bill seeks to increase the benefits that will be available, but I cannot agree with some of the proposals. For instance, industry should not be asked to pay compensation in respect of what may happen to a worker when he is not under the control of his employer.

Hon. H. Hearn: Hear, hear!

Hon. L. CRAIG: The worker has his civil rights. Should he be injured by a motorcar when going to or from his work, he is already covered by third party insurance. How many workers would avail themselves of third party insurance when it is so much easier to apply under the Workers' Compensation Act? Again, if he were involved in some other type of accident in connection with which some negligence had been displayed, he could claim against the person causing the accident. It would be quite wrong for this House to place upon industry the burden of compensation for an accident occurring to an individual who was not in any way under the control of his employer.

Hon. G. Bennetts: The instance you quoted concerned a motor vehicle.

Hon. L. CRAIG: Had the hon. member been listening, he would have known that I mentioned a second type of accident. I appreciate that the establishment of a board is a controversial matter upon which there will be divergent views. That question can be thrashed out in Committee. I hope members will give close consideration to the Bill and endeavour to deal with it in such a manner as will enable it to prove capable of doing justice to both the worker and the employer who has to pay in the end. All these things do affect industrial enterprises likely to start in this State. There are some provisions in the Bill to which I entirely disagree. For instance, there is the special provision for children who are already covered by child endowment. That involves duplication. However, I shall support the second reading.

On motion by Hon. A. L. Leton, debate adjourned.

BILL—WESTERN AUSTRALIAN MARINE.

Received from the Assembly and read a first time.

BILL—BUSH FIRES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. E. H. GRAY (West) [5.59]: During the debate, some members have attempted to ridicule the drafting of the Bill. That is a negative type of criticism that I think should be disregarded. When a layman sets out to criticise the drafting of a piece of legislation, he is apt to go astray very quickly. I am aware that under our present method of drafting Bills, it is often difficult for sponsors who are anxious to have certain provisions included, to recognise their proposals when the Bill is made available to them. I support the second reading because I regard the Bill as a recognition of the wonderful work carried out by bush fire brigades in the country districts. In these days it is the duty of all public men to encourage the efforts of various sections of the community wherever possible.

There is no doubt that the community work being done under the direction of the local authorities in Western Australia deserves every commendation and it is a wonderful saving to the insurance companies. Information was given in another place that 80 road boards have formed and are maintaining over 323 bush fire brigades. This is a marvellous achievement in a short time, as the parent Act was passed only ten years ago. What would be the position in the farming areas if these bush fire brigades were not functioning? Obviously, it would mean an increase of insurance premiums for crops.

It cannot be denied that the education of farmers and townspeople in small country towns in the matter of fire protection has resulted in a lessening of the fire hazard. The work has been carried on, as I said, in an honorary capacity and farmers and dairymen have gained much knowledge from the instruction given them by experi-

enced officers. I am informed that farmers who use the harvester-tractor combination are allowed a reduction of 5 per cent. in their premiums by the insurance companies if the tractor combination carries a knapsack spray. If that be so, surely it is worth a substantial reduction in premiums for the added safeguard of these bush fire brigades.

I cannot see any reasonable argument against the Bill. With other members, I admit it is a pity that the provision in question could not be framed in a better way. We cannot afford to ignore the work these country people are doing, nor can we disregard the requests of local authorities for legislation of this kind. As a matter of principle, we must give every encouragement to local authorities, townspeople, pastoralists and farmers to take adequate precautions to protect life and property against bush fires in the dry season. I am astonished that the Chief Secretary is opposed to the measure. If the Bill is defeated on the second reading, it will be a slap in the face to large numbers of people who are doing most effective work throughout the country.

Hon. G. Fraser: It will be a slap in the face to many others if the House passes the Bill.

Hon. H. K. Watson: It will be a kick in the pants to many.

Hon. E. H. GRAY: I cannot imagine that insurance people are different from other persons. We may, in Committee, devise some better wording of the provision in question. Surely, underwriters must recognise that if they have a large army of people working for them in an honorary capacity, those people are entitled to some benefit for their labour.

The Honorary Minister for Agriculture: This Bill does not benefit the local authorities.

Hon. E. H. GRAY: Yes, it does.

The Honorary Minister for Agriculture: How?

Hon. A. Thomson: They will have lower premiums to pay.

Hon. E. H. GRAY: Yes. The Bill will be a big encouragement both to farmers and local authorities to increase their fire-fighting equipment. I would like to see all road boards as up to date as the Bruce Rock Road Board, which has three fire

engines and about 14 mobile plants. Evidently that board recognises the worth of the equipment. Its example ought to be copied by other road boards. I can understand why Mr. Dimmitt, who is a city member, does not under appreciate the ramifications of the country.

Hon. J. A. Dimmitt: I object to that.

Hon. E. H. GRAY: One has to live and work in the country to realise the danger from bush fires.

The Honorary Minister for Agriculture: It is a long time since you lived in the country.

Hon. E. H. GRAY: I served my apprenticeship in the country and was there for eight years. I know exactly the dangers and hardships that country people have to contend with. That is why I support the Bill.

HON. L. CRAIG (South-West) [6.6]: I was hoping I would not have to speak to the Bill, but am afraid I must. Mr. Gray's comments on the measure are inspired by the sympathy and soft heart we all know he has, and not by logical reasoning.

The Honorary Minister for Agriculture: Hear, hear!

Hon. L. CRAIG: I know Mr. Gray's tremendous regard for people who do honorary work. He thinks, from the goodness of his heart, that something ought to be done to assist the bush fire brigades. I think, however, an explanation should be given why these brigades were formed. It was to protect the people concerned from the danger of fire to their crops or grass; but in many districts neither crops nor grass is insured. In my own district, I do not know of one crop, one stack or one paddock that has been insured or is ever likely to be insured. We have fire brigades.

Hon. Sir Charles Latham: And you have an irrigation area, green all the year round.

Hon. L. CRAIG: We had it for the protection of our own grass and our own crops. However Utopian this Bill may appear to be, in practice it is unworkable. It is utterly unworkable. There is nothing in the Bill to enable us to say to an insurance company, "You shall accept insurance on any of these crops."

Hon. Sir Charles Latham: You would not have that, would you?

Hon. L. CRAIG: No.

Hon. Sir Charles Latham: I thought you would not.

Hon. L. CRAIG: The Bill is foolish. There is nothing to prevent any insurance company—including the State office—from quoting in certain areas a special rate, and there is nothing in this Bill to make it do so. Any company that thinks there is a lot of money in it—including the State office—can say to these people that have a competent brigade, "We will offer a special rate," as Mr. Gray said has been done in the case of farmers who, when cutting their crops, use a tractor that carries a knapsack spray. There is nothing to prevent the companies from doing that. This Bill will not help them.

Hon. Sir Charles Latham: They have never done it.

Hon. L. CRAIG: This Bill will not make them do it. I am disappointed that the Lower House should have let a Bill of this sort go through. It is not fair to this House for another place to allow such—I was going to say stupid—legislation to be passed. At any rate, it is foolish legislation.

Hon. Sir Charles Latham: You cannot reflect on an Act of Parliament.

Hon. L. CRAIG: I said I might have called it stupid. But I do think it is foolish for another place to let a Bill of this kind go through—a weak Bill; the sort of Bill one would expect a boys' debating society to submit for discussion. It is not workable. We are supposed to be sensible people. If this measure is passed, it will never be operative. It is like other Acts, such as the Droving Act, which have been passed and are dead letters.

Hon. Sir Charles Latham: This House passed all those Acts that are dead letters.

Hon. L. CRAIG: Not necessarily with my consent. Nor will this one be passed with my consent, because it is unworkable. Anyone who reads it with his brain instead of his heart will know it is unworkable. An obscure figure like 25 per cent. has been arrived at, but there is no authority for quoting such a figure. Perhaps it should have been 55 per cent.; perhaps 15 per cent. The wildest guess has been made; and to ask sensible men to pass a Bill like this, which is quite inoperable—I do not think anyone will say it can or will be enforced—is foolish. It is not confined to the work that fire

brigades do. It includes bags in sheds. There will be a special rate for them because there is a fire brigade.

Then, what constitutes the efficiency of a fire brigade? The members of these brigades do no training whatever, to my knowledge, and there is one in my district. Efficiency means efficient equipment. A brigade has a captain who has a lot of authority under the Act, but the efficiency of a brigade mainly relates to up-to-date modern equipment that can be quickly moved, and an adequate water supply. A lot of money is needed to buy a machine. Is the Forests Department going to allow men to go round with flit guns and glasses of water?

Hon. Sir Charles Latham: You are making it silly by talking like that.

Hon. L. CRAIG: It is a silly Bill.

Hon. Sir Charles Latham: It may be silly to men who are unskilled in the operations of a bush fire brigade.

Hon. L. CRAIG: It will require 20 men to cover the whole State, and they will not have to inspect the fire brigades once only but will have to see that they are maintained. The Minister has to see that the efficiency of the brigades is maintained; the Bill says so.

The Chief Secretary: It will mean more civil servants.

Hon. L. CRAIG: The Bill says that the Minister shall see they are maintained and that he shall gazette not an area of a road board but portion of an area of a road board in the "Government Gazette," bounded by Smith's road on the left, and such-and-such a river, or such-and-such a tree on the north. The Minister has to define the areas which are included amongst those with efficient fire brigades. I ask any member to read the Bill critically and then to say it is possible to carry out its provisions! I contend it is utterly impossible, and we should not pass Bills which it is impossible to administer. I oppose the second reading.

HON. A. THOMSON (South-East) [6.13]: I am positively amazed at the attitude that has been adopted by some members, who have claimed that this measure is stupid and unworkable and that we should not be wasting our time on measures of this kind. God knows, we have passed plenty of measures this session that should never

have seen the light of day, and this House cheerfully and willingly—

Hon. A. L. Loton: Some members.

Hon. A. THOMSON: Yes. Some members cheerfully agreed to make men criminals if they attempted to build a house for themselves. They were ready to impose imprisonment on such people. In the circumstances, Mr. President, you will pardon me for attacking those who say this Bill is stupid, and that we should not consider it. I feel it deserves a certain amount of consideration.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. THOMSON: Before tea I was remarking on the extraordinary attitude that had been adopted by several members towards this Bill. Frequently, during this session, one has heard it said that this House must help the Minister. That is quite all right, but it does not seem to apply to Bills brought forward by private members.

The Chief Secretary: Who suggested that the House should help the Minister?

Hon. A. THOMSON: It has been said in this House.

The Chief Secretary: But not with regard to this Bill.

Hon. A. THOMSON: No. There is no evidence of the Minister giving any assistance at all.

Hon. Sir Charles Latham: Ministers in another place approved of it.

The Honorary Minister for Agriculture: I have not had much assistance from some members in the last few months.

Hon. A. THOMSON: I am sorry about the attitude that has been adopted. Mr. Dimmitt, when speaking on the Bill, took umbrage at something that was said and thought that it had been implied that he never visited the country. I interjected that I was afraid he had never been in a bushfire.

The Chief Secretary: Look at his hair!

Hon. J. A. Dimmitt: I had the privilege of rescuing a lady from a bushfire in the Great Southern district. I think I played some part in saving her life. That occurred out from Denmark.

Hon. A. THOMSON: Then I must apologise. It seemed from the arguments used in this House against the Bill that some mem-

bers had not had much experience of bush-fires. It was very fortunate for the lady concerned that Mr. Dimmitt was in the vicinity and was able to rescue her, because that was a most disastrous fire. Apparently several members fail to realise the efficient work that is being done by the bush fire brigades, which are purely voluntary organisations. It has been inferred that as they are composed only of volunteers, the fire brigades cannot be properly organised and therefore that to ask the insurance companies to make some allowance or rebate on the premiums is unfair and unreasonable.

I draw attention to the position of those who now come under the Fire Brigades Act. We find that the local authorities pay 2/9ths of the cost, the Government pays 2/9ths and the fire insurance companies pay 5/9ths. Therefore the underwriters or insurance companies are paying more than half the cost of running the fire brigades in the larger towns throughout the State. One cannot compare the volunteer bush fire brigades with the metropolitan or larger town fire fighting organisations where fire stations are scattered throughout the areas concerned and the brigades can reach the scene of the fire in a few moments. Some remarks by speakers in opposition to the measure would lead one to the belief that in the country it is impossible to get to the seat of a fire in a short time.

I have had the unfortunate experience of having to fight a number of bush fires during my life, and the last occasion was very nearly the end of me. After working heroically for many hours we were badly beaten. The weakness of the bush fire brigades was often defective control. Frequently one of the drawbacks was that hundreds of people turned up to fight the fire, but there was no proper organisation. With the efficient fire brigades that we now have established in various parts of the State there is one person who is responsible.

In the past, I have attended fires, where, had there been one person able to take charge absolutely and direct the volunteers to burn back, we would have been successful; but instead of that we were merely beating right into the face of the fire with bags and bushes and were ultimately unsuccessful. It has been said that it is absurd to ask insurance companies to make a rebate, but surely the protection provided by the bush fire

brigades would warrant some reduction in the premiums.

The Honorary Minister for Agriculture: But this measure does not ask for a reduction.

Hon. A. THOMSON: These brigades are reducing the fire risk materially by doing exactly as is done by fire brigades in the metropolitan area. There is a tendency to hold bush fire brigades up to ridicule, but I assure the House that, though they are manned purely by volunteers, they do good work. In my own home town the volunteer fire brigade was responsible for getting under control and stopping a fire in the nick of time. Had the brigade got into action half an hour later, Katanning would have seen one of the most disastrous fires in its history, because a whole block of buildings would have gone owing to the shortage of water. Surely such fire brigades are contributing greatly to the safety of property.

I will not enter into a discussion on the equipment that is required. We know that they utilise motor trucks, tanks of water and rotary pumps, and those with experience know that if they can get ahead of the fire, they are able to control it more quickly now than by the old methods. The Honorary Minister said that we might overcome the difficulty and that he hoped the Bill would be defeated. He said the Government might introduce a Bill to amend the Road Districts Act to enable local authorities to raise funds with which to provide plant. That is all very well, but why load country ratepayers with an additional burden when, under existing legislation with reference to fire brigades and insurance companies, all country town dwellers are liable to the same proportion for insurance as are residents of the metropolitan area?

If the suggestion of the Honorary Minister were adopted, we would find that country town dwellers would have this additional burden placed on them through their rates and taxes. Dr. Hislop said he thought the Bill might be referred to a Select Committee, but it does not seem to be much use appointing a Select Committee if the Government is not sympathetic. A Select Committee may devote weeks to gathering valuable information and then submit it to the Government, which in turn may take no notice of the submissions. I can give no better illustration of that than the question of the third party insurance risk. This House appointed a

Select Committee to inquire into that matter. Both Mr. Fraser and I had for years suggested that the Government should introduce legislation to bring into effect compulsory third party insurance.

As a Select Committee, we recommended that when the licenses for motor vehicles were being issued the third party insurance cover should be issued at the same time. That did not agree with the policy of the then Government, the idea of which was to force all the business into the State Insurance Office. Now, after years of trial and error, the local authorities themselves have petitioned the Government asking for the very thing that we recommended, and which the Government would not accept years ago. We are soon to have such a Bill before us for our consideration. I draw Dr. Hislop's attention to the fact that the appointment of a Select Committee to deal with this subject would not bring us any nearer to what I might call satisfactory results.

It was rightly claimed by Dr. Hislop that the reason why the word "shall" was not inserted instead of the word "may" in one clause was that if a private member's Bill gave a definite instruction for certain action to be taken, the Bill would be immediately ruled out of order. I hope that those members who oppose this measure will give the matter further consideration. If the 25 per cent. rebate is too much, then I appeal to the House to do as has been done with dozens of Bills already passed this year—let it go into Committee where we can amend it.

I feel that the majority of the bush fire brigades will be quite capable of dealing with bush fires. I have a recollection of a fire that occurred on the property of a friend of mine in the Katanning district. He saw the fire coming miles away but in those days there were no fire fighting appliances such as those belonging to the bush fire brigades today. That man was in the unfortunate position of seeing his years of valuable stud breeding lost in one fell swoop, because the fire simply swept through his place unchecked. I feel that the men who are willing to render this service should have some support.

In view of the fact that the mere establishment of an efficient fire brigade, if it is deemed essential, results in reduction of premiums, surely the same provision should apply in a country district where a bush fire brigade is established. I support the second

reading of the Bill. I commend the sponsor for giving us the opportunity of discussing it and, unlike another speaker, I commend another place for giving to the country areas that consideration which unfortunately, in some directions, seems to be rather lacking in this House.

HON. L. A. LOGAN (Central) [7.47]: This Bill has been described as "ill-conceived" and has been ridiculed. I do not think the members concerned have gone far with their consideration of it—

Hon. G. Fraser: They have gone too far; that is the trouble.

Hon. L. A. LOGAN:—seeing that they could treat the Bill as they have. After a lot of time and study, not only on his own account, but also in conjunction with road board secretaries and with an insurance company, the sponsor brought this Bill forward. It was passed in another place with one dissident. It has already been favoured by eight Cabinet Ministers, and yet we find two of their colleagues in this House virtually ridiculing it. We have been asked many times to support legislation, and yet when a Bill is brought in by a Government member, this is the response it gets.

The Honorary Minister for Agriculture: This is a private member's Bill.

Hon. L. A. LOGAN: I said it was a private member's Bill, and that it had the sanction of eight members of Cabinet. I do not say that because it was passed by another place, it is all right. It may not be; but, in my opinion, it is. All insurance companies are not opposed to the Bill.

Hon. G. Bennetts: Farmers support it.

Hon. L. A. LOGAN: I will now deal with some of the points raised in regard to the 25 per cent. rebate, which has caused a roar of laughter right throughout this Chamber whenever it has been mentioned. I think I can speak with more experience of bush fires than any other member of this House.

Hon. J. A. Dimmitt: Sir Charles Latham admitted it was only a figure.

Hon. L. A. LOGAN: I admit it is arbitrary. When one goes into the country and realises the need for bush fire brigades and the conditions that exist today for fighting fires, it will be found that with the advan-

tage of them, the risk is 50 per cent. less and not 25 per cent.—

Hon. R. M. Forrest: Why not make it 50 per cent. in the Bill?

Hon. L. A. LOGAN: —and therefore the premium should be reduced 25 per cent.

Hon. R. M. Forrest: Do you think you can force the companies to reduce the premiums?

The Honorary Minister for Agriculture: I thought you did not like compulsion.

Hon. L. A. LOGAN: It has already been stated that insurance companies today are competitive, and that the competitive spirit will not allow a company to reduce its premiums by 25 per cent., because once one company starts to do it the others will follow suit.

Hon. H. K. Watson: Even to the extent of buying losses.

Hon. L. A. LOGAN: They are not buying losses. As I said before, we know that today, by experience, at least 50 per cent. of the loss is avoided in the country areas through the creation of these bush fire brigades. A lot has been said about the word "may" as against the inclusion of "shall." That word has been put there for a purpose. It is because it is a private member's Bill. Under the Bill the Minister has jurisdiction to declare a definite area in which this 25 per cent. reduction will apply. He is given the right to appoint a forestry officer who in most cases has a good deal of knowledge of fire work. He has the authority to ask that officer to inspect any fire brigade to ascertain if it is efficient.

Obviously, the Minister does not want the word "shall" inserted because he would then have to send the officer to any area. In many cases the Minister knows what equipment is in the district, so why should he send an officer out under those circumstances? That is why the word "may" is there and not the word "shall." The farmers are already allowed 25 per cent. reduction in their premiums where the harvester is carrying a knapsack spray. If the Bill is thrown out and there is a hue and cry in the city for a reduction in the premiums, the companies will be just as badly off in the future. They will get out of it for a lot less than 25 per cent.

reduction in the country compared with what would obtain if those conditions were laid down in the city.

We must realise that the fire-fighting equipment today has taken a lot of the hazard out of the lives of a great number of people in the country. It not only reduces the loss on crops but also that on buildings. Previously when a fire got out of hand men had to battle for two or three days and nights to get it under control, but today it is very seldom, when there is an outbreak, that a man cannot return home after putting the fire out in a few hours. The fire brigades are reducing considerably the danger on buildings, the policies on which have been remunerative to insurance companies. The effect of the work of the brigades has been to increase that remuneration. Another point that most members have lost sight of is that the Bill deals only with crops. So much has been said of bush fire brigades being established throughout the State. It is only where the Minister declares the district of a local authority to be an approved area that a bush fire brigade may be established. Subsection (2) of proposed new Section 35A sets that out.

Hon. H. K. Watson: It deals with bags.

Hon. L. A. LOGAN: Of course it does; from the crop to the siding. It does not deal with potatoes or other things but with crops only, thus reducing the area necessary to be controlled. I do not think members have read the Bill as I have read it. That is a very important point because it considerably reduces the area that the forestry officer has to cover. He does not have to travel all over Western Australia and in most cases the forestry officer would know what equipment was available in a district. He might have to check the equipment once a year, but that would be all that was necessary.

Hon. A. Thomson: Fire brigade officers go to every country town.

Hon. L. A. LOGAN: Very often they do, and it adds to their knowledge. It is all very well for members to say, "It cannot be done."

The Honorary Minister for Agriculture: It will not be done.

Hon. L. A. LOGAN: It can be done if members want it; if they say it cannot be done, then I say they are ridiculous. It can be done. It is quite simple to say that, because if an efficient fire brigade is established in a district that is proclaimed an approved area, the farmers' premiums in that locality should be reduced by 25 per cent. To say that the insurance companies will not do it is all bunkum because they will. The competitive spirit will bring them in.

The Honorary Minister for Agriculture: I thought you did not like compulsion.

Hon. L. A. LOGAN: What is to stop them from doing as they have in the past? As yet, not one reason has been given why they will not do it. If I thought we could get further by the appointment of a Select Committee, I would be prepared to favour that step because we might get something better. In the meantime, I support the second reading.

Hon. A. L. LOTON: I move—

That the debate be adjourned.

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

Ayes	17
Noes	4

Majority for 13

AYES.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. H. A. C. Daffin	Hon. A. L. Loton
Hon. E. M. Davies	Hon. W. J. Mann
Hon. J. A. Dimmitt	Hon. G. W. Miles
Hon. G. Fraser	Hon. C. H. Simpson
Hon. E. H. Gray	Hon. A. Thomson
Hon. W. R. Hall	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. H. Tuckey
Hon. Sir Chas. Latham	(Teller.)

NOES.

Hon. L. Craig	Hon. G. B. Wood
Hon. H. Hearn	Hon. R. M. Forrest
	(Teller.)

Motion (adjournment) thus passed; debate adjourned.

BILL—WESTERN AUSTRALIAN TROT- TING ASSOCIATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. A. Dimmitt in the Chair; Hon. Sir Charles Latham in charge of the Bill.

Clause 3—Amendment of Section 15 (partly considered):

The HONORARY MINISTER FOR AGRICULTURE: On behalf of the Chief Secretary, I move an amendment—

That all the words after the word "deleting" in paragraph (a) down to and including the word "meetings" at the end of paragraph (b) be struck out, and the word and letter "paragraph (a)" inserted in lieu.

Hon. Sir CHARLES LATHAM: It might be well to explain that the Chief Secretary thought of providing in the clause for the deletion of paragraph (a) of Section 15. I have no objection to the striking out of the paragraph as provision can then be made for what I desire. Section 15 begins—

The Minister may establish a Country Clubs' Benefit Fund which shall be held by the association and placed in a separate account and may—

(a) direct a club in the metropolitan area to devote the whole or any portion of the profits of one specified ordinary trotting race meeting in any year to the benefit of the fund.

Hon. J. G. HISLOP: Are we not considering the insertion of a new clause to provide for the amendment of Section 15 by deleting paragraph (a)? That is the amendment on the notice paper.

The CHAIRMAN: The amendment on the notice paper is not under consideration. Last evening we thought it would be correct to adopt that course but, on further consideration, we decided that the procedure now proposed is correct.

Hon. G. FRASER: Some of us are in a fog. To delete paragraph (a) of Section 15 in this way appears to be contrary to practice.

Hon. A. Thomson: It would establish a dangerous precedent.

Hon. G. FRASER: Yes.

The CHAIRMAN: What is that?

Hon. G. FRASER: We are asked to approve of the deletion from the Act of something of which we have had no notice. I am left in the air and cannot understand what is proposed.

The CHAIRMAN: The amendment is to delete the whole of paragraphs (a) and (b) of Clause 3 with the exception of the word "deleting" at the beginning of paragraph (a). Then subsequently other words will be inserted.

Hon. G. FRASER: Precedent is always an important matter in Parliament. The proposal seems to be to amend the Bill in order to amend the Act in a manner of which we have had no notice, and I contend that that is wrong procedure.

The CHAIRMAN: The proposed amendment is relevant to the Title of the Bill.

Hon. G. FRASER: It is relevant to the Title of the Bill but it is not relevant to the Bill itself. Standing Order 123 provides—

A question having been proposed may be amended (1) by leaving out certain words only; (2) by inserting or adding certain words; (3) by leaving out certain words and inserting or adding other words.

The procedure now proposed does not coincide with that. Standing Order 125 provides that every amendment shall be relevant to the question to which it is proposed to be made.

The Honorary Minister for Agriculture: Is not this relevant?

Hon. G. FRASER: It is relevant to the Act but not to the Bill.

The CHAIRMAN: The Bill seeks to amend Section 15 and this is an additional amendment to Section 15; it is therefore relevant to the Bill.

Hon. G. FRASER: Once we establish a precedent by amending a section in this way simply because the Bill proposes to amend that section, trouble will arise. I ask for your ruling, Mr. Chairman, and if it is against me, I shall contest it.

The CHAIRMAN: I am inclined to attach some weight to the protest because the amendment now before the Chair does seek to limit the power of the Minister to some extent. The amendment desired in the first place was simply to give the Minister power to direct the use of profits on extra days. Now I think the amendment will have a somewhat different effect as it will remove from the Minister the power to direct a club in the metropolitan area to devote any portion of its profits to the fund. After further consideration, I rule that the proposed amendment is in order. Mr. Fraser can challenge my ruling if he likes, and it will be referred to the House.

Dissent from Chairman's Ruling.

Hon. G. Fraser: I must dissent from your ruling, Mr. Chairman. I do so because paragraph (a) of the clause deals only with the word "one." The amendment is to deal with more than one word. It is to deal with a whole paragraph in an Act which we have not got before us. If we permit this to go through, without testing it, we might buy a lot of trouble for ourselves in the future.

[The President resumed the Chair.]

The Chairman having stated the dissent,

The President: Before I give my ruling, I am prepared to hear debate on the matter which, I understand, comes under Standing Order 255. This provides—

The matter having been reported to the President, and members having addressed themselves thereto, the President shall give his ruling or decision.

Hon. L. Craig: While I am not in a position to debate the legality of the matter according to Standing Orders, I feel that Mr. Fraser is right. We have been dealing with a Bill which was submitted to us, and the House agreed to the second reading. In the Committee stage, something entirely foreign to the Bill was introduced. Had the amendment, moved in Committee, been contained in the Bill when it was introduced, the decision of the House in agreeing to the second reading might have been different. After the second reading was carried, something entirely foreign was introduced, and I believe that is out of order.

Hon. Sir Charles Latham: Standing Order No. 123 provides—

A question having been proposed may be amended:—1. By leaving out certain words only. 2. By inserting or adding certain words. 3. By leaving out certain words and inserting or adding other words.

The position is that the Honorary Minister has moved to leave out certain words, which are all the words after the word "deleting" in the first line of paragraph (a), to the end of paragraph (b).

Hon. L. Craig: Not to leave out words in the Bill?

Hon. Sir Charles Latham: Yes, in the Bill itself. The Minister has asked us to agree to strike out certain words, and that is the only question before us at the moment, except that the Committee was advised that it was proposed to still further amend the paragraph which is the subject matter of the amendment in the

Bill. This is not my amendment, but that suggested by the Chief Secretary. As far as I am concerned, the Bill can go through as it is. Last evening the Chief Secretary desired to make a further amendment by striking out paragraph (a). It appeared to me that it would be rather futile to amend a paragraph and then come along immediately after and ask to strike out all that paragraph, which this amendment proposes to do. Section 15 of the Act States—

The Minister may establish a Country Clubs' Benefit Fund which shall be held by the Association and placed in a separate account and may—

(a) direct a club in the metropolitan area to devote the whole or any portion of the profits of one specified ordinary trotting race meeting in any year to the benefit fund.

It was that paragraph (a) that the Minister desired to strike out. The amendment I have in the Bill is to strike out the word "one" in the second line and insert in lieu the word "three." The Minister desired us to strike it all out, as he considered it unnecessary because it more or less duplicated paragraph (b) which will be subsequently amended if all the words sought to be deleted by the Honorary Minister are struck out. I think there is no alternative but to agree that the Chairman's ruling is in order.

Hon. A. L. Loton: I support Mr. Fraser because the Bill is to amend Section 15 of the principal Act. Last night the Chief Secretary sought to alter the parent Act. If paragraph (a) were struck out, the section would simply provide, "The Minister may authorise one meeting in any one year . . ." subject to the amendments of Sir Charles Latham. We are interfering with the parent Act.

The Honorary Minister for Agriculture: Not yet.

Hon. A. L. Loton: Sir Charles Latham's amendment is to insert the word "three" in place of the word "one." I support Mr. Fraser.

The Honorary Minister for Agriculture: The only question we are concerned with at the moment is the amendment to delete certain words. Surely we can deal with something which is in the Bill.

Hon. G. Fraser: Do not split straws.

The Honorary Minister for Agriculture: Never mind what we are going to do later!

For the moment, we are dealing with the deletion of certain words in Clause 3.

Hon. G. Fraser: If we strike them out and leave the clause, how would you like that?

The Honorary Minister for Agriculture: We can deal with that position when we come to it. I maintain that the amendment is not out of order. We are dealing with something which appears before us although, I agree, that what we are considering is on the notice paper.

Hon. J. A. Dimmitt: We need not generate much heat over this. My simple contention is this, that the Bill seeks to amend a section of an Act, and the proposed amendment is simply another amendment to the same section. Because of that, I believe it to be relevant, and that is the basis of my ruling.

Hon. A. Thomson: I think we are getting into what I might term a slipshod way of conducting the business of the Chamber. I have pleasure in supporting Mr. Fraser in his disagreement with the Chairman's ruling. On frequent occasions members have been ruled out of order because their remarks have not been relevant to the Bill under discussion.

Hon. L. Craig: Dozens of times.

Hon. A. Thomson: We have before the House an amendment to the original Act. Personally, I do not know anything about the Act, but one of the rules and conditions laid down is that an amendment to a Bill shall be put on the notice paper, and I for one am not going to agree to a precedent of this House being broken. It is too dangerous. I have no desire to hold up the business of the House, but I strongly object to the course that has been adopted. I commend Mr. Fraser for having drawn attention to it in the capable way he did, and I hope that he will be supported. It is time we got back to a more strict observance of the rules of the House. If we accept the Chairman's ruling, it will leave the Bill wide open, not only in this case but also for any Government to do the same thing in the future. If any private member attempted to do what the Honorary Minister for Agriculture wishes to do, he would be severely criticised and would certainly not be permitted to continue. Even if you rule, Mr. President, that it is relevant to the dis-

cussion, I still hope the original procedure of the House will be followed. We must expect our Ministers at least to give us a fair go, but we are not getting it under conditions such as these.

The Honorary Minister for Agriculture: This is not a Government Bill.

Hon. A. Thomson: No, but it is a Government amendment, and I want to know how far it will go.

The Honorary Minister for Agriculture: It is not a Government Bill; it is a private member's Bill. It has not the slightest thing to do with the Government.

Hon. A. L. Loton: The Chief Secretary thinks he can make rules to suit himself.

The Honorary Minister for Agriculture: The Chief Secretary is not here.

Hon. A. Thomson: The Chief Secretary should be here, although I am not saying he has not a public duty to perform. But when something like this happens, he should be here. If a private member wishes to amend a Bill, he must put his amendment on the notice paper or supply three or four copies so that they can be distributed. In this case, only one copy has been handed in. I raise a strong protest against this state of affairs.

Hon. J. G. Hislop: I would like to have some elucidation on this matter and will be particularly interested in your ruling, Mr. President. I have always believed that an amendment put forward by a member must be at least germane to the Bill and not necessarily germane to the principal Act.

Hon. A. Thomson: That is so.

Hon. J. G. Hislop: Last evening, when the Bill was being brought forward, I listened with interest to the remarks of Sir Charles Latham, and I realised that the intent that lay behind his introduction of the Bill was that more money should be donated to country clubs. I gave this Bill careful study with a view to possibly inserting a clause making it mandatory for metropolitan clubs, in view of the profits they enjoy, to contribute 20 per cent. of their profits, as judged by the Auditor General, to country clubs. If the amendment of the Honorary Minister for Agriculture is accepted, and one can alter Section 15 as one will, taking out the protective power of the Minister, then I am certainly going to ask for progress to be reported, so that I may put

on the notice paper an amendment calling upon metropolitan clubs to donate at least 20 per cent. of their profits to country clubs.

Hon. A. Thomson: And probably be ruled out of order.

Hon. Sir Charles Latham: That would be foreign to the Bill.

Hon. J. G. Hislop: If we are amending Section 15 in one way or another, and one is right, then the other must be right. I shall be very interested in your ruling, Mr. President.

Personal Explanation.

Hon. J. A. Dimmitt: I wish to correct Mr. Thomson in his reference to the Committee adopting slipshod methods. The proposed amendment now under discussion is printed on the notice paper today.

Hon. A. Thomson: It is not.

Hon. J. A. Dimmitt: It is printed on the notice paper today, with this difference: The Chief Secretary last night thought it would be best to insert it as a new clause, which would mean that it would be dealt with after all the clauses of the Bill had been attended to. On referring to authorities, we decided that it would be better to move it as now suggested, rather than insert it as a new clause.

Dissent Resumed.

Hon. G. Fraser: There are only two points I wish to touch upon further. The first was raised, I think, by the Honorary Minister for Agriculture, and one or two other members; that is, that we were dealing with the deletion of the words. I will go so far as to say that this amendment is dealing only with the deletion of words, but that is half the proposal only, and it is useless discussing half the proposal, because the whole of it is involved. In order to get some sense into the discussion, we must deal with the whole proposition. It is useless striking out a few words in this instance if we are not going to insert anything else in their place. If it was purely a matter of striking out, without any further action being required, I would quite agree. The only other point I wish to raise is that Sir Charles Latham made the best speech in favour of my motion of any member in the House. I made the accusation, and my reason was that the Bill set out

to delete one word only from the paragraph in the original Act. Sir Charles said that what it would do would be to take out the whole paragraph. He could have used no better argument to bolster up my move, because that is something entirely outside the Bill. The amendment is not the deletion of the whole provision in the Bill, but affects the subsection in the Act in a direction entirely foreign to the Bill. For those reasons I hope that you, Mr. President, will uphold the motion I have moved.

The President: In giving my ruling with regard to the relevancy of the amendment, I wish to draw attention to the fact that the Bill provides for an amendment to Section 15 of the Western Australian Trotting Association Act. Clause 3 of the Bill amends a particular part of Section 15. The amendment proposed by the Minister is a further amendment to that portion of Section 15, and therefore I contend that it is relevant to the subject matter of the Bill. I consider that it is in order, and that is my decision. With regard to the amendments being placed on the notice paper, and the point raised by Mr. Thomson, I would say that is quite correct and is the right procedure for members to adopt. The procedure for dissent is set out in Standing Order 405.

Dissent from President's Ruling.

Hon. G. Fraser: I move—

That the House dissent from the President's ruling.

I intend to pursue the matter further because I feel that the ruling the President has given—no doubt it is a purely personal ruling—is not correct, and I would prefer to get the decision of the House on the matter. This will settle the question for all future occasions.

Hon. L. Craig: I second the motion.

The President: In view of the motion of dissent from my ruling, it will be necessary to adjourn the debate to the next sitting.

On motion by Hon. J. A. Dimmitt, debate adjourned.

BILL—THE WEST AUSTRALIAN CLUB (PRIVATE).

Second Reading.

HON. H. K. WATSON (Metropolitan)
[8.45] in moving the second reading said:

If members have read the preamble to the Bill, that will obviate the necessity for my speaking for about half an hour. The report of the Select Committee which considered the Bill in another place has been printed and circulated to members. That document, read in conjunction with the preamble, will give members a good idea of the purpose of the Bill.

Practically all the sporting and social clubs and other non-proprietary bodies are registered under the Associations Incorporation Act of 1895. The members of those clubs are not shareholders in the organisation. They have no proprietary interest in the clubs or their assets. They are members so long as they pay their subscriptions and they are entitled only to the privileges that go with club membership. For a variety of reasons the West Australian Club, which is a company incorporated under the Companies Act of 1893, desires to switch over to incorporation under the Associations Incorporation Act.

The reason why it was incorporated under the Companies Act is interesting. It is very unusual for a club of that description to have such a type of incorporation, but it is a very old institution. It was registered in 1893, which was two years before the Associations Incorporation Act was passed. Today the club finds itself in a rather extraordinary predicament. It knows who its club members are but not who are its shareholders. That is due to the fact that the rules of the club are virtually the articles of association of the company as incorporated under the Companies Act.

The scheme of the rules is that on joining a member shall become a shareholder of the company and upon election shall be allotted one share for which he has to pay 4s. The rules further provide that on the death or other cessation of membership the interests of a member shall survive, accrue and belong to the other members of the club for the time being. That is to say, a member has no proprietary interest in the assets of the club. It so happens, however, that the rules do not provide any machinery for the transfer of shares on the retirement or death of a member, and although the club has been in existence for 50-odd years, no scrip has ever been issued and when a person was admitted to mem-

bership the committee did not go through the fiction of making him a shareholder of the company.

Under the old Companies Act certain returns and forms were supposed to be lodged each year but the administration of that measure was not so strict as it is under the new Companies Act that operates today. However, with regard to the West Australian Club, the company, no shares having been allotted, does not know who its shareholders are. It wants to clean up the rather untidy affairs that exist and become an orderly body under the Associations Incorporation Act. In order to do that it is necessary to hold a final meeting so that it may go into liquidation. That cannot be done unless it knows who are its shareholders. As it has not that knowledge it is now approaching Parliament requesting the passage of this legislation to facilitate the transfers it desires to make under its constitutional set-up.

The Honorary Minister for Agriculture: Is this the only club in Perth in that position?

Hon. H. K. WATSON: I believe there is one other club in similar circumstances but so far as I am aware, that body, unlike the West Australian Club, is not actually the owner of freehold premises. While that club is in process of transferring from a limited company to an association under the Associations Incorporation Act, inasmuch as that body does not own any freehold land, it can make the proposed transfer without going through the formalities that are involved in the case of the West Australian Club. The latter being the owner of freehold premises, it is interesting to note that these are subject to a mortgage, and the mortgagee is a consenting party to the proposition, effect to which is to be given by means of this legislation.

As I have indicated, the purpose of the Bill is to enable, among other things, the present members of the club to be deemed to be duly constituted shareholders of the company. That will enable the club to convene the necessary legally constituted general meeting which will be able to resolve upon the vesting of the property of the company in the new body to be incorporated under the Associations Incorporation Act and to be known as The West Australian Club Incorporated. It is

also provided that upon that meeting being called and members carrying the requisite resolution, together with the filing by the secretary of the necessary statutory declaration with the registrar, the Commissioner of Titles shall be empowered to make the necessary entries in his books so that the present freehold property of the club shall be vested in the new association. I have covered all the particulars referred to in the Bill but if any member should desire further information, I shall be glad to make it available when replying to the debate. I move—

That the Bill be now read a second time.

On motion by the Honorary Minister for Agriculture, debate adjourned.

ADJOURNMENT—SPECIAL.

THE HONORARY MINISTER FOR AGRICULTURE (Hon. G. B. Wood—East): I move—

That the House at its rising adjourn till Tuesday, the 2nd November.

Question put and passed.

House adjourned at 8.58 p.m.