

AYES.	
Hon. E. H. Angelo	Hon. W. H. Kitchin
Hon. L. B. Bolton	Hon. J. M. Macfarlane
Hon. J. A. Dimmitt	Hon. H. S. W. Parker
Hon. J. M. Drew	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. H. Seddon
Hon. G. Fraser	Hon. C. B. Williams
Hon. E. H. H. Hall	Hon. C. H. Wittenoom
Hon. E. M. Heenan	Hon. A. Thomson (Teller.)
NOES.	
Hon. C. F. Baxter	Hon. J. J. Holmes
Hon. J. Cornell	Hon. J. Nicholson
Hon. L. Craig	Hon. H. Tuckey
Hon. E. H. Gray	Hon. G. B. Wood
Hon. V. Hamersley	Hon. T. Moore (Teller.)

Motion thus passed; debate adjourned.

House adjourned at 12.5 a.m. (Wednesday).

## Legislative Assembly.

Tuesday, 13th December, 1938.

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

### BETTING CONTROL—QUEENSLAND GOVERNMENT.

*Mr. Forgan Smith's Telegram to the Speaker.*

Mr. SPEAKER: On Thursday last, I received a telegram from Mr. Forgan Smith,

Premier of Queensland, and I immediately replied stating that the request to read it to Parliament would be complied with.

The MINISTER FOR MINES: Before you read the telegram, Mr. Speaker, I would like to ask a question. I understand the telegram has reference to a statement made in this House. I want to know, if you will tell us whether this is to be regarded as a precedent. If any statement is made in this House about a person outside—

Mr. Marshall: It will be a distinct violation of the privileges of the House to read the telegram.

The MINISTER FOR MINES: If any statement is made in this House about a person outside, has that person a right to send a telegram to the Speaker requesting him to read to the House something that he wishes to say? It is an important precedent.

Mr. SPEAKER: It is clear that one Parliament has a right to communicate with another Parliament. This is not an instance of one individual communicating with another in the ordinary sense of the term. The telegram is from the Premier of Queensland, who has wired to me as Speaker. He has expressed the wish that I should read his message to the Parliament of this State. I have no right to suppress a telegram of that description. It is true that the Speaker exercises his discretion regarding matters that shall be submitted to Parliament. I cannot imagine any Speaker who would permit an ordinary individual to communicate his denial to Parliament of statements made in the House; but in this instance, where there was a reflection upon a Government of a State and the Premier of that State desires a message to be delivered to this Chamber, I submit I would be lacking in my sense of responsibility and my duty if I suppressed the contents of the telegram and did not place them before Parliament.

The MINISTER FOR LANDS: This matter is of such importance that it should be given the greatest consideration.

Mr. Marshall: It is very serious.

The MINISTER FOR LANDS: We should be very careful, otherwise we shall establish a precedent. I think, Sir, it is extremely doubtful whether the records of any British Parliament contain references to an action such as you contemplate. You are

here, Mr. Speaker, to act and speak as the House directs.

Mr. Marshall: Absolutely.

The MINISTER FOR LANDS: You are not here to decide upon the reading of a message from someone outside. I do not associate myself in any way with the references that were made in this House, or to the exception that has been taken to those statements. I draw your attention, Mr. Speaker, to the fact that, in these circumstances, it is not within your discretion to read a statement to the House regarding what someone else said. The Speaker speaks only as the House directs, and in no other way. It would be wiser if you, Mr. Speaker, left it for the House to decide whether that telegram should or should not be read. If you do so, you will then follow the traditional course, and in no way would that offend your sense of duty. This question should be taken into serious consideration, and only the House should direct as to whether you should or should not read that telegram.

Mr. SPEAKER: I shall not at any time try to prevent the House from giving a direction in such a matter. I received the telegram and I outlined the circumstances to the House. If members in their wisdom decide that the telegram shall not be read, then, of course, I shall accept that direction from the House. At that same time, I want members to appreciate the circumstances. A reflection was cast upon the Queensland Government. That Government requests that its reply to that reflection shall be conveyed to this Chamber. I consider that where one Government makes a request to another State that information should be conveyed to Parliament, that course should be followed. However, I am prepared to accept the decision of the House in regard to the reading of the telegram. I do not resent the matter being raised but, as Speaker, I thought it my duty to read the telegram. If the House directs otherwise, I shall not object.

Mr. Sampson: Special knowledge seems to be possessed about this matter in some quarters.

Mr. MARSHALL: I agree with the Minister for Lands. This House is master of its own destiny, and that includes the Speakership. If members are to take cognisance of telegrams from various Governments with regard to exception taken to

statements made by members of this Parliament, then we shall do very little business pertaining to the domestic affairs of Western Australia. Once the precedent is set, we shall be inundated with telegrams concerning unfair statements made in this Chamber about the administration or behaviour of other Governments not only within the Commonwealth but, as we have seen from newspaper reports, possibly all over the globe.

Mr. Sampson: It was very unusual for a member to make such a statement.

Mr. MARSHALL: I take exception, Mr. Speaker, to your assertion that that statement was made in this Chamber. That is not true. No statement was made of which Mr. Forgan Smith could complain. The member for Victoria Park read a letter but he made no statement. He did not even comment on the letter. No doubt the letter was sent to the hon. member, who read it in all good faith. As a matter of fact I received a similar letter many months ago. In that letter reference was made to the same facts as were contained in the letter read by the hon. member. Mr. F. H. Lewis gave the same information to the Royal Commission in South Australia, but Mr. Forgan Smith did not deem it necessary to object on that occasion.

Member: It was broadcast.

Mr. MARSHALL: I do not know whether it was broadcast, but the statement did appear in the report of the Royal Commission. It would be wrong for the Speaker to consider there was an obligation upon him to read letters or statements conveyed to him from anyone outside Western Australia concerning remarks made by members within the precincts of this Chamber. I respectfully suggest that to do so would be a violation of the privileges of this House. Standing Order 125 provides that—

No member shall read extracts—

and I suggest that you, Sir, are the member for Guildford as well as the Speaker—  
—from newspapers or other documents referring to the debates in the House during the same session.

The telegram you have received, according to the information given to me, appertains to a discussion that took place in the Chamber this session, and especially to a remark made by the member for Victoria Park (Mr. Raphael). The member for Victoria Park did not make the statement of which

the Premier of Queensland accuses him. He read a letter.

Mr. Hegney: It was a rotten statement to make about the party in Queensland.

Mr. MARSHALL: I am not concerned about the contents of the letter read by the member for Victoria Park.

Mr. Thorn: Do you think the member himself believed them?

Mr. MARSHALL: The Chamber would be very unwise to allow the telegram to be read. We should be trespassing on dangerous ground if we allowed any member, including the Speaker or the Chairman of Committees, or any other officer of this Chamber, to read at his discretion telegrams forwarded to him by anybody, even from the King of England, and that is going a little higher than the Premier of Queensland. A precedent would be established and no member would know when he would be likely to be taken unawares by the reading of a communication from some other part of the Commonwealth or some other part of the globe relating to something he had said in the House.

The Premier: The Speaker of the British House of Commons would not take any notice of King Charles's personal message.

Mr. MARSHALL: And rightly so. I am concerned about the precedent that will be set if we agree to the reading of this message and I think members will agree that it would be a wrong procedure. I would not care if the telegram had reference to remarks by a member of the Opposition. The same circumstances would apply; a precedent would be established that would be dangerous in the extreme. I therefore move—

That the telegram be not read.

Mrs. CARDELL-OLIVER: Mr. Speaker—

Mr. SPEAKER: Is the hon. member seconding the motion?

Mrs. CARDELL-OLIVER: No. I want to know what it is all about. How are we going to vote about something of which we have no knowledge? If the Speaker will tell us what is in the telegram, we can give an intelligent vote.

Mr. SLEEMAN: I second the motion. The telegram was handed to me, as Deputy-Speaker, on Thursday, and I refused to read it because I thought that to do so would be to set a bad precedent. I agree with all the

previous speakers, that if a statement is made in this House and someone sends a telegram to the Speaker about it, even though the wire may come from some other Government, the Speaker is not within his rights in reading it. I have no feeling on the matter. I have a great admiration for Mr. Forgan Smith and believe him to be a capable and honest man. But that is not the point. The question is whether the Speaker should communicate to the House a message forwarded to him from some person outside the House. I think it is definitely wrong, and if the Speaker reads the telegram, a bad precedent will be set. I do not believe that the facts in the letter read by the member for Victoria Park were correct. But that has nothing to do with the question. If we allow the precedent to be established, it will mean that every time some Government is criticised by a member, we shall receive a message from the head of that Government containing a denial of the statements made, and the Speaker will be bound to read it to the House.

Hon. C. G. LATHAM: We on this side of the House know nothing of the contents of the telegram, but evidently members on the Government side of the House know a good deal.

Mr. Marshall: I do not.

Hon. C. G. LATHAM: Well, some members opposite do. After having listened to the discussion I have an idea that the telegram is from the Premier of Queensland who desires to refute a statement made by the member for Victoria Park when he read a letter to this House. I agree with what has been said by members on the Government side of the House that a dangerous precedent would be established if the Speaker read the telegram, because the ordinary member would be able to come to the House with letters and telegrams refuting statements made in the House. At the same time, there are some members that do not appreciate the great privilege they enjoy in this House in being permitted freely to express their opinions. I have been very careful about letters I have received. Members opposite have seen some of them because I have passed them around for the purpose of imparting information. I would be very hesitant, however, to read a letter reflecting on a member on either side of the House, because the

person sending such a letter would thereby obtain the privileges of Parliament to which he was not entitled. That pertains also to the letter read the other day. I do not know who the letter was from; the name was omitted by the member for Victoria Park. Having omitted to give the name of the writer, the hon. member must accept the full responsibility; he cannot load it on to anyone else. I would like to know the contents of the telegram because I am—like every other individual—of an inquisitive nature.

Mr. Marshall: There was nothing in it.

Hon. C. G. LATHAM: The hon. member has evidently seen it.

Mr. Marshall: No, I have not.

Hon. C. G. LATHAM: That would be the only reason that would induce me to say it should be read, namely that some members have seen it and know the contents. In fairness, if the statement was not true, it devolves upon the member for Victoria Park—

Mr. Raphael: Don't start giving me advice. I do not want it.

Mr. SPEAKER: Order!

Mr. Raphael interjected.

Mr. SPEAKER: I have called for order.

Hon. C. G. LATHAM: It devolves upon the member for Victoria Park to explain to the Premier of Queensland how the letter came into his possession and to accept the full responsibility for it. I have no desire to encourage the use of this House for a purpose such as this. The Premier of Queensland can always utilise the Press of this State. If the Press does not publish in its news and notes the statement he may give he can pay for an advertisement so that he can obtain the full publicity he desires. Members ought to be careful what they say about people. I did not like the statement contained in the letter when I heard it read, and did not think it was true. I felt it was rather distasteful to have to listen to another Government being accused of having taken money, a statement that really amounted to a charge of corruption. I do not know that we need ventilate that sort of thing unless we know all the circumstances. I trust the House will not set up a precedent we may regret in the future.

Mr. RAPHAEL: I have no objection to the telegram being read, nor would I object if the House decided

that it should not be read. I have received two communications from the Premier of Queensland. One of those communications denies the contents of the letter read by me. Out of decency I myself telegraphed to the Premier of Queensland. That is something the member for Williams-Narrogin would not understand.

Mr. Doney: Where do I come in?

Mr. RAPHAEL: The hon. member came in at the beginning. The letter I read did not say that the Queensland Government obtained the money, but that it was alleged the Government had received it. That is in "Hansard." I telegraphed to the Premier of Queensland and said that without any question I accepted his assurance that the contents of the letter were untrue. Many other members beside myself received letters from the same source regarding betting transactions in Queensland. The member for Murchison said that a Royal Commission had certain facts placed before it regarding happenings in Queensland. He, too, is prepared to accept the assurance that the money in question allegedly taken by the Government of Queensland was not paid into party funds as suggested. Had I realised that trouble would be caused in Queensland I would not have made the statement I did, but if I think something is wrong, no matter who is affected, I will endeavour to expose it in this House. That is my principle in life, and I will continue to follow it.

Mr. Hegney: You should be sure of your facts first.

Mr. RAPHAEL: I do not want advice from the hon. member, and would not accept it anyway. Without question I accept the denial of the Premier of Queensland as to the disposal of the money. I told him that in a telegram I sent within half an hour of getting one from him, and also told him he was free to publish what I said in the Press of Queensland. I received a reply from the Premier of Queensland that did not leave me too happy. Not only did he want the denial made known, but he was prepared to use every means possible to have that denial expressed in the House. I was informed that the Press of Queensland had published the matter under big headlines, and that is why I telegraphed to him telling him that my acceptance of his explanation could be published in the Press there. He said in his telegram he considered I should make a with-

drawal in my place in Parliament whence I had read the letter last week. I did the decent thing immediately, and wired back both my acceptance of the Premier's denial and my request that this acceptance should be published in the Queensland Press. I went to some trouble to verify the letter I received. The man who sent it to me is a solicitor on the register in Queensland. I did not destroy the name on the letter, but one of my friends ripped it off, so that the name itself was not passed on. I am very pleased about that. The letter was sent to me in confidence.

Hon. C. G. Latham: Then you should not have read it.

Mr. RAPHAEL: I do not want advice from the Leader of the Opposition. As the letter was sent to me in confidence the name would have been withheld in any case. I have no objection to the telegram of the Premier of Queensland being read to the House, and I have no regrets whatever about withdrawing any allegations that may have been contained in what I said.

Mr. McDONALD: I support the remarks of the Leader of the Opposition, and regret that the incident has occurred at all. So far as I know the communication from the Premier of Queensland might consist of Christmas greetings, but apparently some members know its contents. It would be a good thing if we had some procedure by which a communication of that kind might be read over to the party leaders, as a means of assisting in clarifying the situation. Whilst the conventional practice may be opposed to communications of this kind being read by the Speaker, I hope the Government will take another view of the matter. Certain courtesy is due as between Governments. When a friendly Government is affected and a statement is made that implicates the personnel of that Government it appears to me to be a matter for this Government and not for the Speaker to take the opportunity to see that amends are made. The incident has arisen out of very regrettable circumstances, namely the reading to the House of a letter which so far as members are concerned was an anonymous one.

Mr. Raphael: It was not an anonymous letter.

Mr. McDONALD: It was anonymous so far as this House was concerned because the name of the writer was not disclosed by the member for Victoria Park. The writer of

the letter not only made a serious allegation against men in high positions but admitted that he had no knowledge of the circumstances. He said that the charge was merely made allegedly. This indicated that he was only embodying in his letter something he had heard from a source he did not disclose, and something of which he had not taken the opportunity to determine the accuracy. It came about as a very regrettable episode and it is one that I think places an obligation on this House to make good the position as far as possible towards those affected by the statements. Whether the contents of the communication come through you, Mr. Speaker, or not, I think any denial should be made available, and that is a matter that should rest with the Government, and I presume the Government will make redress in the manner that the Queensland Government desires.

The PREMIER: I remember reading what was very aptly said to Charles I. in the old historic days—1647, I think—when the Speaker of the House made a famous utterance. Defining just what his position was, the Speaker said, "I have neither eyes to see nor ears to hear except where the House directs me." That lays down a principle that has been followed by Parliament throughout the years that have intervened—nearly three centuries—and we would be wise to follow that direction. I have no wish to get away from such a direction. I have no objection to the telegram being read. In the circumstances, it might be something that the House could have read to it by the direction of the House. If that course were adopted we should be following the traditions of the British Parliament and those traditions that have come down to us since. I move an amendment—

That the following words be added to the motion.—"except with the permission of the House."

It will then be a matter for the House to direct you, Mr. Speaker, and everything will be carried out in proper order. If the House wishes the telegram to be read, you, Sir, will then be able to read it. If the House desires that it should not be read, then, of course, the House is paramount, and whatever its wishes are they will be carried out.

Mr. HEGNEY (on amendment) I support the amendment, because the matter will then be left to the discretion of the

House. I consider that the discretion of the House should be exercised, and the information contained in the famous telegram will then be disclosed to members. I look at it from the viewpoint that if, say, similar charges of corruption were made in the Queensland Parliament against the Western Australian Parliament, we would exercise every power to influence the Queensland Parliament to clear our good name. The executive here would get into touch with the Speaker in the Queensland Parliament and ask that the vindication be made there. Therefore I consider it proper that the House should give direction to the Speaker, and in the circumstances the telegram should be read. As has been mentioned by members, the House cannot take cognisance—

Mr. SPEAKER: The hon. member must speak to the amendment; the motion is not under discussion at the moment.

Mr. HEGNEY: Where discretion is concerned, it appears that precedent is against the Speaker exercising what we might say are peremptory powers and reading the telegram. Thus we shall be upholding the prestige of the Speakership if we agree to the amendment.

Mr. HUGHES (on amendment): Is not the position that you, Sir, cannot read the telegram unless you get authority from the House so to do?

Mr. Marshall: The amendment is superfluous.

Mr. HUGHES: The Speaker cannot of his own volition read the telegram, and therefore he needs authority from the House. Thus if we carry the amendment we shall be exactly where we were. Is that not so? If the motion is agreed to, does it follow that there must be another affirmative motion to the effect that the Speaker be given permission to read the telegram? If a negative motion is carried, I take it that will be the end of the matter; if it is not carried it will require an affirmative motion without the need of the amendment before the House. I cannot see any need for the amendment.

Hon. N. KEENAN (on amendment): I propose to vote against the amendment for the reason that in the circumstances the Speaker should not be made the vehicle of communication to the House of any matter of this character. It is quite right that a denial of a grave imputation against

another Government should be communicated to the House, but it should not be communicated through the Speaker. It should come to members through the Leader of the House who should say that he had been requested by another Government, as a matter of courtesy—not as a matter of right—to make a statement relating to the trouble. The Speaker must not be made a vehicle of a communication of any character, except, of course, formal communications that are prescribed by the Standing Orders. That is the traditional course to be followed, and as quoted by the Premier, the Speaker must be a person without eyes or ears except to do what he is directed by vote of the House or under the Standing Orders. So, with all respect to the Premier, I propose to vote against the amendment, because I do not agree that the circumstances warrant the Speaker being made the vehicle of communication of any message of this character.

The MINISTER FOR LANDS (on amendment): I wish merely to remark that if the telegram had been forwarded to the Leader of the House the proper course could then have been followed; the Leader of the House would have been called upon to make an announcement to members. I do not think there is any suggestion that Mr. Forgan Smith's Government has been assailed. I have had the privilege of being a personal friend of the Premier of Queensland for many years, and my suggestion is that the matter be referred back to Mr. Forgan Smith with a notification that the proper course to follow would be to communicate direct with the Leader of the House and request him to make a protest in this Chamber.

Mr. SLEEMAN (on amendment): It is my intention to vote against the amendment. The House is the master of its own destiny, irrespective of whether the Speaker or the Chairman of Committees be instructed to do this or that. The House is competent to direct what should be done in circumstances such as these. The motion now moved is to the effect that the telegram be not read. If the motion is carried, the telegram will not be read, and if the motion is defeated the Speaker can be instructed to read it, and there the matter will end. If the amendment is carried we shall be just where we were, and that is that the Speaker

can be instructed to do anything at any time.

Amendment put and negatived.

Mr. SAMPSON: I was pleased to note the manner in which the Premier referred to this subject, but I was sorry when I learned what all the fuss was about, that it had arisen from some letter, the name of the writer of which had not been divulged to this House. If I remember rightly, the member for Victoria Park tore off the foot of the letter on which the name of the writer appeared, and in that way he prevented the name from being disclosed. This House should not be made the vehicle for defaming anyone.

Mr. Raphael: I remember that you published an anonymous letter about me in one of your newspapers.

Mr. SAMPSON: There was nothing anonymous about it, and moreover, I never take advantage of my position in Parliament to defame any person. The hon. member himself told us that he did not know who the writer of the letter was, and even in the face of that, he did not hesitate to defame a man whose reputation in Australia stands very high. Parliament is degraded when a member takes advantage of his position to do anything like that. The hon. member said that other members of this House had received letters which suggested that sums of money had been paid into party funds, but he was the only one who did not hesitate to read to the House the communication that fell into his hands.

Hon. N. Keenan: What has all this to do with the motion before the House?

Members: Hear, hear!

Mr. SAMPSON: I am addressing myself to the motion. It was claimed by the Speaker that he should give publicity to the denial made by the Premier of Queensland. What a wonderful acknowledgment! The member for Victoria Park accepts the statement of the Premier of Queensland. It was a very condescending act, so condescendingly generous as to stagger the imagination of everyone who heard it. Then the member for Victoria Park said he did the decent thing. He should have done the decent thing in the first place by refraining from reading such stuff to this House. Now he suggests that because he sent a telegram to Mr. Forgan-Smith, the whole matter is cleaned up. Mr. Smith, I suppose, no longer feels any annoyance, or any disposition to suffer from in-

somnia! Now that the member for Victoria Park has sent his telegram, all is well! I contend it is reasonable that the telegram sent by the Premier of Queensland should be read to this House, because a telegram sent by the member for Victoria Park is a private communication to that Premier. The withdrawal should receive the same publicity here as was given to the defamatory statement itself. Out of this will arise, I hope, a determination on the part of the member for Victoria Park to give up the habit of using his position in Parliament to say things which he would not say outside. I shall vote in favour of the telegram being read. I think that is the very least we can do. To an extent we are a party to the wretched statement which has been made concerning one of the leaders of Australian public life. An injury has been done to the Premier of Queensland, in spite of the fact that it comes from a humble source. Words uttered in this Chamber are broadcast to the limits of Australia, and the very least we can do is to assist to remedy the evil that has been done. I trust that defamatory statements will never again be made in this Chamber.

Mr. HUGHES: I shall vote against the telegram being read. Not that it makes any difference. You, Mr. Speaker, can have it published in the Press, in the "Kalgoorlie Miner" and all the chain of newspapers associated with it. The Queensland Premier's telegram can be published gratuitously and so obtain publicity throughout the State. If we are to say, "Here is a group of Queensland people against whom a libellous statement has been made in this Chamber under cover of privilege, and therefore we cannot but give them the right to have a withdrawal made on the floor of the House," then we must agree that every body, corporate or incorporate, every individual, considering itself or himself defamed by a statement made here, shall have the privilege of writing a statement in denial and having it read to the House by the Speaker. I do not think members are prepared for that. If I felt that the House would to-morrow be prepared to allow the denial of John Brown, humble citizen, of some statement made here against him to be read in this Chamber, I would support the motion. But I feel that the House would not adopt that principle. Its refusal would be based not on unwillingness to do what is suggested but on the fact

that so many libellous and slanderous statements are made here that the greater part of the time of the Chamber would be taken up in hearing denials. Therefore, from the aspect of practical administration, what is proposed is not good policy. Why should we adopt such a principle in respect of one particular party? If we did, the next aggrieved party would be in a position to say that he was not fairly dealt with; that certain parties were granted the privilege of refusing statements made in this House, while he was not. I shall vote against the motion. No great hardship will be done to the party concerned in this instance, because that party has at its disposal the vehicle of the Press and for a small expenditure can insert in all the daily papers a denial of the allegation which was made here. If not satisfied with that, then for the small sum of £100 that party can run a candidate in Victoria Park at the general election and fight the member for Victoria Park before his electors on the issue. Thus the party has ample opportunity to defend itself from the allegation.

Hon. P. D. Ferguson: Can it be done for a hundred quid?

Mr. HUGHES: It is to be hoped that the member for Victoria Park does not do it for any more. By allowing the telegram to be read, we would be establishing a principle that would not be extended to everybody else. That is why I consider the message ought not to be read. Of course the persons attacked cannot proceed against the member for Victoria Park legally, but they can arraign him before a tribunal higher than the law courts—the electors who sent him here.

The MINISTER FOR LANDS: I do not now know what the telegram under discussion really refers to, although I can surmise. As you, Mr. Speaker, are aware, I have no knowledge of what the telegram contains; but the House surmises, probably correctly, that it has reference to some statement made by the member for Victoria Park. I am sure the telegram has come before the House in the wrong way. It should have been sent to the Premier. With the permission of the Speaker, it could then have been read. However, I am not going to deny an opportunity being given to the Premier of Queensland to take exception to something said here, some-

thing which he thinks is an attack upon his probity and the integrity of his Government. That is quite a serious matter. Still, I do not think for a moment that the importance given to it in this House is what the Premier of Queensland assumes. When reported in the Queensland papers, the reference may have been given an importance which I do not think it ever deserved. I know that a member of the Federal Ministry in the course of an election campaign made serious allegations concerning members of Parliament and our Agricultural Bank, and then denied having made them. That is the sort of thing done by some members. However, I am sure the Premier of Queensland regarded the matter of what was said in this House with as little importance as would be attached by this House to such a statement coming from Queensland. Such statements come along every day. Every day anonymous letters are received by Ministers. I have received hundreds of them, but I have never attached any importance to them. As regards the Premier of Queensland and his Government, Mr. Forgan-Smith has a reputation for integrity which cannot be assailed anywhere, either here or in Queensland or anywhere else. Probably he has attached to the statement an importance which it does not deserve. At the same time I shall not vote for a motion which declares that any statement in repudiation made by him need not be read.

Mr. SPEAKER: I wish to mention that I have not made public the contents of the telegram. Neither have I named the author of the message. I think I stated that as Speaker I had received a telegram and that I proposed to read it to the House. The House immediately took exception to that proceeding, and a motion was moved that the communication be not read. The question before the Chamber now is that the communication be not read. Unless other members wish to speak, I shall put the question.

Question put and passed.

#### **BILL—LAND ACT AMENDMENT.**

Introduced by the Minister for Lands and read a first time.



**BILL—MARKETING OF EGGS.***First Reading.*

Received from the Council and, on motion by Hon. P. D. Ferguson, read a first time.

*Second Reading.*

**HON. P. D. FERGUSON** (Irwin-Moore) [5.30] in moving the second reading said: This Bill is designed to organise the marketing of eggs and egg pulp. I point out that it contains no revolutionary features, nor any principle that has not been agreed to by this House and incorporated in some legislation or other already on the statute-book.

The Minister for Agriculture: You are imposing the board on the State.

**Hon. P. D. FERGUSON:** There has been considerable demand for this type of legislation. Deputations have waited on the Minister for Agriculture requesting him, on behalf of the Government, to introduce legislation to organise the marketing of various primary commodities. In days gone by, we understood that the law of supply and demand governed the marketing of commodities, but I am sure that is not so to-day. Organisation, not the law of supply and demand is to-day the soul of marketing. It is interesting to note that legislation of this description has been enacted in many countries throughout the world. Conservative England has seen the wisdom of it. Quite recently, the Rt. Hon. W. S. Morrison, Minister for Agriculture in Great Britain, made the following statement:—

We believe in fertile soil and healthy stock as a true foundation of agricultural prosperity. We believe in regulated markets for the produce of home agriculture, and no more dumping of foreign produce on our shores, bringing insecurity to our farmers. We believe in supplying ample food to the consumer so long as there is reasonable remuneration to the producers of the food. Our object is to increase the prosperity of the man on the land, so that agriculture can develop naturally as a great source of livelihood for the people in time of peace, and as a vital and powerful ally to the defence of the country in time of war.

I desire to repeat the last statement: The wish of the British Government is to increase the prosperity of the man on the land so that agriculture can develop naturally as a great source of livelihood for the people in time of peace and as a vital and powerful ally to the defence of the country in time of war. If that applies to Great Britain, how

much more does it apply to Western Australia? I suppose no country in the world is so vulnerable to attack by outside enemies as is our State, with its long, unprotected coastline. No other place that I know of offers so easy a target for enemies from overseas. If it is necessary for Great Britain to organise marketing so as to have a powerful ally in time of war, surely members will agree, and the country will agree, that it is even more necessary for us to organise our marketing. The statement of the British Minister for Agriculture that I quoted was a statesmanlike utterance and one that it would be well for members to take cognisance of. Members will no doubt recall that Sir Basil Brooke, the Minister for Agriculture in Northern Ireland, visited Western Australia a couple of years ago. Most members of this Chamber had the privilege of meeting him. I desire to refer to one or two statements that he made regarding organised marketing. He said—

In three years production of pig carcasses in Northern Ireland increased from 250,000 to 700,000. The quality had risen from a definitely inferior pig to a pig greatly sought after in the markets of the world. The same thing applies in Northern Ireland to the production of eggs. Our people were producing inferior eggs. As a result of marketing control by a board, the quantity as well as the quality was greatly increased. Marketing boards have not been created to raise prices irrespective of anything else. They are appointed to regulate the prices to producers, to ensure consumers getting the product at a reasonable price, and that no undue costs are incurred in marketing. One of the principal uses of these boards is to improve the quality and thus improve the sale of the product.

That was the considered statement of a Minister for Agriculture of a sister Dominion, where organised marketing of commodities has been of such vital importance to the people. Other countries, notably New Zealand, Canada, and the United States of America, all sound, solid, safe and progressive countries, have realised the wisdom of enacting this legislation in the interests of their producers.

The Minister for Justice: They can protect themselves against outside competition.

**Hon. P. D. FERGUSON:** We can to an extent. Coming nearer home, in the Federal sphere we have had placed upon the statute-book legislation controlling the marketing of dried fruits and dairy products. Quite recently, as members are aware, legislation

was passed fixing the home consumption price of wheat. To Queensland can be given the credit of having blazed the trail so far as marketing legislation is concerned; but now most of the States have enacted such legislation. I noticed recently that the Minister for Agriculture in Tasmania, referring to a Bill that he was placing before Parliament, said—

I want to state emphatically that this Bill does not contemplate nor does it mean that the Government shall have control of the marketing. The marketing arrangements will be entirely in the hands of producers.

Coming to our own State, we have legislation dealing with the marketing of dried fruits, dairy products and whole milk, while this session the House passed legislation controlling the marketing of onions. I now ask the House to pass a Bill controlling the marketing of eggs. The Bill has already passed another place. There can be no gainsaying the fact that a general marketing Act is wanted in this State. All sections of the producers have been calling out for it. Quite recently a meeting was held in the city, when a motion was unanimously carried asking the Government to introduce marketing legislation on general lines.

Mr. Cross: Did you say the motion was carried unanimously?

Hon. P. D. FERGUSON: Yes.

Mr. Cross: That is not so.

Hon. P. D. FERGUSON: The hon. member does not know what meeting I am referring to.

Mr. Cross: I know that many producers were not present at that meeting.

Hon. P. D. FERGUSON: What meeting?

Mr. Cross: The meeting at the Town Hall.

Hon. P. D. FERGUSON: That is not the meeting to which I am referring. If the hon. member will possess his soul in patience for a few minutes, I will proceed with my statement. I desire to quote an extract from the "West Australian" of the 12th November last, as follows:—

General Marketing. Growers Want Legislation. Government to be Approached. Market gardeners from Osborne Park, Wanneroo and Spearwood, and fruitgrowers from the hills and south suburban districts, to the total number of about 250, attended a meeting of growers in the Unity Theatre, Perth, yesterday morning, and unanimously carried a motion in favour of the Government being approached and asked to introduce a General Marketing Act in Parliament.

Mr. Cross: That was a different meeting.

Hon. P. D. FERGUSON: Anything that does not suit the hon. member is different. On the 25th November last a meeting of 160 producers was held in the Town Hall, Perth, at which certain motions were discussed and finally, by 149 votes to 11, a motion was carried supporting the Bill that I am introducing into this House.

Mr. Cross: There were some in my district who were opposed to the Bill.

Mr. Sampson: You were not at the meeting, so do not know anything about it.

Mr. SPEAKER: Order!

Hon. P. D. FERGUSON: The hon. member was invited to be present at the meeting. Had he been alive to the interests of the producers in his district, he would have attended the meeting to voice their opinion. In his absence, and in the presence of 160 bona fide producers, a motion was carried in favour of this legislation. Only 11 members voted against the motion.

Mr. Cross: How many did not vote?

The Minister for Agriculture: You can pack any meeting to get such a result.

Hon. P. D. FERGUSON: The meeting was not packed. It was advertised in the Press and every producer had the right to be present.

Mr. Sampson: The Minister was invited to be present.

Hon. P. D. FERGUSON: I believe so.

The Minister for Agriculture: That may be so. I get many invitations.

Hon. P. D. FERGUSON: It seems a great pity that the Government has not complied with the request of the producers to bring down general marketing legislation. The Government must accept some blame for that. As it is not prepared to accede to the requests of the producers, private members must step into the breach. I assure the Government and the Minister for Agriculture, who I am afraid is the stumbling block in this instance, that Government supporters both in the country and in the metropolitan area are not averse to this type of legislation. They do not mind the producing section of the community obtaining some benefit, both financially and otherwise, from this legislation. As a matter of fact, I have discussed this matter with egg producers who are supporters of the Government, and their support would be much more enthusiastic if

the Government would comply with their request for marketing legislation.

This Bill was introduced and passed by another place at the instigation of the egg producers. The poultry industry in this State is rapidly developing and assuming large proportions. The number of fowls in Western Australia on the 31st December, 1936, was 1¼ million, and the egg production totalled 9½ million dozen. Of that number 7½ million dozen were consumed in this State and the remainder was exported. Queensland is the State that has blazed the trail in connection with marketing legislation of this description. In 1922 the Queensland Parliament passed the Primary Products Pools Act, which provides that the Governor-in-Council may, upon the advice of the Council of Agriculture, declare any grain, cereal, fruit, vegetable or other product of the soil in Queensland or any dairy produce or article of produce a commodity for the purposes of the Act. The advice I have from Queensland is that in a majority of instances the producers, and they are the people most vitally concerned, are satisfied with the manner in which the boards are conducting their operations and managing the commodities produced. In 1927 the New South Wales Parliament passed the Marketing of Primary Products Act. That Act can be made applicable to any product other than wool or dried fruits. The latter is provided for under separate legislation. In Victoria recently the Parliament of that State passed an Egg Marketing Act and the poultry industry operates under a board similar to that in existence in New South Wales. The Act in Victoria has not been in operation long enough to enable us to judge whether the majority of producers will favour its continuance, but from information received I have reason to believe it will be a permanent measure. In South Australia there is a voluntary organisation in operation for the collective selling of eggs. In Tasmania a Bill for the orderly marketing of eggs passed the Lower House but was defeated in the Upper House. Whilst there have been some mistakes made by boards in certain instances, we in this State should be able to profit by those mistakes.

Mr. Cross: What losses have been experienced by the other boards?

Hon. P. D. FERGUSON: I have no figures to indicate what losses have been sustained; but if the boards undertook specu-

lation in a commodity like eggs, and in my opinion a board should never do so, then it would be liable to find itself up against financial loss. The Bill is a genuine attempt to improve the position as it exists to-day. There is altogether too big a spread from the point of production to the point of consumption. This applies to a good many commodities, but it applies to a greater extent to eggs. There is a wasteful system in operation to-day and it tends to make speculation rife. Where speculation does take place to any extent we can rest assured that the speculator is the man who comes out on top. He lives on the industry and the producer of the commodity concerned has to pay the piper every time. I should like to read to the House an extract from a letter that appeared in the "West Australian" recently. It was written by a man who is a producer and who had opportunities of observing the results of marketing while he was in the back country of this State. The man's name is F. B. Vickers, and his letter is as follows:—

On my arrival at a Murchison station in charge of a shearing team, the owner informed me that he had ordered a case of eggs from Perth as he was unable to supply them from his own fowls as had been the case previously. In due course a case arrived containing 20 dozen eggs on which were labels of a Perth packer. On opening the case my cook drew my attention to the contents. They were packed in chaff, which is rarely used by producers, and at least 40 per cent. of the eggs were pullet eggs weighing in many cases as low as 1½ oz. The invoice showed the price to be 1s. 2d. per dozen. Having an interest in a poultry farm near Perth, I was amazed at the standard of pack I received and the pack demanded from me as a producer. During the last week in October the prices I obtained at auction in Perth Markets ranged from 10d. to 11d. for a 2 oz. pack and 9d. for a pullet pack which consisted of all 1¾ oz. and 1¾ oz. eggs. The date on the invoice received was November 1, therefore the eggs were bought near the time the prices quoted ruled. Were producers to place eggs on the auction floors graded in the manner of the eggs purchased (unless marked "mixed") they would quickly get brought to book and fined, and rightly so.

There we have evidence of the value received for eggs in Perth simultaneously with what he paid for eggs when he sent for them and got them from the packer in the metropolitan area. Just to indicate that this situation exists in connection with the present system of marketing, may I read an extract from a letter written by a well-known business man in Perth en-

gaged in the industry. The letter was sent to an egg producer by a firm that handles probably as many eggs as any individual firm in Western Australia to-day. The letter reads:—

As you are an egg producer we are writing to bring under your notice some of the possible advantages that our firm has to offer you over your present method of marketing.

I wish to repeat and to stress the words "over your present method of marketing."

And in the hope that if we are unable to secure your whole output you will afford us an opportunity to demonstrate to you the truth of our statement on a portion of your supplies.

As egg merchants we have an extensive clientele on the buying side, both in the metropolitan area and also in the country. As such we can offer you a distinct advantage by trading with us direct, for we do not charge commission or make a charge for invoicing, and these two items represent a considerable saving to you. You can satisfy yourself by looking up these items on your account sales sheet. Then again if required we pay cash on delivery or any other method that suits the clients' wishes.

Even one who is in the very thick of the marketing system that operates to-day thus expresses his keen dissatisfaction with it and offers an alternative. I suggest that the alternative offer to the producer in the letter is not comparable, as far as the interests of the producers are concerned, with what is offered in the Bill. The Bill provides for an Egg Marketing Board.

Mr. Cross: What would the board cost?

Hon. P. D. FERGUSON: I cannot answer that question, but if the board acts in a common-sense way, as I feel it will, it will conduct its affairs like other boards in connection with other marketing legislation. Those boards are operating very satisfactorily. There is a definition of "producer" in the Bill. The definition is that a producer is a person who keeps 75 or more head of poultry, with a view to making a profit therefrom. Every such person will have his commodity brought under the provisions of the Bill. The point I wish to make in connection with the product coming within the control of the board is that unless that be the position legislation of this description cannot operate satisfactorily. Under the Metropolitan Milk Act every gallon of milk comes within the purview of the board and the same thing applies to every bunch of grapes or currants that are dried and marketed. The producer, to have a vote in the

election of members of the board has to be the owner of 150 head of poultry and must be 21 years of age and a natural born or a naturalised British subject.

Mr. Cross interjected.

Mr. SPEAKER: The hon. member must keep order.

Hon. P. D. FERGUSON: Provision is made for the payment of members of the board and the maximum the chairman is entitled to receive is two guineas per sitting. The members will receive one guinea per sitting. It will be possible to dissolve the board on a request of not fewer than 50 producers who will be entitled to take part in any election under the measure. No poll, however, shall be taken within two years of the appointment of the board or within two years after any similar poll upon which a similar question has been answered in the negative. If at any such poll three-fifths of the votes polled are in favour of the dissolution of the board, the Governor may by proclamation declare that the board shall be wound up and thereupon the board shall proceed to wind up its affairs wholly and shall exercise its powers and authorities for that purpose and no other. It is provided that the board shall not refuse to accept from any producer eggs that are of the prescribed quality. The marketing powers of the board will be fairly extensive. It will have control of the eggs marketed and will have power to appoint and employ agents, while it will also be able to arrange with the Commonwealth Bank or any associated bank for the financing of its operations. Provision is made for the board to make regulations dealing with certain minor matters in connection with the industry. I understand certain amendments are to be moved when the Bill is dealt with in Committee, and I shall deal with them at that stage. A considerable body of men vitally interested in the industry is of fixed opinion that legislation of this description should be enacted in the interests of their business. I move—

That the Bill be now read a second time.

On motion by the Minister for Agriculture, debate adjourned.

#### BILLS—RETURNED.

1. Main Roads Act Amendment.
2. McNess Housing Trust Act Amendment.

3. Road Districts Act Amendment (No. 2).
  4. Fisheries Act Amendment (No. 2).
  5. Native Flora Protection Act Amendment.
  6. Interpretation Act Amendment.  
Without amendment.
  7. Road Districts Act Amendment (No. 1).
  8. Road Districts Act Amendment (No. 3).
- With amendments.

**BILL—FINANCIAL EMERGENCY TAX  
ASSESSMENT ACT AMENDMENT  
(No. 2).**

*All Stages.*

Introduced by the Premier and read a first time.

*Second Reading.*

**THE PREMIER** (Hon. J. C. Willcock—Geraldton) [6.3] in moving the second reading said: This is a short measure and its purpose is simple. The object is to provide facilities to employees of the Commonwealth Government to pay the State financial emergency tax by regular deductions from their salaries or wages. The Bill has been rendered necessary because of an amendment to the Commonwealth Income Tax Collection Act, 1932-38, passed in August of this year. The Commonwealth Act provides that the Federal Government may enter into an agreement with the State Government to make periodical deductions from the salaries and wages of Commonwealth employees for the payment of State taxation. Hitherto the agreements were made between the Governor-General of the Commonwealth and the Governor of the State, and Section 9 of the State Financial Emergency Tax Assessment Act makes provision for such agreements. The Commonwealth Crown Solicitor has now ruled that, in view of the amendment to the Commonwealth Act, a similar amendment will be necessary to the State legislation. The purpose of this Bill is, therefore, to provide that the State may enter into an agreement with the Commonwealth in lieu of the existing provision, which empowers the Governor to enter into an arrangement with the Governor-General.

I think the amendment to the Federal legislation was rendered necessary because of some trouble in New South Wales where

it was held that the Commonwealth could not collect taxation from their employees as a result of the State Act. Actually the procedure will be much the same as previously, but instead of being made between the Governor and the Governor-General, it will be between the Commonwealth Government and the State Government. The Commonwealth Act does not now contain any provision enabling agreements to be entered into between the Governor General and the Governor, and so our legislation has to be altered in order that it may fit in with the Federal Act. This amending legislation will not mean any additional taxation, but will merely facilitate an agreement being arrived at. Had the Income Tax Assessment Act Amendment Bill that the Government introduced earlier in the session been passed, the Government would then have had power to enter into the necessary arrangements with the Federal Government, but now this amending Bill has become necessary. I move—

That the Bill be now read a second time.

**HON. C. G. LATHAM** (York) [6.9]: I have no objection to the Bill. I have had an opportunity to check it with the Act as consolidated last year. As the Premier pointed out, we shall deal with the Commonwealth Government whereas formerly the Governor entered into the necessary agreements with the Governor General.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

**BILL—PROFITEERING PREVENTION.**

Read a third time and transmitted to the Council.

**BILL—RESERVES.**

*Second Reading.*

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [6.13] in moving the second reading said: This is the usual Bill introduced each year to enable the purposes of Class A reserves to be altered, to

provide for the sale of such reserves held in trust, and to deal with the alteration in the names of persons holding reserves in trust for certain purposes. In May of last year the Government agreed to vest in the City Council certain reserves along the Perth foreshore, provided the council proceeded immediately to construct the road known as Riverside-drive and improve the reserves. The Riverside-drive has been constructed from Mount's Bay-road to the Causeway and the work of improving the reserves is being carried out. As these reserves are all Class A, it is necessary, in order that the roads within the reserves may be proclaimed public roads, that legislative authority be obtained to exclude the land comprised in the roads from the reserve. This is the purpose of the clause whereby Riverside-drive, the parallel road known as Terrace-road and the continuation of Plain, Bennett and Hill-streets, are excluded from the reserves to the intent that they may be proclaimed public roads under the provisions of the Municipal Corporations Act.

The National Park reserve near Warren House, south-west of Pemberton, containing about 2,500 acres, was set apart in 1901, because it contained some very fine karri forest. The Conservator of Forests considers that by altering the boundaries of this reserve it will assist the timber industry and at the same time improve the reserve for the purpose of a national park. The proposal is to cut off about 500 acres from the northern portion of the reserve, and add about 1,400 acres on to the west of the reserve.

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

The MINISTER FOR LANDS: The National Park reserve near Warren house, south-west of Pemberton, containing 2,500 acres, was set apart in 1901, because it contained some very fine karri forest. The Conservator of Forests considers that by an alteration of the boundaries of this reserve, the timber industry would be assisted and at the same time the reserve would be improved for the purpose of a National Park. The proposal is to cut off about 500 acres from the northern portion of the reserve and add about 1,400 acres on to the west of the reserve. The advantage of the proposal from a forestry point of view is that it will enable access to be obtained to the timber on locations situated on the north-east of the re-

serve. From the point of view of the National Park the advantages are that:—(a) The area of the reserve will be increased from 2,500 to 3,400 acres. (b) The virgin karri forest on both sides of the Warren River will be permanently preserved for a distance of 9 miles instead of  $3\frac{1}{2}$  miles as at present. The area to be added to the reserve is good quality karri forest. (c) The Forest Department's fire control organisation will be able to prevent the development of serious bush fires in the area north of the river. As the reserve is classed A. Parliamentary sanction is necessary to exclude any portion of the existing reserve.

The West Australian Fire Brigades Board holds Cottesloe Lot 182 in trust for the purpose of a fire station site, on which is erected the building known as Claremont fire station. The board is of the opinion that a more favourable site and a smaller building would not only be more economical, but would also increase the brigade's efficiency, as the present buildings are in excess of the board's requirements and are costly to maintain. The board is of the opinion that a more available site and a smaller building would not only be more economical but would also increase the brigade's efficiency, as the present buildings are in excess of the board's requirements and are costly to maintain. The board desires to sell the site and the buildings and proposes to apply the proceeds of the sale towards the acquisition of a new site and the erection of suitable buildings thereon. As the land is held subject to a trust, however, it can only, under present conditions, be sold subject to that trust. Parliamentary sanction is therefore desired for the removal of the trust in order that the board may dispose of the land freed therefrom.

In the Swanbourne Reserves Act, 1931, whereby certain lands were excluded from Class A reserve 7804, it was provided that Cottesloe lot 192, containing about six acres, was to be granted to the Education Endowment Trustees in exchange for other land held by the said trustees in this vicinity. As such land has, however, since been acquired by the Commonwealth for defence purposes, the Education Endowment Trustees are not now in a position to effect the necessary exchange. The present position is that the land cannot be dealt with or utilised in any way. Clause 5 of the Bill will enable the land to be disposed of under the provisions

of the Land Act. The Nedlands Road Board has asked that the land should be granted to it, but this clause does not in any way connect the Government to any specific disposal of the land.

Clause 7 deals with the reserve on which Totadjin Agricultural Hall is built, and which comprises 25 acres. It is held under a 999 years' lease by three trustees, for the purpose of an agricultural hall site and recreation ground. Two of the trustees have requested the Bruce Rock Road Board to assume the control of this reserve. The whereabouts of the third trustee is unknown, and it would therefore be impossible to obtain a surrender of the lease. It is desired that the land should be vested in the Crown in order that it may be vested in the Bruce Rock Road Board for the same purpose.

Some time ago the Bayswater Road Board acquired certain areas abutting on Beaufort-street with a view to the eventual widening of the street to two chains. As buildings have been erected on some of the land which was required, the project was abandoned, and the land which had been acquired was surrendered by the board to the Crown and set apart as Class A reserves for recreation. One of these areas, known as Reserve 18956, is dealt with in Clause 8. The owners of the adjoining land submitted a plan of subdivision which was approved by the Town Planning Board. The owners stated that they were unaware that the original scheme of widening the street had been abandoned. In the opinion of the Town Planning Commissioner, there is no other way of subdividing the property, and unless the reserve is made part of Beaufort-street, the subdivision cannot be effected, as no titles could be issued for the new lots. This clause, therefore, cancels the existing Class A reserve, so that it may be declared a public road. This will enable the purpose for which the land was originally acquired to be carried out. Both the Town Planning Board and the road board agree to the proposal, and there is no departmental objection.

The South Perth Road Board desires a small portion of Class A reserve 3167 at the corner of Hensman and Coode streets to be set apart as a site for the erection of an infant health clinic. The Class A reserve is at present set apart for recreation and is vested in the Road Board. If this site is provided it is proposed to erect a building costing

about £950. There is no objection on the part of either the Department or the Town Planning Commissioner. Clause 9 deals with this matter.

It is proposed to erect the new Government offices on portion of the Government House reserve east of Government House. This land is Class A reserve for the Government House domain, and before the new buildings can be erected it is necessary to exclude the site from this reserve and set it apart for public buildings. The area to be excluded will be just over two acres. The total area of the existing Government House grounds is about 14¾ acres. The proposal will necessitate the removal of the existing lodge.

Class A reserve 17863 with which Clause 11 deals is situated at the corner of Canning Highway and Westbury Crescent, Bieton, is set apart for Recreation purposes and is under the control of the Melville Road Board. The Melville Road Board desires that a small portion of the land should be excluded from the reserve to enable an infant health clinic to be erected thereon. When this estate was originally subdivided the land in this reserve was surrendered to the Crown by the owners of the estate to be set apart for recreation purposes, but it is considered that the proposed position of the clinic building will not adversely affect the lots fronting the reserve. The only lot that actually faces the proposed building is occupied by a service station. A petition asking that this land should be made available for the purpose of the infant health clinic was signed by a large number of ratepayers who are residents in this district. The land is considered to be the most suitable site available. It is of obvious advantage to have an infant health clinic on a reserve where children can play. The total area of the existing reserve is just over two acres.

A 999 years' lease of Kalgoorlie Lot 2810 was granted in 1907 to three trustees of the Eastern Goldfields Brewery Employees' Union of Workers for a hall site. The trustees have changed frequently since then. None of the trustees to whom the lease was granted are now trustees of the union. No provision was made in the existing lease for carrying on the succession of the title to new trustees. The only way for the title to the land to be put in order is for Parliamentary approval to be obtained for the

cancellation of the present lease for the purpose of issuing a new lease to the existing trustees of the union. The new lease will be prepared by the Crown law authorities, after discussion with the Commissioner of Titles, with a view to avoiding further trouble due to changes in the personnel of the trustees of the Union. This matter is dealt with in Clause 12.

**HON. C. G. LATHAM** (York) [7.41]: I have had an opportunity of perusing the plans of the proposed alterations, and generally speaking I do not disagree with the proposals. I desire, however, to have further information regarding the subdivision abutting on Beaufort-street. It seems that a stretch of land of about 500 links is involved. To establish a reserve of that extent and then to utilise portion of it as a road is likely to interfere with the ordinary contour of the country, because it will make the existing road, for a short distance, at all events, two chains wide. I cannot understand how it is that whoever made the survey did not see that this was a Class A reserve. The first thing a surveyor does is to make a search of the adjoining land, and there would have been no difficulty, had the surveyor obtained the plans from the Lands Department, in finding out that it was a Class A reserve. I should like some further information. The request is an unusual one.

**Mr. Hegney**: A lot of the adjoining land has been resumed.

**Hon. C. G. LATHAM**: Is this in the hon. member's district?

**Mr. Hegney**: Yes.

**Hon. C. G. LATHAM**: Then perhaps the hon. member can give us some information. The request certainly seems unusual. If the land has been subdivided, and houses built on it, they must stand a long way from the main road. Now it is proposed to make that Class A reserve a road, widening the existing road from one chain to two chains.

The Minister for Lands interjected.

**Hon. C. G. LATHAM**: Why was not application made to the Minister for an alteration? Whoever did the survey must have known it was a Class A reserve.

The Minister for Lands: It was purchased first with a view to widening the road, and it was then made a Class A reserve. It is now proposed to use it for the purpose for which it was originally secured.

**Hon. C. G. LATHAM**: That explanation is satisfactory. The real objection I have to this Bill is that it proposes to excise portion of the Government House grounds. I know that departmental officers have looked around for sites for Government buildings; this particular site, however, is not a satisfactory building site. Will the Premier tell us why the Government did not utilise some of the land adjoining Parliament House, alongside the Barracks? That is a very good piece of land for building purposes. The Government could then have concentrated its offices alongside the Public Works Department. I refer to the piece of land fronting St. George's Place. I have been given to understand that boring has been done on the Government House land, and that in all probability buildings erected there will have to be placed on piles.

The Minister for Lands: Not in that area.

**Hon. C. G. LATHAM**: The land is low-lying. I do not know what foundations are beneath the Christian Brothers College, but a knowledge on that point would be a guide to us on the other question. The Government has always tried to reserve as many open places in the city as possible. Actually, we have very few such open spaces except those facing the river. If the land is not required for Government House, let us construct public gardens right around the building, leaving Government House in the centre, as has been done in New South Wales and Victoria. The grounds could be laid out decently for the use of the public. I know of no land in the city that would make a better garden. One can imagine what would be said by the member for Boulder if he were sitting on this side of the House, and I brought down such legislation as this. His first exclamation would be, "Hands off that land." No member of the House was more anxious to reserve open spaces in the city than was the ex-Premier, Hon. P. Collier.

**Hon. P. Collier**: I may have been wrong.

**Hon. C. G. LATHAM**: The hon. member was not often wrong then, and is not often wrong to-day. The step would be a retrograde one. It is the last site we ought to take for Government offices, though I do not anticipate buildings will be erected there for some time to come. The Government will experience great difficulty in obtaining money for urgent public works. Whilst I know some of these buildings are



urgently needed, they will be able to stand up for another year or two, and there is no need to spend money in that direction now.

The Premier: We have said that for the last five or six years.

Hon. C. G. LATHAM: And money has been wasted in various directions during the last five or six years. In Committee I shall endeavour to delete from the Bill that portion which relates to the excision of land from the Government House domain. The site is most valuable. If it is not required for Government House, the land could be better used for public gardens.

The Premier: It has never been used by Government House.

Hon. C. G. LATHAM: Some of the best trees in the State are to be found on that piece of land, and I think two or three of the trees are unlike anything found in any other part of the State. The piece of land abuts on the west side of the Christian Brothers' land and runs along St. George's-terrace, having a depth of about 160 feet.

The Premier: About that.

The Minister for Agriculture: Do you really know where the land is?

Hon. C. G. LATHAM: I have told the Minister where it is. Why does not the Government pull down the buildings housing the Agricultural Department and erect new offices on that site?

The Minister for Lands: It is not big enough.

The Premier: Then we would have the cry, "Hands off the old Legislative Council."

Hon. C. G. LATHAM: Considerable difficulty will be experienced in erecting buildings on this area because of the water that lies there. Possibly that is where the spring is, but I know there is a lake just below that is always full of water.

The Minister for Lands: There is an abundance of water under the General Post Office.

Hon. C. G. LATHAM: I know that was so many years ago.

The Premier: And under the railway station.

Hon. C. G. LATHAM: I should like to know the cost of the foundations of the Commonwealth Bank buildings. They were very expensive because of the number of piles that had to be driven into the ground. When buildings are erected on piles, there is always danger. I cannot understand why the Government has not used the ground facing

St. George's-terrace. I cannot agree to the excision of portion of the Government House land, but the remainder of the Bill has my support.

**MR. HEGNEY** (Middle Swan) [7.50]: Portion of this Bill deals with a reserve in Beaufort-street. A small section of this area runs parallel to that street. Recently a subdivision of land was made there, and where a promenade existed the land now faces the street itself. The proposal was submitted to the proper quarter and has received the approval of the Town Planning Commissioner. After the Bayswater Road Board had purchased the area, it was found that certain houses, either already erected or in course of erection, were on land which formed part of the Class A reserve. It was also found that there was no right-of-way left for the buildings. The local authority has requested the Lands Department to rectify this defect by transferring the land back to it. Eventually, Beaufort-street will be a main arterial roadway. It will require to be widened, and this small reserve will have to be used to assist in attaining that object. No playing area will be taken away from the children, because this reserve is unsuitable for that purpose owing to its proximity to the main road. The purpose of Clause 8 is to rectify an oversight that occurred when the re-subdivision was made.

**HON. P. D. FERGUSON** (Irwin-Moore) [7.52]: The only portion of this Bill in which I am interested is that which proposes to excise portion of the Government House reserve. I wish the Government would get out of its head the idea that this is the only available site for public offices. I disagree as to its usefulness for that purpose.

Hon. C. G. Latham: It is the worst possible site.

Hon. P. D. FERGUSON: The high portion of the reserve is merely a narrow strip of land, and it falls away immediately it leaves St. George's-terrace, towards a wet flat. No extensive buildings can be erected on the western portion except at considerable cost and unless piles were driven to carry the structures. The only virtue in the site for Government offices lies in its proximity to the city. I agree with the Leader of the Opposition in his remarks concerning the old Barracks site. There we find a fair

amount of room, much more than there is on the Government House land, and such a site would be far more suitable than would be the land adjoining the Christian Bros.' College. The reserve abutting on the east side of Parliament House is close to the Public Works and Water Supply offices and is no great distance from the city. It would be an excellent site for Government offices, and no exception could be taken to it from the building point of view because it is both high and dry. For Government offices there can be no comparison between the two sites. I am sorry the Government is wedded to the Government House site. To me it has no virtues compared with the other area to which I have referred, and it is inferior from the point of view of a building site. If the Leader of the Opposition in Committee moves for the deletion of Clause 8, he will have my support.

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet—in reply) [7.58]: The member for Middle Swan (Mr. Hegney) has explained the position with regard to the Beaufort-street reserve. The Bayswater Road Board purchased the land with a view to widening the street. Subsequently it changed its mind and induced the department to declare it a Class A reserve. It now finds it requires the land for its original purpose. Some of the area was built on at the time it was purchased, but the road board was not aware of that fact until afterwards. No inspection was made by the Lands Department but by the board itself. All that the department did was, at the request of the local authority, to convert the area into a Class A reserve. Now that the subdivision has been made, the road board wants the land back for its original purpose, and as Minister for Lands I see no objection to that course. Some objection might have been raised had we refused the request of the board.

The Government House land comprises 14¾ acres, and the Bill proposes to excise a little over two acres. I sympathise with the Leader of the Opposition, and did not feel very happy about this clause myself. The proposal is to take a little more than two acres.

Hon. C. G. Latham: That will be a start; you will have it all directly.

The Premier: No.

The MINISTER FOR LANDS: Parliament is asked to excise two acres from the higher land fronting St. George's-terrace. In company with the officers of the Government, I had a look at the grounds the other day and I could offer very little objection to the portion it is proposed to excise from the domain. Certainly there are some very beautiful trees there, but those trees will not be affected in any way. When I looked at those trees I realised that it took 100 years for them to grow. The Leader of the Opposition spoke about the necessity for retaining open spaces for the people, but he should be aware that Government House domain is not open to the public. Thus it is useless to say that those grounds are there for public purposes.

Hon. C. G. Latham: They could be thrown open to the public.

The MINISTER FOR LANDS: The Government has no reason to be ashamed of what has been done with regard to open spaces around the city. It has spent thousands of pounds in reclaiming land and beautifying Perth. It has added thousands of acres of open spaces and most of the areas have been handed over to the City Council. Many acres of this reclaimed land are on the river foreshore.

Hon. C. G. Latham: Have you handed that land over to the City Council?

The MINISTER FOR LANDS: Yes.

Hon. C. G. Latham: To enable them to build their city hall there?

The MINISTER FOR LANDS: No, I am speaking about the reclaimed land.

Hon. C. G. Latham: But that has been there all the time.

The MINISTER FOR LANDS: No; we have reclaimed it.

The Premier: And on both sides of the river, too.

The MINISTER FOR LANDS: We have reclaimed large areas and beautified the city. This is probably the most valuable work done anywhere in a capital city. Regarding the Government House domain we propose to take nearly two acres out of the 14 odd acres there. The member for Irwin-Moore said that the land on which we intend to build is low-lying. It is nothing of the kind. That portion which is close to St. George's-terrace which we propose to utilise is high land. The low-lying land is on the southern side. Even though the land on which it is pro-

posed to erect the new buildings is high land, the probability is that deep foundations will have to be provided. We know that there is water everywhere about those parts. Members will recall that the Commonwelath Bank and the Post Office are built on what was once a lake and that huge pile foundations had to be laid. When I was in Sydney I saw pumping going on in the city itself to permit of foundations being laid. Nowadays foundations everywhere have to be made secure. If the argument against this particular excision is merely on the score of open spaces, it should not apply.

Hon. C. G. Latham: You have King's Park almost alongside, but you know that you cannot make a garden on the higher land as you can in that flat country.

The MINISTER FOR LANDS: We have reclaimed many hundreds of acres of flat country on which gardens can be made. There is no doubt that all that land on the other side of the Causeway will some day be used for garden purposes. There are great prospects of beautifying the city and indeed making it more attractive than any other place in Australia. Even from the Causeway to Mt. Lawley there are great possibilities. I assure the Leader of the Opposition that I was very worried about this particular excision.

Hon. C. G. Latham: Then we can cut it out to save you worrying further.

The MINISTER FOR LANDS: I examined the land and came to the conclusion that the excision could be made with advantage. Really it is the best place in Perth on which to erect Government buildings. I was accompanied by the committee representing the principal officers associated with the State service. That committee came to the conclusion that it was the best site for public buildings.

Hon. C. G. Latham: And it required a change of Government before you could come to that decision.

The MINISTER FOR LANDS: I am convinced that Government offices can be erected there to accommodate 1,000 employees of the State.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Sleeman in the Chair; the Minister in charge of the Bill.

Clauses 1 to 9—agreed to.

Clause 10—Reserve A 1149.

Hon. C. G. LATHAM: The Bill would be very much better without this clause. The Minister has only to look at the expense of making a garden around Parliament House grounds to appreciate the ready manner in which flowers bloom on the flat ground in the Government House domain and to realise that that land should be reserved for garden purposes entirely. Really it should eventually be a continuation of the gardens in Stirling Square. The Minister knows that it is impossible to have gardens along the reclaimed spaces that are exposed to the strong southerly winds. He should know that trees—except perhaps those that will withstand strong winds—let alone flowers, will not grow there. Since the City Council has spent so much money on improving the reclaimed areas—

The Premier: No. The City Council is only making roads along there.

Hon. C. G. LATHAM: Is not the City Council top-dressing the area with sand?

The Premier: Yes.

The Minister for Lands: And sowing grass, too.

Hon. C. G. LATHAM: Anyway, we will not argue about that. The fact remains that the work is being done. I repeat, it is foolish on the part of the Minister to say that the reclaimed land is as valuable for gardening purposes as is, say, King's Park. I know it required a change of Government to persuade members opposite to agree to permit Government buildings to be erected there.

The Premier: What do you mean by a change of Government?

Hon. C. G. LATHAM: The member for Boulder refused positively to allow anything of the kind to be done.

The Premier: It was his Government that agreed to it.

Hon. C. G. LATHAM: The member for Boulder always said to me, "Hands off that land." That hon. member's idea was eventually to move Government House to the Observatory site and retain the Government House domain as a public garden. I understand a street is also to be put through the land. That will be a pretty rough job.

The CHAIRMAN: The hon. member cannot anticipate legislation for putting a street through the land.

Hon. C. G. LATHAM: In the old days the Agricultural Department had some sheep

in a pen on ground adjoining the Christian Brothers' College.

The Premier: Only 50 yards is to be taken.

Hon. C. G. LATHAM: Probably the incoming Government will want another 50 yards. The clause represents a serious mistake. All Government offices should be centred around Parliament House.

Mr. MANN: I hope the clause will be passed out, for the reasons stated by the Leader of the Opposition and for other reasons as well. In years to come Government offices will be centred around Parliament House. Departments should not be spread all over the city. A long time must elapse before this Parliament House is completed. Ministers should be able to get in contact with Government offices within five minutes. Eventually Government House grounds will become as beautiful as King's Park. Using those grounds for Government offices means highly inconvenient decentralisation. Let the high and healthy grounds surrounding Parliament House be put to use.

Mr. NORTH: I move an amendment—

That in line 4 the words "public buildings (departmental offices)" be struck out.

If that amendment is carried, I propose to move the insertion of "the use of the public." At this stage we are not called upon to decide definitely that Government offices should be built on the site mentioned in the clause. Eventually they might be built on the site suggested by previous speakers—this site that we are on. Moreover, there is the large Observatory site. Difficult housing conditions will be created if an eight or ten storey building is erected on the river front.

The MINISTER FOR LANDS: I cannot agree to the amendment. The piece of land in question is not even cared for.

Hon. C. G. Latham: It is a shrubbery now.

The Minister for Agriculture: A grubbery!

The MINISTER FOR LANDS: The shrubbery is further south. This piece of land is merely a tangle of bush. The gardens mentioned by the Leader of the Opposition will not be touched.

Amendment put and negatived.

Mr. THORN: Is it not a fact that this land was handed over to the Imperial Government for the purpose of housing His Majesty's representative? Has the Government secured the permission of His Majesty to excise a portion of the land?

The MINISTER FOR LANDS: The Imperial Government has been consulted, and the proposed excision has been recommended, I understand, by no less a person than the Lieutenant-Governor.

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

Ayes	..	..	..	..	20
Noes	..	..	..	..	18
					—
Majority for	..	..	..	..	2
					—

#### AYES.

Mr. Collier	Mr. Panten
Mr. Coverley	Mr. Rodereda
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Troy
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Wilson

(Teller.)

#### NOES.

Mr. Boyle	Mr. North
Mrs. Cardell-Oliver	Mr. Panten
Mr. Ferguson	Mr. Seward
Mr. Hughes	Mr. Shearn
Mr. Keenan	Mr. Thora
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Doney

(Teller.)

#### PAIRS.

AYES.	NOES.
Mr. Raphael	Mr. Stubbs
Mr. Fox	Mr. J. M. Smith
Mr. Leahy	Mr. Hill
Mr. Cross	Mr. Sampson

Clause thus passed.

Clauses 11, 12. Schedules, Title—agreed to.

Bill reported without amendment and the report adopted.

#### Third Reading.

Bill read a third time and transmitted to the Council.

#### BILLS (2)—RETURNED.

- 1, Superannuation and Family Benefits.
  - 2, Financial Emergency Tax Assessment Act Amendment (No. 2).
- Without amendment.

#### BILL—MIDLAND JUNCTION LAND (RIGHTS TERMINATION).

##### Second Reading.

THE MINISTER FOR LANDS (Hon. M. F. Troy—Mt. Magnet) [8.34] in moving the second reading said: The trustees of the

Harper Estate at Midland Junction desire to re-subdivide portion of Swan Location 16 and to provide an area of a little over an acre for the purpose of a children's playground, which they intend to hand over to the municipality for that purpose. In the original subdivision, however, provision is made for a right-of-way and two drainage reserves, and it will be necessary to close the right-of-way and cancel the drainage reserves before the new subdivision can be approved. The proposal has the approval of the Town Planning Board and the Municipal Council; while the only owner of adjoining land (lot 111) affected by the closure of the right-of-way has agreed. The proposal is in the nature of an improvement, as it will provide a reserve for the children and do away with an unnecessary right-of-way and drainage reserves that are not required. I move—

That the Bill be now read a second time.

**HON. C. G. LATHAM** (York) [8.36]: Because of the position that you, Mr. Speaker, occupy, I know you cannot speak in the interests of your electors in this House. I have had an opportunity of looking into the Bill, and the proposed scheme will be of great benefit to the Municipality of Midland Junction, as it will provide an additional children's playground. The Municipality of Midland Junction is to be commended for having already provided open spaces. The only point that I was concerned about was the question of the drainage; but I have no doubt whatever that provision will be made to drain the area. In the circumstances, the House would act wisely in passing the Bill, because it will be in the interests of the Midland Junction municipality to secure this land for the purpose stated by the Minister.

**MR. THORN** (Toodyay) [8.37]: I have much pleasure in supporting this small Bill. I know the locality very well indeed. The land is not altogether suitable for a drainage reserve; in fact, it is a menace, as the water lies on the surface. It is a very wet piece of ground. If the land is taken over by the municipality, I have no doubt the municipality will improve it and make it an asset for the district of West Midland. The land is immediately opposite the West Midland railway station. It is very low-lying.

Mr. Withers: Have you any personal interest there?

Mr. THORN: No. The land will be converted into a playground over which the municipality will have full power.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## **BILL—LOTTERIES (CONTROL) ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR AGRICULTURE** (Hon. F. J. S. Wise—Gascoyne) [8.39] in moving the second reading said: This Bill has been received from the Legislative Council, and seeks to make some amendments to the existing Act. The amendments are simple. They involve the deletion of the clause limiting the number of lotteries to be held each year, the payment of the profits from each lottery into a general fund, and the payment of expenses from that general fund. In addition, the Bill provides for one audit only.

On the first question, the limitation of the number of lotteries to be held in any one year, the Lotteries Commission at present must perform certain undesirable and unnecessary activities involving the sorting of marbles before the drawing of each lottery to see that numbers representing unsold tickets are not included. The marbles have also to be re-sorted after a lottery is drawn to afford the opportunity of taking out certain numbers before a fresh draw takes place. The system it is intended to introduce is that which operates in the other States of the Commonwealth, where a specified number of tickets must be included in each lottery without any specified closing date, so that when 100,000 or 150,000 tickets, or the specified number, is sold, the lottery shall automatically close and the drawing take place immediately afterwards.

Hon. C. G. Latham: Are you supporting that?

The MINISTER FOR AGRICULTURE: Yes.

Hon. C. G. Latham: Then I shall inform you of the difficulties that will confront you.

Hon. P. D. Ferguson: There are many difficulties.

Hon. C. G. Latham: Yes.

The MINISTER FOR AGRICULTURE: The contention is that if the method followed in the Eastern States is adopted here, difficulties will be overcome and considerable expense saved. It will be unnecessary to sort out and replace marbles.

Mr. Rodoreda: To do away with the marbles altogether would be better.

The MINISTER FOR AGRICULTURE: There would be no necessity to worry as to whether each ticket was sold, because, as happens in the other States when a sweep is about to close, all tickets are returned at a specified time and are used to fulfil orders that have been sent in. No difficulty has been experienced in the other States in that connection.

Hon. C. G. Latham: Simply because in the other States tickets are not sold except by the book. New South Wales does not do what you do.

The MINISTER FOR AGRICULTURE: We want to do what New South Wales is doing.

Hon. C. G. Latham: Do you want to cut out the agents? If so, I support that.

The MINISTER FOR AGRICULTURE: That is the object of the amendment. It will mean an alteration in the system. Instead of having a specified closing date, the lotteries will close on the date when a specified number of tickets has been sold.

Hon. C. G. Latham: Does that mean that no books will be issued? People will get their tickets as they now receive them from Tattersall's?

The MINISTER FOR AGRICULTURE: No books of tickets will be issued. When the specified number of tickets has been sold the lottery will close. In addition to that amendment, it is necessary to obviate expenses to which the commission is now put under Section 10 of the Act. That section was framed when it was required to disburse all amounts in respect of each lottery out of the proceeds of such lottery. The intention is that the proceeds of all sweeps shall be paid into one fund, out of which all disbursements shall be made. Members can appreciate the point I have mentioned. Whilst the proposed alteration still provides that the administration expenses shall not exceed 25 per cent,

provision is made for the establishment of a common fund into which all moneys shall be paid, and from which all disbursements shall be made. The deletion of Section 8 and the drawing of each lottery when fully subscribed have rendered necessary one or two minor amendments which will be moved at a later stage. These will assist in the carrying out of the first principle I mentioned and after a sweep has closed, applications received subsequently will be allotted tickets in the subsequent lottery. Last year this House provided that the Auditor General should conduct a continuous audit of the affairs of the Lotteries Commission. At the same time the Act provided that a private auditor should be appointed. Since that amendment has been in existence, there has been the cost of conducting two audits. That is considered quite unnecessary, and the Bill provides that the Auditor General alone shall conduct the audit of the lotteries. This will effect further economy and avoid the overlapping that now takes place. When the Bill reaches the Committee stage, I intend to move further amendments, notice of which has been given. One amendment will have the effect of making the Act permanent and then there will be no necessity for it to come before the House each year. It can safely be said that this legislation has passed the experimental stage and there is no reason why it should not become a permanent measure. The bringing forward of a Bill each year is now not only unnecessary but it involves difficulties that are hard to meet; that is to say, the Commission cannot anticipate receipts and cannot frame a programme for big and desirable works because it has no authority to anticipate collections after the end of the current year. Another amendment proposes that the life of the commission shall be extended to three years instead of one year as at present. All members have agreed that the commission has done excellent work since the introduction of the first measure in 1932. I commend the Bill to the House and move—

That the Bill be now read a second time.

MR. THORN (Toodyay) [8.50]: I am opposed to the measure being placed on the statute-book for all time because I consider that one of the safeguards respecting legislation of this description lies in Parliament

having the opportunity to review it each year. I also intend to oppose any extension of the appointment of the members of the commission to three years. I should like to ask whether we are going to make the Lotteries Commission coincide with the changes of Government, just as we do in regard to the licensing bench, and have a wrangle every three years on the question of political appointments. That is the effect of amendments of the type the Minister proposes to move in Committee. Appointments to the Lotteries Commission will become politically flavoured, and that is just what we do not desire. I do not intend to criticise the commission because this is definitely a gambling measure and that is why we should be very careful what we do about it. The Act has been on the statute-book for a number of years and it has come before us annually for renewal. Have there been any complaints about that? The commission has been working well and we have been able to keep a check on its activities. Therefore I see no reason for altering the existing legislation in any shape or form. The commission has operated satisfactorily and it should be permitted to carry on its operations from year to year. I have always opposed anything in the shape of a long-range programme. I treat that merely as a bogey, a red herring across the track, or a mere reason for just lengthening the life of the commission. Most members agree that the commissioners are doing good work, and if they want to carry on that good work in the way of making provision for new hospitals or hospital additions, I am sure no one in this House will oppose them, but they must do that work only from year to year. Last session an appeal was made to this Chamber in favour of lengthening the life of the commission on the score that it should be given a chance to carry out a big-scale programme, that programme including the new Perth Hospital. There is no need for the commission to do that. The members of it can go on as they have been doing and they will be treated fairly by this Chamber. The Government is merely wasting time by putting forward amendments. There is no reason at all for them. We shall not interfere with the commission's work if it continues as it has been operating.

Mr. Withers: You cannot speak for the member for Subiaco.

Mr. THORN: Yes, I can. I know her views. They happen to be my views. I have heard members on the Government side of the House say that the poor man on the basic wage must not pay the financial emergency tax because he cannot afford to contribute 4d. in the pound. Then the member for Kalgoorlie (Mr. Styants) asks why should not the poor worker be permitted to patronise the starting-price betting shops if he wants to do so.

Mr. Styants: He earns the money he invests there. Why should he not spend it in any way he likes?

Mr. THORN: If he cannot afford to pay 4d. towards the financial emergency tax then he cannot afford to bet.

Mr. Styants: But he pays his debts all the same.

Mr. THORN: He will pay them far better if he does not gamble. We should not provide such facilities for him. A betting shop should not be like a picture show matinee.

Mr. SPEAKER: The hon. member is drifting from the subject matter of the Bill.

Mr. THORN: I realise that. The Lotteries Commission is a big concern and it handles a good deal of money annually. I tell members candidly that if I were in charge of it, I would want a check audit.

The Minister for Employment: And so would we.

Mr. THORN: I am afraid the Minister misunderstood me. A business of the dimensions of the Lotteries Commission should welcome a check audit because it is a great safeguard.

Mr. McDonald: How much would it cost?

Mr. Marshall: How would he know?

Mr. THORN: I do not know, but I do not suppose it would cost very much. Still, bearing in mind the volume of business done, a check audit is warranted.

Mr. Withers: Are you serious?

Mr. THORN: I am. I strongly oppose any alteration in the Act as it stands. I admit I am not always in a serious frame of mind but on this occasion I am, and I urge the House to allow the Act to continue as it is operating to-day. No one has received any complaints about it. Of course if I had my way I would wipe it out altogether, but not being too biassed on the subject, and realising that it has operated satisfactorily, I sug-

gest that Parliament should not alter the legislation in any shape or form.

**MR. HUGHES** (East Perth) [9.0]: I have a few objections to offer to the Bill. In the first place I have cause for complaint regarding the method under which agents are granted permits for the sale of lottery tickets. I have not heard of people in my electorate getting anything out of the lotteries, but a number of them have made application for agencies to enable them to sell tickets. They cannot get those agencies. I have not endeavoured to get them for those people. When they told me of their trouble I said, "If you cannot get agencies without my assistance, your chances with my assistance would be very remote." Any person having £2 5s. to spend should be able to purchase a book of tickets and sell them, thereby making 5s. commission for himself. If that arrangement prevailed, dozens of cripples, pensioners and men who are unable to work would be in a position to earn a few shillings for themselves throughout the week by the sale of lottery tickets. That avenue is closed to them because, without the advantage of an agency, they are not permitted to sell tickets, and agencies are the monopoly of a privileged few. We know, of course, what is said around the town about who owns the big agencies and the difficulties that confront persons who apply for the privilege of selling tickets. On general principles I object to monopolies.

The moment we grant an agency, we make a gift to the landlord that enables him to increase his rent. Moreover, as soon as a business changes hands, the owner of that business can sell at a premium because of the fact that he holds an agency to sell lottery tickets. That an agency in one of the main suburbs changed hands recently for £800 is a matter of common knowledge. Thus everywhere restrictive rights are being established regarding the sale of lottery tickets and a monopoly is being created that gives the holder the right to sell what does not belong to him. If there is any premium on the sale of a business because of the possession of an agency to sell lottery tickets, the premium should belong to the State. The moment that privilege is accorded a person, the individual who seeks to buy the business is forced into the position of having to pay an increased amount. That is necessary be-

cause the agency is valuable. The complaint is voiced that although other people are citizens of the State and are willing to comply with all the terms and conditions laid down by the Lotteries Commission, unless they have the advantage of someone with influence to make representations on their behalf, they cannot secure agencies.

Mr. Marshall: And even that will not always help.

Mr. HUGHES: Then perhaps the member for Murchison is with me on this point.

Mr. Marshall: I can assure you that is so.

Mr. HUGHES: When we say to one person that he can sell and no one else is to enjoy that privilege, the State provides the owner of the land on which the business is conducted, a gratuity of considerable value enabling him to increase his rental charges, a course that is invariably adopted. That difficulty could be overcome by providing that any person who had £2 5s. to spend on the purchase of a book of lottery tickets would be permitted to do so, and we could also prescribe a date upon which the sale of tickets would close. In those circumstances if a person bought a book of tickets and could not dispose of them all before the closing date, he would have to be prepared to stand the loss in respect of the unsold tickets. That would not represent any great disability because the individual would soon ascertain his business requirements. He would quickly find out that he could dispose of two, or five, books of tickets within the prescribed period, and he would buy accordingly. That arrangement would rid us of the objectionable practice of according some people a privilege not enjoyed by others. The restriction imposed upon the sale of tickets was for the purpose of curtailing those sales, but that objective has not been gained, because of the intensive publicity campaign indulged in by the holders of agencies. I do not know whether we can deal with that phase by amending the Bill in Committee, but I would like a provision inserted to do away with the monopolistic phase and permit anyone who complied with the requirements of the commission to buy tickets and sell them.

Another proposal embodied in the Bill is that 100,000 marbles shall be placed in the barrel and left there. What is the object? To save the wages of seven or eight girls who have been employed in sorting the marbles?



Mr. Styants: And a few returned soldiers and cripples.

Mr. HUGHES: Probably that is correct. What benefit will the State derive from that change? The money received by those people who sort out the marbles after each lottery is not retained in their pockets for two days before it is back in circulation. I do not suppose one of those girls hoards her wages. I cannot see how the commission, as suggested, can under the present system limit the number of marbles. If 100,000 marbles are in the barrel, only 100,000 tickets can be sold. That means that only 100,000 tickets can be issued. If the present system were to continue and there was a book of 20 tickets, representing the remaining numbers to make up the aggregate of the 100,000 marbles in the barrel, that book might happen to be held by a person residing at Carnarvon. Let us suppose that only 18 of the tickets were sold by the specified date for the drawing of the sweep. Either the commission would have to include the whole of the 20 tickets, so as to complete the 100,000, or take out the two marbles corresponding with the numbers of the two unsold tickets.

The only way that difficulty can be overcome is to adopt the system followed by Tattersalls. Applications have to be lodged for tickets the numbers of which are issued from the central office. If that course is not followed here, great difficulty will be experienced. The commission will be forced into the position of saying that all tickets sold in books of 20 each must be treated as applications for tickets. Then ticket numbers would have to be allotted at the central office before the drawing. As soon as the 100,000 tickets were sold, operations would have to cease, or there would be a carry-over. That is the system adopted by Tattersalls. I warn the Government that that method would cost just as much on account of additional clerical work as the expense of sorting marbles from time to time. If that method is not adopted, the commission must stipulate that a certain number of tickets shall be sold, and any unsold by the expiry of a specified date, should their numbers be drawn, be declared blanks. Members will agree that that would lead to much trouble.

Personally I cannot see how it is possible to limit the number of marbles in the barrel if the present system is to continue. I think this would provide an opportunity for the

Minister to say that any person may make application for a book of lottery tickets for sale, enabling the purchaser to fix his own commission. Notwithstanding the prohibitive legislation operating in Western Australia, anyone can secure a ticket from Tattersalls. Let people send in applications as they do to Tattersalls. If that were done, we would eradicate the existing objectionable monopolistic feature. Anyone in business could have a supply of application forms and could sell tickets, charging 1d., 2d., or 3d. extra as his commission. If a member purchases a ticket in Tattersalls, he pays 6d. extra for his 5s. ticket. His application is sent to Hobart and the ticket is issued from the central office there. When 100,000 tickets are issued, the sweep is drawn. I think this would be a golden opportunity to incorporate in the Bill an amendment with that end in view.

Another objectionable feature of the Lotteries Commission affects the financial problem. The function of Parliament is to deal with public revenue. The very basis of responsible Government rests on the fact that Parliament controls the purse. All revenue raised for State purposes should be brought into Government account, and Parliament should each year appropriate every penny of it for expenditure. By virtue of its power to control revenue and expenditure, Parliament keeps control of the situation. If we set up an extra Parliamentary authority such as the Lotteries Commission, a large amount of public revenue will be garnered and expended without the knowledge or authority of Parliament. No opportunity is afforded members to pass the estimates of the Lotteries Commission, because that body is beyond the authority of this House. The time has arrived when we should not agree to any further diminution of the power of Parliament. We should have an opportunity to appropriate the money for the purposes of the Lotteries Commission and to criticise the distribution of funds by that body, just as we have in respect to other Government activities.

Mr. Marshall: We would require to have State control.

Mr. HUGHES: The affairs of the Lotteries Commission should run the gauntlet of Parliamentary discussion. The Legislative Assembly is the House that controls the public purse, and we should remember that the revenue derived from lotteries is merely

another form of taxation. Whereas we say to people, 'You can have a 10s bet on the racecourse if you pay a tax amounting to 3d.—

Mr. Sleeman: Illegally.

Mr. HUGHES: Yes, and there is no one to prosecute those people. We can say to them, "You can have your 10s. bet on the racecourse for a tax of 3d., but if you take a ticket in the lottery you must pay a tax of 1s. 3d. to the commission." What it amounts to is that a luxury tax of 1s. 3d. is imposed on each lottery ticket. Whereas Parliament exercises its right and demands a tax of 3d. in respect of bets on the racecourse, it abandons that right with regard to the tax on lottery tickets. If Parliament were consistent, it would say to the race clubs, "You can distribute the money you get from the totalisator as you like, seeing that you collect it." The time is long overdue for this matter to receive attention.

Many members are satisfied to receive money from the Lotteries Commission in the interests of their constituents, and think everything is all right. Why are the constituents of some members black-balled and taboo? Why can they not get any money from the Commission? Should any member of Parliament be required to go cap in hand and kow-tow to three or four civil servants in order to get a somewhat fair distribution of the public revenue in the interests of his constituents? If a member does not kow-tow, he does not get any money from the Commission. Surely that is a very bad method of distributing public revenue. I know there is no chance of altering the Bill at present, but we can at least preserve the right of renewal each session. We can retain it as an annual measure in the hope that some day some Government will realise that we do not need four commissioners at £1,000 a year to distribute £60,000 or £70,000.

Mr. Sleeman: They do not get that, do they?

Mr. HUGHES: They get £1,000 a year between them. What do they do for it? I suppose the secretary draws up a periodic list of distributions, and the Commissioners O.K. it. It is ridiculous that we should pay £1,000 a year to these men just to distribute the money raised from the lotteries. Surely there are three or four public servants—Treasury officials and others belonging to the Medical Department and the Lotteries—who could form just as competent a

body as the present Commission to distribute the funds. The responsibility should be on this House to pass the proposed distribution each year. Members would be just as competent to determine whether an institution should receive £1,000 or £2,000 a year, as are the three or four gentlemen that comprise the Lotteries Commission.

The Lotteries Commission is exempt from the ordinary procedure of Government departments. If a Government department purchases commodities it has to do so through the Tender Board. There is a highly organised and systematised department for the purchasing of Government books. Tenders are called, and every trader in the town knows that he can tender for the supply of Government books. He tenders under the same conditions as every other trader. The tenders are submitted and sealed at a specified time, and the lowest tender, all things being equal, obtains the contract. Every trader is on an equal basis. What is the position with regard to the sale of commodities to the Lotteries Commission? The Lotteries Commission does not purchase goods through the Tender Board, but purchases them direct. We know what occurred in connection with the refrigerators that were supplied to the hospitals. One firm received all the orders, and they were not competitive orders either. The other firms did not have an opportunity to quote for the supply required. What is the position when the Lotteries Commission desires to purchase goods for different hospitals and individuals—goods such as blankets? Are tenders invited? Is every trader placed on the same basis as his competitor? Is every trader allowed to enter into fair competition, submit goods and take his chance? I do not think so. If we had a schedule of the goods purchased and information as to the manner in which they were purchased, members would find that the Lotteries Commission did not purchase any goods through the Tender Board. For the Lotteries Commission the Government Tender Board does not exist. Why should we say that every other section of the service must conform to this method of buying goods and exempt the Lotteries Commission? We should take the opportunity to bring this branch of Government activity under the same regulations and conditions as every other branch of the Government service. It should have to purchase

commodities through the Tender Board as do the other Government departments.

There is a good deal to take exception to when considering the renewal of this legislation in its present form. If we are to have State Lotteries, they should be State lotteries, conducted by a branch of the Treasury. There is no need for a Lotteries Commission. Parliament can allot the distribution of funds just as well as any other body. Every citizen in Western Australia should be placed on exactly the same footing in regard to the sale of tickets, and every trader should be in exactly the same position in regard to the supply of goods purchased with the Commission's money. In that way some of the objectionable features of the Lotteries Commission would be removed. There should be no question of some members of Parliament being tabooed, and not being able to get anything from the Lotteries Commission. If the amounts were passed here, there would be no trouble. Any member could complain if he did not receive what he considered to be a sufficient amount, and the distribution could be generally criticised. For those reasons I oppose any extension of the measure except on a year-to-year basis, and hope that we shall be able to place it in the same position as every other tax-gathering institution in the State.

**MR. MARSHALL** (Murchison) [9.21]: I propose to vote against the measure, but I do not wish to do so without giving some reasons. Except in respect of the original measure I have constantly voted in favour of the Lotteries Bill. On this occasion I have come to the conclusion that I would be doing the right thing in attempting to abolish the present system of lotteries control. I do not hold the view of some members that it is immoral for people to take a ticket in a lottery, and I do not propose to vote against the measure on that ground. A remarkable fact, however, is that although the lottery has been in existence for a number of years it is not as popular to-day as it was years ago. Any attempt by the Commission to conduct a big lottery usually fails, yet in the Eastern States huge lotteries can be conducted most successfully. Obviously people have more confidence in outside lotteries.

Hon. P. D. Ferguson: Perhaps a greater percentage is distributed in prize money in the Eastern States.

**Mr. MARSHALL**: That is one reason. The return that one obtains for one's investment should one win are low here compared with that which prevails elsewhere. When this measure was introduced by the late Mr. Seaddan, I opposed it because it was not a State lottery. I have opposed all suggested amendments since, and particularly the Bill introduced by the member for Subiaco. I have always claimed that the lotteries ought to be under direct State control. In that I agree with the member for East Perth. I voted against the original Bill for that reason.

**Mr. Hughes**: That is a great compliment to you.

**Mr. MARSHALL**: I suppose I should make a bow. Sometimes I do agree with the member for East Perth, and there are other times when I have positively and sharply to disagree with him.

**Mr. Hughes**: Those are your weak moments.

**Mr. MARSHALL**: The member for East Perth can have it as he likes. This time I can agree with him, and I suppose that is sufficient for the occasion. There are many inconsistencies in regard to the distribution of tickets to different agents. I understand there is a limit to the number of agents that can operate in any area, in order to enable each to provide a sufficient profit to allow a margin for advertising expenses. I strongly object to some of the advertising methods that have been employed from time to time.

Hon. P. D. Ferguson: We all do.

**Mr. MARSHALL**: One of the most favourable spots for the sale of tickets was, I think, available to the commission only a few weeks ago, but, strange to relate, the commission did not accept the responsibility of opening a branch itself, and competing with a certain individual who is reputed to be doing a very extensive business. I am informed that this individual never has any difficulty in obtaining tickets. I understand that near closing day there are many agencies that could continue to sell tickets, but if the allotment of books has closed, those agencies cannot get any more tickets. This particular gentleman, however, is seemingly able to go on selling. For some reason or other he is never short. The commission had an opportunity to open a branch for itself, but the agency was given to someone else. I am

referring to an individual who has not been in this State for more than a few weeks, and the Minister can check up on that fact.

Is it any wonder that people who are watching the methods adopted by the commission are desirous of knowing on what basis the commission grants agencies? I was told by a tobacconist in Hay-street that there are no agencies on the same side of the street within hundreds of yards of his shop, though there is an agency on the other side of the street. He applied for, but was unable to secure an agency. There seems to be a remarkable inconsistency in the granting of agencies. Members will observe that quite a number of foreign shops have agencies, but the Britishers are constantly refused. Again I agree with the member for East Perth, but would not go as far as he did. I consider that any reputable person who has a permanent business establishment should, on application, be supplied with tickets; but I do not suggest that anyone should have the right to buy and hawk tickets, because if the commission agrees to that method I can see trouble ahead for it. Why the commission attempts to restrict agencies is a mystery to me. Nothing has made these sweeps more unpopular than the fact that business people of repute have attempted to obtain agencies and have failed, while not far from them, sooner or later, an agency is granted, sometimes to foreigners. I think Britishers resent that. A large section of the community is of the opinion that some employees of the commission are acting as direct agents through the medium of dummies. I have this information from a reliable source, and it influences me in saying that from now on, until this becomes a State lottery, my vote will be against the Bill. Were the lotteries under State control we could keep a closer watch over them, and could have some say in the persons employed and the handling of the money. Our right to interfere is very limited because of the control being in the hands of the commission.

I dissociate myself from those who argue that the Act should not be made permanent. Any member can attack an Act that is on the statute-book. Whenever Parliament sits he can move for the repeal or amendment of any legislation. Either the Act should be made permanent or it should be repealed. My personal view is that this

should be made a State lottery. I understand that some agents do a remarkably big business. The Lotteries Commission would be well advised if, instead of paying large commissions on tickets sold in the congested parts of the city, it employed its own people to do the selling. Many honest individuals with a good reputation could be employed in that work. Very little deception could be practised, because every month the ticket butts have to be returned, together with the money collected. A monthly check is, therefore, made upon every agent. Returned soldiers between 60 and 65 could do this work at the basic rate, and do it just as well as the agents who are now making big profits.

Mr. Thorn: The commission is 10 per cent.

Mr. MARSHALL: When the turnover is large the agent does well, but when it is small the profits are less. Another aspect influences me in voting against the Bill. The more we as members assist the Government to relieve taxation, the more effort will be made to obtain our support for other means of raising funds. The profits distributed by the commission represent a big share of the money raised, and the Treasurer is relieved of the necessity for spending that sum of money out of revenue. The lotteries may be said to represent a form of taxation. The Treasurer does not mind whether he receives the money directly in cash or whether he is relieved of the necessity for paying out a like amount. I would take no exception to that if I could see any way of reducing taxation as we have it to-day. No move has yet been made by the Government in that direction, but we have these other inducements for the raising of money, such as the lotteries which tickle the passions of the people. We are told that the commission relieves poor people. To a large extent that is so. But why should we have poor people in this country? That is the reason why the community is overtaxed. If we assist the Government to shut its eyes to the position by voting for measures such as this, we shall never have a show-down to indicate how far taxation can be imposed upon the community.

I may be accused of being a Communist, but I intend to take direct action in this matter from now on. No longer will I give my vote for a measure of this kind. The

Government will have to stand up to its obligations, and find money from some other source. If we force the hands of the Government, we shall find that the greater the pressure we put upon it the sooner will it struggle to obtain relief. If the lotteries were placed under State control, the scheme would have my support. I am satisfied that all is not well with regard to the creation of agencies, though I am not aware that the commission knows the position as I do. As a State lottery, the business could be more economically controlled. The member for Subiaco (Mrs. Cardell-Oliver) went to the Eastern States before she brought her Bill down. She was able to tell us the cost of administering consultations in the Eastern States, where they are all under Government control. I opposed her Bill, thinking I was doing the right thing. If she opposes the Bill before us, she will find me with her. I have profited by experience. For the reasons I have given, I shall not again vote for a Bill of this description.

**MRS. CARDELL - OLIVER** (Subiaco) [9.37]: I wish amongst members we had a few more ready to take direction action. We would then be able to pass legislation more in keeping with what most people want. I shall oppose this Bill, and I dare say every member took that for granted. When last year I introduced my Bill to deal with lotteries, I did so after thoroughly studying the lottery laws and conditions in the Eastern States, and in other parts of the world. I am opposing this measure chiefly because it asks for an increased number of lotteries, and because of the statement of the Minister that in Committee he intends to move an amendment to make the Act permanent.

If I believed in lotteries, I would still consider that 15 in a year were sufficient for a poor State such as ours. Many people put 2s. 6d. into a lottery ticket every month. They may not actually miss that money, but if lotteries became more numerous, many people would buy tickets on every occasion, when they could not afford to do so. I know of an old age pensioner who buys eight tickets in every lottery. She could not buy more than eight tickets in any one lottery, and if more were held her outlay would probably not be greater, but if the number were increased, young people who have less

responsibility than adults in money affairs would doubtless buy tickets in every lottery, though they could not afford to do so.

I also object to the method of distributing the funds. I have no desire to raise any contentious question about what is being done. Last year when I did so members thoroughly thrashed me, and claimed that I had done something opposed to their honour and integrity. Of course I had no intention of conveying such an impression. I still feel that the distribution is not on correct lines. We should be able to argue on the floor of the House how the money should be paid out. I am not concerned about whether some members get more than I do, and do not suppose I receive very much for my electorate.

Miss Holman: What about the thousands of pounds being spent on the King Edward Memorial Hospital?

Mrs. CARDELL-OLIVER: That is not a Subiaco hospital, but a State hospital.

Miss Holman: It is in your electorate.

Mrs. CARDELL-OLIVER: I have always recognised it as a State institution. If the hon. member had not interjected, I was going to say I would have no objection to all the lottery money going to hospitals, which in my opinion is where it should go.

Mr. Needham: I thought you objected to lotteries.

Mrs. CARDELL-OLIVER: The hon. member could not have listened to my remarks, which I prefaced by saying that I object to lotteries. If the lotteries are to continue, the money should go to the hospitals. They are the most deserving institutions. Last year over £4,000 was given to the general distress fund, and this year I believe the amount exceeds £3,000. I have no objection to poor persons receiving necessities from this source, but would prefer that the money came from revenue rather than from lotteries. I think very often the money is unfairly distributed. Blankets and sheets are issued. I know of cases in which one family within a year or so has received blankets, while another family, equally deserving, has not received any. The distribution of this fund should be made through the Child Welfare Department and the Employment Department. The Employment Department used to arrange for the issue of blankets to men before they went into the country. Nowadays many of the men

concerned take blankets from their homes at a time when they are badly needed there.

Mr. Lambert: Blankets are distributed by local authorities.

Mrs. CARDELL-OLIVER: That is so, and the fund comes from the Lotteries Commission. I understand that it gives about £250 every month or every quarter to Mr. Vincent of South Perth, to distribute for relief purposes in particular districts. He is a member of the local board. Local authorities cannot investigate every case, but the Child Welfare Department and Employment Department employs investigators who could ascertain whether or not certain families constituted deserving cases. I reiterate that I object to the manner in which the money is distributed. Further, I object to the manner in which contracts are made through the Lotteries Commission. As members know, almost every starting-price shop sells tickets. I can remember the look upon the face of the Minister for Employment when on a previous occasion I suggested that all starting-price shops sold lottery tickets. I can take members around and prove to them that that is so.

Mr. Marshall: Oh, no.

Mrs. CARDELL-OLIVER: I can say definitely that 90 per cent. of the starting-price shops throughout the State have contracts to supply tickets, and when I asked the Minister whether he was aware of that fact, and what he intended to do about it, he said that the administration of the Lotteries Act was under the control of the commission and that the Government had little to do with it. If we are to increase the lotteries or make them permanent, it will mean that we are passing over the control that should be ours to the members of the Commission, who may be in power for three years. As the member for East Perth has stated, many of the agents have established a goodwill in their premises and the little shops in the arcades that are known as kiosks boast of a goodwill of £400 and upwards. All that is due to the sale of lottery tickets. Further, and this is a deplorable thing, I have come across children selling lottery tickets in the streets.

Mr. Marshall: If that is so, there is something wrong.

Mrs. CARDELL-OLIVER: I am trying to tell the hon. member that there is something wrong, and we are losing control when

we find that agencies are being handed to people who will employ children to sell tickets in the streets. We know of reputable citizens who have asked for lottery agencies and have not been able to get them. On the other hand, disreputable people like starting-price bookmakers have been able to secure those contracts. Another matter to which I object strongly is the method of advertising. I have mentioned this before and I intend to repeat it, that it is disgraceful to see the way in which the advertising of the lotteries is carried on. Particularly do I object to the slides that are exhibited at picture shows, where we are told that if we invest 2s. 6d. in a lottery ticket, we will be able to live in ease. I object also to the 25 per cent. that the commission is permitted to incur in expenditure. The Minister did not say anything about reducing that amount. We know that the commission spends approximately 15 per cent. on administration, but it has the right to spend up to 25 per cent. That is absurd, especially when we remember that in Queensland—perhaps the Minister will again tell me that I am not right—the cost of administration is 8.6 per cent., while in New South Wales it is 3.8 per cent. Those figures are for the year before last. I do not know what they were last year. I understand that there are now over a thousand agents in the State. When I was elected to represent Subiaco there were comparatively few agencies in that suburb. To-day, however, it is possible to purchase a ticket in many shops there.

Mr. Marshall: That must be due to their representative.

Mrs. CARDELL-OLIVER: To whatever it is due, it is a disgrace to allow so many agents to sell tickets in a suburb like Subiaco. I repeat my objection to the commission of 10 per cent. that is paid to the people who sell tickets. I consider 5 per cent. would be ample reward because those who sell tickets do very little for the money they receive. Any business that can return 10 per cent. without incurring any expenditure is really a marvellous business.

Mr. Lambert: You do not know much about business.

Mr. Tonkin: Agents have to pay rent.

Mrs. CARDELL-OLIVER: I know as much about business as does the hon. member. Like the members for East Perth and Murchison, I should like to see all revenue from lotteries paid into a State fund and

then have it distributed by the Minister or a department. Thus there would be no need for a commission. I am sorry the Minister intends to move an amendment the object of which will be to endeavour to make the Bill permanent. His action will amount merely to wasting time on a hot night. I regret, too, that the Government has thought fit during this session to introduce so many contentious Bills dealing with moral questions. Should there be a change of Government after the elections, it will be due to the fact that the present Ministry has tinkered with subjects about which it knows nothing. I intend to oppose the Bill.

**MR. NEEDHAM** (Perth) [9.51]: It is not my intention to prolong the debate, but I wish to refute some of the statements made by the member for Subiaco regarding the distribution of lottery funds and blankets. There is an organisation known as the Metropolitan Council of Relief of which I have the honour to be president. That body handles the distribution of portion of the blankets that are given by the Lotteries Commission. There are other relief committees in the metropolitan area including one at Subiaco.

Mrs. Cardell-Oliver: I know all about it.

**MR. NEEDHAM**: Judging by the hon. member's speech, she does not know anything at all about it. I can tell the hon. member what happens there. If she has any complaints to make about the improper distribution of blankets, she should make it to that committee and not to this House.

Mrs. Cardell-Oliver: The committee does not distribute in my district.

**MR. NEEDHAM**: What happens with regard to blankets happens also in respect of money given by the Metropolitan Council of Unemployment Relief. Occasionally during the year the commission sends along a cheque for £250. The secretary of the organisation ascertains the number of men that are on sustenance in the metropolitan-suburban area and that money is divided amongst the number. Then the number of men on sustenance in the various suburbs where relief committees are operating get their share. There might, for instance, be 20 men on sustenance in Subiaco. Those men would receive one-twentieth of the total. The same process is followed when blankets are made available for distribution. The commission gives the various organisations a

certain number of blankets and sheets and the relief committee is consulted, and according to the investigations made, so the men in need of those blankets and sheets receive the gifts. Thus it will be seen that the distribution of blankets and sheets and the money that is provided for men on sustenance is not in the hands of the commission. Everything is distributed, as I have said, by the organisations that I have referred to. I make this statement because what has been said by the member for Subiaco might easily be misunderstood.

**MR. TONKIN** (North-East Fremantle) [9.55]: It would be a sorry day for many hundreds of people in the State if the Lotteries Commission went out of existence. It is all very well to say that if we stop conducting the lotteries the Government will step in and provide money for many people now in distress. We know, however, that such a thing has not happened and never would happen.

Mr. Hughes. We had a record revenue last year.

**MR. TONKIN**: That might be so, but there are hundreds of directions in which the revenue can be spent. My experience has taught me that many people who are receiving assistance to-day would not get anything at all if they had to depend on the distribution of funds from State revenue. The public generally will give readily when buying lottery tickets because there is always a chance of winning a prize. The public will submit to no end of indirect taxation in that way, but they will not readily submit to direct taxation, even though they may be told that the money so raised will be earmarked to assist charities. The Lotteries Commission has raised a considerable sum of money and has done excellent work with it. The member for Subiaco would restrict the activities of the commission to the provision of money for hospitals. Personally I would go a long way further. I consider that the provision of money for infant health clinics is a task for the Lotteries Commission to undertake. Infant health centres have been established in the State by means of the assistance rendered by the Lotteries Commission. I am satisfied also that the number of buildings that have been erected would not have been built but for the money provided by the Lotteries

Commission. I can quote such an instance at Cottesloe, and another at Mosman Park, and both were liberally assisted by the commission, for which assistance the committees responsible were very grateful. We are also aware that hundreds of people each year have received blankets and sheets because of money provided by the Lotteries Commission. I can tell the member for Subiaco that the commission does not distribute those blankets; the distribution is carried out by organisations. The commission definitely will not deal with individuals. I know of cases where individuals have applied to the commission for assistance, and without exception, the commission has told them that it does not deal with individuals, and it has directed them to apply to the organisations in the respective districts. In Fremantle there is a relief committee which deals with a very large area, and that committee receives the greater portion of its funds, and in fact for some time past the whole of its funds, from the Lotteries Commission. The committee has an honorary secretary, and he makes proper investigation before distributing blankets and sheets. Prior to the appointment of the present secretary a minister of religion in the district attended to the distribution. He is a perfect Christian gentleman; a finer man is not to be met in the State or in the world; and he carried out full investigations before distributing blankets and sheets purchased with donations from the Lotteries Commission. At first he felt it was against his belief to distribute articles purchased with money received from the Commission, but finally he came to the conclusion that it was better to use lotteries money to relieve distress than to allow the distress to continue. That is also my point of view. Even though many people believe such money should not be taken, far the better course is to use it for the relief of distress than to hold up one's hands in horror and let the distress continue. Thousands of people have benefited in many ways from the funds supplied by the Lotteries Commission, funds which could not have come from other sources. The Government is not able to provide them, having so many calls upon its revenue; and public direct giving was so heavily taxed during the depression years that the source dried up. Nowadays it is like trying to get blood out of a stone to obtain subscriptions for these purposes. Strangely enough, however, people will give

freely if they can win something by contributing. I would be indeed sorry if this source of charitable funds ceased, because many persons, especially during the winter months, would as a result be without adequate supplies of blankets and sheets. That position is not peculiar either to this State or to this continent, but is general throughout the world. Governments are not able to provide a sufficiency of necessities to ensure that no person shall be in want.

Mrs. Cardell-Oliver: Except in Russia.

Mr. TONKIN: Wonderful things are being done in Russia, and will continue to be done. One day the hon. member interjecting will realise that Russia has accomplished wonders, and I hope she will then be gracious enough to acknowledge it. However, we are dealing with the Western Australian situation, and unless we close our eyes to facts we know that without the lotteries money many people would go short of necessities. Infant clinic work would be considerably restricted were it not for this money, and country hospitals would not be nearly so well equipped as they are. The Lotteries Commission has been the means of providing refrigerators and various types of apparatus as well as other things to hospitals throughout the State.

Member: But for the Lotteries Commission, many country hospitals would never have been built.

Mr. TONKIN: That is true. Are we to say, in order to satisfy some whim or fancy of ours, that we will wipe out the Lotteries Commission and put a stop to the erection of clinics and hospitals and to the granting of assistance to people in need? I hope the House will not act so inconsiderately. The money is needed, and obviously it cannot be obtained from other sources. New South Wales is now advocating a million pounds lottery. It is stated there that sufficient money cannot otherwise be raised for the relief of distress. It is also stated that people are anxious to invest money in lotteries, and as a consequence permission is being sought to run a lottery of £1,000,000 in the belief that much money will be available for distribution in charities. And that is quite likely. If the money is there for investment, let it be invested as proposed, because wonderful good can be done with the profits.

Hon. C. G. Latham: The Federal Treasurer will be glad to read your speech!



Mr. TONKIN: The amount going to agents is another matter to which we might direct attention. I admit frankly it does not seem right that some people should be able to make several thousands of pounds annually simply by the sale of lottery tickets. However, having investigated the position in Fremantle I can affirm that very few agents there could afford to neglect their other business and depend solely on the sale of lottery tickets for their livelihood. I discussed this aspect with the Lotteries Commission some time ago, and was astonished when shown a list of the amounts of commission paid for a month to the various Fremantle agents. The majority of them—this will probably surprise members—do not make more than 25s. per week.

Mrs. Cardell-Oliver: But they do not make it. It is given to them.

Mr. TONKIN: They had to do something to obtain that money. Portion of the rent of premises and the time given to the sale of tickets have to be allowed for. Even as regards the kiosks to which the hon. member referred, it is wrong to say that the whole 10 per cent. commission goes to the proprietors. Provision has to be made for rent of premises, electric light, and so forth, as offsets against gross profit. To assume that the whole of the commission represents profit is altogether wrong. Naturally, if sales are large the proportion of profits going in rent would be much smaller than in cases where sales were slight, as they are in most of the Fremantle agencies. The figures surprised me indeed. I was seeking to have additional agencies established in Fremantle, but the amounts of commission received by agents there proved to be so small that I dropped the proposal immediately. Most of those already in the business of selling tickets were not getting anything out of it. It is a different proposition where agents have picked stands—and these are not numerous—enabling them to make large sums in commission. Where sales exceed a certain number, the commission might be on a reduced scale; but there would be difficulties in that respect, for when an agent had sold a certain number beyond which his commission would be reduced, he would be apt to rest content with the sales he had already made. Speaking of the majority of agents, I contend that the commission of 3d. per ticket does not enable them to make unduly

large profits, and that in many cases the business would not be worth handling for less.

For the reasons I have stated I hope we shall continue to have sweeps in Western Australia. If our sweeps are stopped, our people will simply send their money to Queensland for the Golden Casket or to Tattersalls in Tasmania. I would say, as a guess, that many hundreds of pounds leave Western Australia annually for tickets in Tattersalls. I know people who have been buying Tattersalls tickets all their lives, and they will continue to buy them on the remote chance of winning a substantial prize. No amount of preaching to them about the evils of gambling will stop them from investing their money in that way. Now, if the money is available for investment—of which there can be no doubt—why should not we have the benefit of it instead of allowing it to go out of Western Australia for the support of hospitals and clinics elsewhere? Our lotteries might be stopped, but the buying of tickets would not be stopped. If people will buy lottery tickets, let them buy those tickets here, so that the profits may be used for the benefit of Western Australia.

**HON. C. G. LATHAM** (York) [10.12]: Naturally it will be necessary to pass the second reading of the Bill, but I am rather disappointed at the amendments proposed by the Minister. This is a taxing measure, although not generally regarded as such. Really it is a voluntary taxing measure.

Member: Is that why you introduced it?

**Hon. C. G. LATHAM:** Yes; definitely so. That is a candid admission. We proposed that instead of certain newspapers getting certain returns, those returns should go either to the parties risking their money or else to the people of the State. Having watched the progress of the Lotteries Commission, I have not a word to say against the management; but I consider that there is far too much advertising of the lotteries—on the picture screens, on Neon signs, in newspapers, everywhere. That is a waste of money which should go to charity. Then there is also advertisement by broadcasting.

Mr. Marshall: I do not mind decent forms of advertising, but I take exception to some of the stuff.

Hon. C. G. LATHAM: In moving the second reading the Minister said a day would be fixed for the closing of each lottery, and that if there were 100,000 tickets bought, that sweep of 100,000 tickets would close. Evidently, however, he does not intend to do that at all. He cannot possibly do it if he is going to allow the sale of tickets at every small centre. It can be done only by dealing directly with headquarters, as is the case in New South Wales. Then, immediately 100,000 tickets have been sold, a new lottery starts at No. 1 ticket. That cannot be done under the system proposed by the Minister, especially when we have to go so far afield as Wyndham. Perhaps books of our lottery tickets are also sold in the Eastern States. No matter whether one goes to Esperance or to Wyndham, the question arises how the agents there are to get the books back to Perth in time. I am convinced that the system proposed by the Minister could not be made a success.

Last year I raised the point that it was unwise for the Commission to promote 10s. sweeps. The sweep was a failure last year and has proved a failure this year. I sincerely hope the Commission will regard the failures as an indication that the public does not desire to subscribe such a large sum of money for a ticket in a sweep. I am convinced that 2s. 6d. is quite enough. I am sorry to note that a 5s. sweep is now being conducted. When one considers the amount of prize money made available in our State in comparison with the amount made available in the Eastern States, our consultations are at a great disadvantage. A 10s. sweep in Tattersalls will yield a prize of £30,000; in our State the last 10s. sweep yielded £9,000. There is a marked discrepancy.

Mr. Raphael: I would not mind the £9,000.

Hon. C. G. LATHAM: But the hon. member would prefer the £30,000.

Member: The member for Victoria Park is altruistic.

Hon. C. G. LATHAM: I have no objection to portion of the money being made available for charitable purposes. Undoubtedly, the money derived from the lotteries is being put to good use and the Commission is doing excellent work. We should look upon this legislation in the same way as we look upon other forms of taxation. We should require it to be brought before

Parliament each session for concurrence or alteration. As the Minister is anxious to close the session, I suggest as a short cut that he agree to the amendments made in the Bill by another place, and not force us to have an all-night sitting while an argument proceeds between the two Houses. The Minister would be well advised to leave the Bill in the form in which it was passed by another place, so that the legislation can be reviewed annually by Parliament. This class of Bill should be introduced early in the session. It seems to be introduced late in the hope that members, tired and weary, will pass it without comment.

I am satisfied with the management of the Lotteries Commission. We have nothing to be ashamed of; but I do not think we should encourage the lotteries. Everything should be done to reduce the cost of conducting the sweeps. As the member for Subiaco (Mrs. Cardell-Oliver) has said, the rate of commission paid to agents for selling tickets is too high. The figures that the hon. member gave are identical with those that I obtained. The cost is about 8 per cent. in Queensland, and between 14 per cent. and 15 per cent. in Western Australia. Yet the Act still provides an allowance of 25 per cent. If the Minister introduced an amendment to reduce that, it would have my support. I inform the Minister that I shall oppose every amendment he has placed on the notice paper.

The Minister for Agriculture: I have only two.

Hon. C. G. LATHAM: We ought to leave well alone. I do not know how a sweep of 100,000 tickets can be conducted in the way that has been suggested unless the head office is made the office of issue. That is what I would like. All the moneys received from the sale of tickets and not devoted to prizes could then be expended in charity, instead of a large proportion being paid to agents. Complaints have been made recently about a close preserve of certain people appointed as agents. I have been informed of deserving persons who have applied for authority to sell lottery tickets, but have been refused. It is unwise to create monopolies of this sort. I hope the cases will be investigated. I told the persons concerned to discuss the matter with the chairman of the commission. If agents are to be employed to sell tickets the number should not be limited.

**THE MINISTER FOR AGRICULTURE**

(Hon. F. J. S. Wise—Gascoyne—in reply) [10.20]: I thank members for their contributions to the debate and for the suggestions they have made. I appreciate the different points of view, and the reasons which prompted them. I have no quarrel with them at all. The Bill as submitted to the Legislative Council was based entirely on recommendations of the Lotteries Commission. The Bill was the result of the experience gained by the commission in conducting lotteries under the authority of the existing Act. The view of the Commission is that the amendments suggested in the Bill will, if the Bill is passed, materially assist the Commission to carry out its functions.

Regarding the complaints made by the member for East Perth (Mr. Hughes) and the member for Murchison (Mr. Marshall) as to the apparent or alleged partiality to certain agents and as to the weaknesses in allocating the agencies, I shall certainly pass those complaints on to the commission in the hope that they may be found to be groundless; but, if not, then with the object of protecting the people's interests and improving the present position.

The member for Murchison pointed out how easy it was to fill lotteries in the Eastern States. The reason is, of course, obvious. There are millions of subscribers to draw upon in the Eastern States; here we have what the member for Subiaco (Mrs. Cardell-Oliver) was pleased to term a poor population of limited numbers.

Mr. Marshall: The lotteries in the Eastern States are more popular than are ours.

The MINISTER FOR AGRICULTURE: Yes. They are made popular by methods seriously and strenuously objected to in this State. There is much advertising, and agents' shops almost adjoin each other. The circularising of people also is a big factor in the sale of tickets in those States. Even in this State literature is distributed from Queensland and Tasmania which almost incites people to purchase lottery tickets; if it does not incite, it certainly encourages. In the States where those sweeps are conducted, there is wholesale advertising which encourages a considerable number of sales.

Mr. Seward: It would cost our commission a considerable amount of money to advertise in country newspapers.

The MINISTER FOR AGRICULTURE: Yes. The additional cost in this State is due

to the sparsity of population. The objection raised by the Leader of the Opposition to sweeps of 100,000 tickets will no doubt be given full consideration by the commission. As I have already mentioned, the commission is recommending a workable system; the commission foresees no difficulty, but only the probability of improving the present system, if the Bill as submitted to the House is passed.

As the member for North-East Fremantle said, there is urgent need for the continuance of this measure. No matter what our views may be in regard to the collection of moneys in this way, even the member for Subiaco—with her ethical objections—would suggest that the money be diverted into worthy channels. There is no doubt that the hon. member supports that view. If we are to have lotteries, the moneys collected from them should be diverted into worthier channels, such as the support of hospitals. The amount paid to hospitals last year by the Lotteries Commission amounted to £40,000, and that sum represented the major portion of the total amount distributed. Then we have such diverse objects of charity as pedal sets for people living in the far outback, perhaps hundreds of miles from the nearest outpost of civilisation. In very many ways the Lotteries Commission has assisted objects which can be regarded as charitable. It has been the means of saving the Government money, and also of providing money which otherwise the Government would have had to find. There is no question as to the necessity for passing the legislation. Experience has shown the commission that the amendments proposed in this Bill will facilitate the working of the commission and reduce its expenses. The House would be well advised to pass the Bill as it was printed.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Short Title, Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 7:

Mr. SEWARD: This clause removes the restriction to 15 lotteries per annum. I opposed the provision when the Act was introduced. If the restriction is removed, the effect will be to increase the number of

lotteries. That is dangerous, and the House should not agree to it.

The MINISTER FOR AGRICULTURE: The reason for the proposed alteration is not to increase the number of lotteries per annum. Under the Bill, it will be necessary to close a lottery at a specific number.

Mr. Patrick: The Lotteries Commission does not run 15 lotteries per annum now.

Mr. Doney: How many does it run?

The MINISTER FOR AGRICULTURE: About thirteen. Lotteries will not be increased in a wholesale way if the amendment is passed. The commission can conduct two sweeps at a time. That provision will be necessary because as one is closing another must be opened.

Mr. STYANTS: There is not the slightest doubt that if the clause is passed, it will give the commission the right to conduct an unlimited number of lotteries. I do not propose to vote for the clause, because it does give the commission the right to run as many lotteries as it likes. It may be that the commission will decide that the number of tickets in each lottery shall be 100,000. But the commission will not be content to run 15 lotteries of 100,000 tickets each if it can conduct 12 or 13 of 135,000 tickets each. This will leave the gate open to conducting an increased number of lotteries, and I am not prepared to agree to that.

Mrs. CARDELL-OLIVER: Can the Minister guarantee that there will not be more than 15 lotteries? It would not matter, of course, if the commission were conducting two or three at a time.

The MINISTER FOR AGRICULTURE: There will not be any more tickets sold. It is desirable, however, to work in conformity with the next clause in the Bill. If it is necessary for 16 lotteries of 100,000 tickets to be conducted, while that will not mean any increase in the number of tickets sold, it will, however, mean that there will be a lottery open of a specified number of tickets of, say, 100,000 or 150,000. It cannot mean that there will be a wholesale increase in the number of lotteries, because that will be circumscribed by the capacity of the people to purchase tickets.

Hon. C. G. LATHAM: Under the existing Act, the commission has authority to conduct 15 lotteries, and we do not set down how they shall be conducted. In the

last two years we found that there were two being run at the one time. I object to making the proposed alteration; I see no necessity for it. It appears to me as if there is a possibility of three or four sweeps being conducted at the one time. The commission will have power to promote 15 lotteries, and we should leave it at that. Now we propose to tell the commission that it can have a free hand.

Clause put, and a division taken with the following result:—

Ayes	..	..	..	..	22
Noes	..	..	..	..	21

Majority for . . . 1

#### AYES.

Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Doust	Mr. Raphael
Mr. Hawke	Mr. Rodoreda
Mr. Hegney	Mr. F. C. L. Smith
Miss Holman	Mr. Tonkin
Mr. Lambert	Mr. Troy
Mr. Leahy	Mr. Willcock
Mr. Marshall	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Needham	Mr. Wilson

(Teller.)

#### NOES.

Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Ferguson	Mr. Shearn
Mr. Hill	Mr. Stubbs
Mr. Hughes	Mr. Styants
Mr. Latham	Mr. Thorn
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Warts
Mr. McLarty	Mr. Willmott
Mr. North	Mr. Doney
Mr. Patrick	

(Teller.)

#### PAIRS.

AYES.	NOES.
Mr. Fox	Mr. J. M. Smith
Mr. Collier	Mr. Keenan

Clause thus passed.

Clause 4—Amendment of Section 8.

Mr. HUGHES: I do not see how the second proviso to this clause can possibly operate, because the scheme is to have a certain number of marbles in the barrel unchecked. It will not be possible to draw the sweep if it is not fully subscribed, and thus the clause will not work in with the scheme at all. The provision in the Bill is that there shall be a certain specified number of tickets, and when they are sold the sweep shall close. How will it be possible to close the sweep with a lesser number of tickets sold? The proviso should certainly be deleted.

The MINISTER FOR AGRICULTURE: The proviso is placed there to meet any emergency that may arise. It is included in

all legislation such as this. Should any emergency arise, the proviso will permit of the drawing of a lottery in the event of a certain number of marbles having to be withdrawn from the barrel. It is not expected, however, that such a thing will ever happen.

Hon. N. Keenan: Look at subclause 5.

Mr. STYANTS: I propose to vote against the clause unless I get a more lucid explanation from the Minister. At one time I was prepared to accept the departmental assurance that certain things would be carried out. I have been disappointed on a couple of occasions, and I want something definite to prove to me that the proposal is going to work satisfactorily. Assume the commission declares that 100,000 will be the number of tickets to constitute the full consultation. How many tickets then will be issued to the various agents throughout the State? And how will the Commission in Perth know whether the 100,000 have been sold? Only half the tickets in each centre might have been sold. How will the commission know whether all the tickets have been disposed of or whether the consultation has been fully subscribed? If the commission issues a greater number than 100,000, say 135,000, and there are sold 100,000 tickets, there will be 135,000 marbles in the barrel, and many of those marbles will represent unsold tickets. The only course to follow is to do away with all the agents and adopt the system followed by Tattersall's, namely, to sell tickets only at the head office in Perth. If that is the intention, the Minister should tell the Committee. The abolition of all agencies will create a state of affairs that will be quite acceptable to me. The commission will retain the 10 per cent. that it allows the agents, and thus show a considerably greater profit, and a larger amount will be available for charities and prizes.

Mr. THORN: Do I understand that all the marbles are to be in the barrel?

The Minister for Mines: How could they be drawn out if they were not in the barrel?

Mr. THORN: I thought the marbles were inserted as the butts were received.

Mr. Styants: That is the present system.

Mr. Hughes: It is to be altered.

Mr. THORN: Then I do not think much of it. I believe the present system is the better.

Clause put and division called for.

### Remarks During Division.

Mr. Needham: On a point of order, I was on my feet with a view to moving an amendment, but gave way to the member for East Perth.

The CHAIRMAN: At any rate, the hon. member is too late now.

### Division Resumed.

Division resulted as follows:—

Ayes	..	..	..	21
Noes	..	..	..	22

Majority against .. 1

### AYES.

Mr. Coverley  
Mr. Cross  
Mr. Doust  
Mr. Hawke  
Mr. Hegney  
Miss Holman  
Mr. Lambert  
Mr. Leahy  
Mr. Millington  
Mr. Needham  
Mr. Nulsen

Mr. Panton  
Mr. Raphael  
Mr. Rodoreda  
Mr. F. C. L. Smith  
Mr. Tonkin  
Mr. Troy  
Mr. Willcock  
Mr. Wise  
Mr. Withers  
Mr. Wilson

(Teller.)

### NOES.

Mr. Boyle  
Mrs. Cardell-Oliver  
Mr. Ferguson  
Mr. Hill  
Mr. Hughes  
Mr. Latham  
Mr. Mann  
Mr. Marshall  
Mr. McDonald  
Mr. McLarty  
Mr. North

Mr. Patrick  
Mr. Sampson  
Mr. Seward  
Mr. Shearn  
Mr. Stubbs  
Mr. Styants  
Mr. Thorn  
Mr. Warner  
Mr. Watts  
Mr. Willmott  
Mr. Doney

(Teller.)

### PAIRS.

AYES.  
Mr. Fox  
Mr. Collier

NOES.  
Mr. J. M. Smith  
Mr. Keenan

Clause thus negatived.

Clauses 5 to 7—agreed to.

Clause 8—Repeal of Section 21:

The MINISTER FOR AGRICULTURE:

I move an amendment—

That in lines 3 to 5 the words "amended by deleting the words 'thirty-eight' in the second and third lines of the section and substituting the words 'thirty-nine'" be struck out and the following words inserted in lieu: "repealed. (2) Subsection (1) of this section shall operate and have effect and shall be deemed to have operated and to have had effect as from and including the thirty-first day of December one thousand nine hundred and thirty-eight, notwithstanding that this Act may not be assented to until after that date."

The object of the amendment is to make the Act permanent.

Amendment put and negatived.

Clause put and passed.

Clause 9, Title—agreed to.

Bill reported with an amendment and the report adopted.

## BILL—WAGIN WATER BOARD (RESERVE).

*Second Reading.*

Debate resumed from the 8th December.

**MR. STUBBS** (Wagin) [10.52]: Twenty years ago the reservoir that forms part of the subject matter of the Bill was designed to supply Wagin with its water requirements. At that time the local people warned the Government that the catchment was inadequate and that the reservoir would never be filled. Deputations waited upon Governments from time to time to draw attention to the serious condition regarding the town's water supply and eventually Mr. Stileman, the then Engineer-in-Chief, selected another site. The old site was two miles west of the township and the catchment consisted of a series of broken rocks. The result was that, however heavy the rainfall, the greater proportion percolated through the rocks and did not reach the reservoir. Instead of impounding 16,000,000 gallons, never more than 6,000,000 or 7,000,000 gallons of water were held in the reservoir. The Railway Department had a huge reservoir right alongside the railway line at Wagin containing water that was at the outset quite fresh, but in the course of years became so saline that boilers were eaten out in consequence of the effect of the salt. When the new reservoir was constructed east of Wagin, the capital cost of the scheme included £4,500, which represented the liability of the townspeople in respect of the dam now under discussion. The Government would not release the people from the obligation to pay what it thought was just. Over a number of years the interest in sinking fund charges have been paid by the Wagin people, although they have not drawn a gallon of water from the scheme. As soon as the new source of supply was provided, two miles of piping from the old reservoir west of Wagin were removed and two years ago the Commissioner of Railways approached the Wagin Municipal Council regarding the water supply problem of the railways. He was anxious to make use for railway purposes of the 5 000,000 gallons stored in the old reservoir. The department put down a line of pipes and entered into an agreement with the municipal council to the effect that at the end of two years, if the water continued of good quality and quantity, the Com-

missioner would ask the Government to introduce legislation to enable him to purchase the supply at a reasonable price. The Wagin Water Board and the Commissioner of Railways have agreed upon the price, and I hope the House will accept the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

*Second Reading.*

Debate resumed from the 7th December.

**MR. DONEY** (Williams - Narrogin) [11.0]: There has been a very substantial improvement in the outlook for this particular measure. In the past this has been a very contentious Bill. I suppose it would be no exaggeration to say that on occasions it has been a bitterly contentious Bill; but it need be so no more. Nor do I think we need to debate the Bill to the extent that has been customary in the past because the main bone of contention—that is the plural voting issue—no longer finds a place in the Bill—because the amendments that were suggested last year by the Opposition and were accepted are to-day a part of the Bill now before the Chamber; and also because as certain of my 1937 amendments to insert new clauses were ruled out of order by the Chairman, I shall not proceed with them on this occasion.

The scope for discussion has therefore been substantially restricted. Of course, the Minister is likely to strike some trouble with his amendment to exclude building surveyors and architects from council sub-committees. I agree that there exists a problem for which a solution must be found. I realise too, as I think every member does, that corruption in regard to this matter has certainly crept in and has to be provided for. However, we need to be particularly careful how we set about amending the position. That is a

question that can be more adequately debated in Committee. I regret that the Bill contains no provision permitting Ministers of religion to be mayors of towns or members of municipal councils. Ministers of religion still remain in the parent Act, in the company of criminals and bankrupts and people of unsound mind and so forth, as a class quite unsuited for municipal honours.

Hon. P. D. Ferguson: Do they not appreciate that?

Mr. DONEY: It is not likely that they do. A more astonishing fact is that females are included in the list of those who are prohibited from sharing those honours. I cannot understand an absurd prejudice of that kind. I cannot for a moment see why the presence of a minister of religion upon a sub-committee of any municipal council should be detrimental to the dignity or the value of the council. This is more or less a Committee measure. The ground covered by the Bill was very thoroughly ploughed last year and on this occasion all we need to do is to tickle the fallow. I warmly support the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Sleeman in the Chair; the Minister for Works in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Amendment of Section 6:

Mr. DONEY: I move an amendment—

That in the definition of "officer" the word "constable" be struck out.

When the measure was discussed last year neither the Minister nor anyone else was able to find any sound reason for the inclusion of the word "constable" in the definition. I think it is generally accepted that when used in this sense "constable" means a police constable. When a police constable is appointed to a position outside the police force he certainly is no longer a police constable. Last year it was stated that a police constable was not necessarily meant. If that is so, I suggest that the Minister find another word more suitable to express the meaning he has in mind. Much misunderstanding will thereby be prevented.

The MINISTER FOR WORKS: The word "constable" is included because the constable is one of the officers actually em-

ployed by the council. If the word were not included the officer would be denied the rights and privileges of a constable. Constables are employed to control parks and reserves and I know that the City Council proposes to employ more of them. Men are being sworn in for that purpose.

Mr. Doney: What name are they given?

The MINISTER FOR WORKS: They are called special constables; they are not police constables. They are certainly not joining the police force, but they are constables within the meaning of this Act.

Amendment put and negatived.

Clause put and passed.

Clauses 4 to 10—agreed to.

Clause 11—Amendment of Section 76:

Mr. DONEY: The municipalities are not asking for and do not want the change suggested in the clause and I shall vote against it. The matter is not particularly vital, but it can on occasions quite easily develop into a nuisance. There is a feeling in the country that it is far easier to get ratepayers to vote on Wednesday than on Saturday. There is a tendency to regard Saturday much more as a holiday than was the case a few years ago. On Saturdays ratepayers go to the seaside or into the hills or to sports gatherings and there is difficulty in rounding them up for the purposes of an election. I do not think the Minister can have had any objections from anywhere in regard to Wednesday elections. I am informed by the Country Municipalities Association that Wednesday is not suited to their needs and they do not wish any alteration to be made.

The MINISTER FOR WORKS: The alteration was sought by municipal councils.

Mr. Doney: Which municipal councils do you mean?

The MINISTER FOR WORKS: Country municipal councils. Undeniably Saturday is the recognised voting day throughout Australia and we are bringing the municipal councils into line. More councils prefer Saturday to Wednesday. I defy the hon. member to prove otherwise.

Mr. DONEY: It is hardly a question of proving otherwise. The Minister knows it is difficult for me to do so at present, but I speak the truth when I say that the municipalities do not want any change. The Minister has been unable to demonstrate

that Saturday is a better day than Wednesday.

Clause put and passed.

Clause 12—Amendment of Section 80:

Mr. McDONALD: The Act provides that in the event of an extraordinary vacancy the election must be held not less than 20 days or more than 25 days from the date when the vacancy occurred, on a day to be appointed by the Mayor; alternatively by the council in certain circumstances. The intention of the Bill is to abolish the authority now given to the mayor, whereby he nominates the date. Representations have been made to me by local governing bodies that this alteration is not desirable, and would cause inconvenience, especially if it led to the calling of a special meeting of members of the council.

The MINISTER FOR WORKS: The complaint I have had is that one mayor fixed a date and a candidate was able to get ahead of the others. The amendment to the Act has been asked for because of the possibility of one candidate hearing in advance the date fixed for the election, and thus obtaining an advantage over other people. In an election all candidates should start off together.

Mr. McDONALD: Because the election must be held on one of five days no candidate can get a flying start over another. The present arrangement is quite satisfactory.

Clause put, and a division taken with the following result:—

Ayes	..	..	..	21
Noes	..	..	..	19
				—
Majority for	..	..	..	2
				—

AYES.		
Mr. Coverley	Mr. Panton	
Mr. Cross	Mr. Raphael	
Mr. Hawke	Mr. Rodoreda	
Mr. Hegney	Mr. F. C. L. Smith	
Miss Holman	Mr. Styants	
Mr. Lambert	Mr. Tonkin	
Mr. Leahy	Mr. Willcock	
Mr. Marshall	Mr. Wise	
Mr. Millington	Mr. Withers	
Mr. Needham	Mr. Wilson	
Mr. Nulsen		(Teller.)

NOES.		
Mr. Boyle	Mr. North	
Mrs. Cardell-Oliver	Mr. Sampson	
Mr. Doust	Mr. Seward	
Mr. Ferguson	Mr. Shearn	
Mr. Hill	Mr. Thorn	
Mr. Hughes	Mr. Warner	
Mr. Latham	Mr. Watts	
Mr. Mann	Mr. Willmott	
Mr. McDonald	Mr. Doney	
Mr. McLarty		(Teller.)

AYES.	PAIRS.	NOES.
Mr. Collier		Mr. Keenan
Mr. Fox		Mr. J. M. Smith
Mr. Troy		Mr. Patrick

Clause thus passed.

Clauses 13, 14—agreed to.

Clause 15—Amendment of Section 102:

Mr. DONEY: What benefits would accrue from changing the polling hour from the existing starting time to 8 a.m.?

The MINISTER FOR WORKS: The Act provides that the election shall commence at 9 a.m. and finish at 7 p.m. The clause sets out that the polling hours shall be from 8 a.m. to 8 p.m. so that persons may vote going to or coming from their work.

Clause put and passed.

Clauses 16, 17—agreed to.

Clause 18—Amendment of Section 109:

Mr. DONEY: Will not proposed Subsection 3 necessitate an amendment to the schedule to provide for the insertion of a declaration?

The MINISTER FOR WORKS: The Bill provides that a person who for satisfactory reasons is unable to attend the polling booth on the day of election may vote in absence before the returning officer. The amendment will bring the amendment into line with the Road Districts Act, which does not allow a magistrate or Justice of the Peace to take absentee votes.

Mr. SEWARD: Proposed Subsection 11 will place an unfair restriction upon a voter who has carried out his part of the contract. Through no fault of his own his absentee vote may be lost. That being so some provision should be made whereby he can lodge a conditional vote subject to the appearance or non-appearance of the original vote.

The MINISTER FOR WORKS: When a man has elected to vote in absence and given valid reasons for so doing, how can he then attend the polling booth? Should the absentee vote not arrive at its destination, I fail to see that a man can be entitled to vote again.

Mr. SAMPSON: An absentee vote having been taken, the officer taking it should carry the responsibility of seeing that it reaches the polling booth. The door to improper practices would be opened if the vote were handed back to the person who recorded it, and the



responsibility thrown on him to see that it was delivered to the poll clerk.

Clause put and passed.

Clauses 19 to 23—agreed to.

Clause 23—Amendment of Section 156:

Mr. DONEY: I move an amendment—

That paragraph (c) be struck out.

I cannot understand what prompted the Minister to make this change. The object is to allow 14 days instead of seven days to elapse before a special meeting of ratepayers can be summoned. In the past, seven days has been sufficient, and it should be sufficient now. The Road Districts Act provides that seven days shall be allowed. A meeting is summoned to deal with perhaps an urgent matter, and if 14 days are allowed to pass, the matter might become stale, and there might not then be the same interest in it.

The MINISTER FOR WORKS: The object of the longer period is to permit of the preparation of necessary data. Very often when a special meeting is called, it is necessary for the officials to prepare data, because the mayor, or whoever may be in charge of the meeting, will require that information. This change has been sought by the municipalities.

Mr. Doney: I do not think so.

Hon. C. G. Latham: Anyway, how would they know for what purpose the meeting was being convened?

Mr. DONEY: I still do not see any reason for the change. After all, a municipality can in seven days prepare the matter that may be required at the meeting. I cannot understand the Minister having been approached to include such an amendment. I have been in touch with the municipal bodies, and my instructions are entirely different.

Amendment put and negatived.

Clause put and passed.

Clause 24—agreed to.

Clause 25—Amendment of Section 161:

Mr. WATTS: I am wondering whether the Minister will object to making Section 161 of the principal Act similar to Section 134 of the Road Districts Act. The Minister proposes to amend the section in the Municipal Corporations Act by including the mayor in that part of the Act which provides that a councillor shall not vote on a matter in which he has a pecuniary interest. The Road Districts Act goes a little further.

It provides that no member shall vote upon or take part in the discussion on any matter in which he has directly or indirectly, by himself or his partner, any interest. That seems to have worked extremely well. I move an amendment—

That in line 5 of Section 161 of the principal Act after the word "partner" the words "or in which any person of whom he is an employee has" be added.

The section will then read, "No councillor shall vote or take part in the discussion . . upon any matter in which such councillor has directly or indirectly by himself or his partner, or in which any person of whom he is an employee has any pecuniary interest."

The MINISTER FOR WORKS: There has been no request for such tightening up, and I should like to know where the demand has come from. I do not like to accept the amendment without a closer investigation of it. I consider that the amendment in the Bill should be adequate to meet all cases.

Mr. SHEARN: The Minister has touched on an important point, which the member for Katanning may not have taken into account. On the information available the Committee is not justified in making the clause of an inquisitorial character.

Amendment put and negatived.

Clause put and passed.

Clause 26—Amendment of Section 168:

Mr. NEEDHAM: I move an amendment—

That all the words of the clause after the word "councillors," in line 8, be struck out.

The three paragraphs included in my amendment disqualify practising architects, practising surveyors, and practising contractors from being appointed to any committee for the purpose of dealing with plans and specifications of buildings which are submitted to councils for approval. I do not like that. I do not know whether the provision is the result of a recent inquiry by an honorary Royal Commission into the civic administration of the City of Perth. In the Royal Commissioner's report there was mention of a professional man being interested in the construction of a building in the city, but the report vindicated that gentleman. Professional men should not be penalised as proposed, nor should municipal councils be deprived of the benefit of their advice. A professional man's own common sense would

prevent him from sitting on a committee before which matters came in which he was closely interested.

**THE MINISTER FOR WORKS:** A Royal Commission was appointed contrary to the wish of the Government. If there is one matter to which that Royal Commission drew pointed attention in its report, it is the matter referred to in this clause, which, however, does not represent a recommendation of the commission. The report states what actually occurred, and the commission concludes by saying—

Your Commissioners consider there is no evidence that in accepting his appointment as consulting architect the councillor was actuated by any improper motive.

However, the whole history shows what can be done. The fact that the Commission has made no recommendation does not relieve the Government of its responsibility. This Committee now has to decide whether the principle involved is right or wrong. The Commission's report shows that an architect did acquire an undue advantage over other architects. It shows that the architect in question had knowledge of plans concerning which no other architect had information. He got that information by virtue of being a member of the Perth City Council and a member of an inner committee, the building committee. The Commission absolved the councillor of all blame. In voting against the clause members will be saying that the practice referred to is right, and is fair to all outside architects, surveyors, and contractors. The provision relieves municipal councillors of some responsibility. No question of individuals arises in connection with the matter. In smaller municipalities there might be only two architects or building surveyors or contractors. Is one to have an advantage over the other? I am not going to do any special pleading; I leave the matter at that.

*12 o'clock Midnight.*

**MR. DONEY:** The trouble sought to be cured is confined to the metropolitan area, and therefore the operation of the clause might be restricted to that area. The method outlined is not a satisfactory means of overcoming the difficulty. It will play havoc with the work of smaller councils in the country. There is almost bound to be unconscious bias towards a man's own private in-

terests. In any case, the Minister is not entitled to penalise country municipalities, which get a great deal of assistance from architects, surveyors, and builders who are members of councils. The Perth City Council and other large municipalities would be able to pay for this expert advice. I hope the amendment will be accepted by the Committee.

**MR. WATTS:** The Minister is anxious to protect the committees of municipal councils from practising architects, surveyors and building contractors who apparently, if the evidence given before the Royal Commission counts for anything, are likely to use their position on the council for their own benefit. Yet five minutes ago the Minister said he was prepared to allow employees of those gentlemen to be appointed to those committees and to do as they thought fit in matters in which they had a pecuniary interest, through their employers. Thus all that these professional gentlemen would need to do would be to get their employees on the council, and those employees would be exempt from any penalty under Section 61 of the Act. The man who gave evidence before the Royal Commission had nothing to do with the matter inquired into at the time he joined the committee of the council. Trouble arose when he obtained employment in connection with the building in question. After that, I am not clear whether he left the committee or not, but if he did not, he committed an offence against Section 161. I can see no reason why the clause should remain in the Bill.

**MR. HUGHES:** Whoever is responsible for suggesting the inclusion of this provision in the Bill, it certainly was not the Royal Commission that recently inquired into civic administration. That Royal Commission neither expressly nor by implication made any recommendation that certain people should be excluded from the committees of a council. The Minister cannot point to any such evidence. The clause is not carrying out a suggestion of the Royal Commission; it is carrying out the suggestion of a witness who appeared before the Royal Commission, but whom the Royal Commission did not believe. Therefore, the clause is not inserted in the Bill as the result of a recommendation or finding of the Royal Commission. It represents the view of a witness whose testimony the Royal Commission would not accept; and the Minister

himself must accept the responsibility for adopting that witness's viewpoint in contradistinction to that of the Royal Commission. As one of the Royal Commissioners concerned, I shall vote against the clause.

Hon. N. KEENAN: It seems to me to be illogical to include this provision in the Bill. If the parties whom it is proposed to exclude are not interested, their services would be highly valuable to the committee. Obviously, if an architect is not interested, he would be a very valuable member of the committee, and so would be a building surveyor. If they had any interest in the subject matter being dealt with by the committee, and continued to act on the committee, then they would be liable to severe penalties. I support the amendment moved by the member for Perth.

Mr. WITHERS: Like the member for Williams-Narrogin, I appreciate the value of the services of lawyers, architects and other professional men to municipalities. In Bunbury, we have not the same number of committees as has the Perth City Council. We have a finance committee, a works committee, an electric light committee and a water board committee. Those committees can be formed only from the nine members of the council. Therefore, all councillors could become members of one or other of the committees. Section 161 provides a sufficient safeguard, and I shall accordingly vote for the amendment.

Mr. NEEDHAM: The Minister has not advanced any sound reason against my amendment. He has failed to prove to the Committee that the provision was inserted in the Bill as a result of a recommendation by the Royal Commission. A professional man who was interested in a matter being dealt with by a committee would not continue to act on the committee; his honour would preclude him from taking part in the deliberations of the committee. My main objections are, firstly, that this conveys a reflection on the professional men of the State. The suggestion is that as architects, surveyors or builders, they cannot be trusted to act as members of a municipal council, or to take part in the deliberations of such bodies without deriving some benefit to their own advantage. I do not like that suggestion. In the second place, this provision will deprive local governing authorities of the valuable assistance to be obtained from the services of professional men.

The MINISTER FOR WORKS: I did not say that the Royal Commission recommended this particular provision. The member for Perth said I did not prove the Commission had made such a recommendation; on the contrary I said that the Commission had not recommended it. As to Mr. Davidson's evidence, the report shows that the Commission found—

The allegations made by Mr. D. L. Davidson, the Town Planning Commissioner, in respect to the association of Cr. Boas with London Court appear to have been made on insufficient grounds.

The Commission also reported—

Mr. Davidson was unable to produce evidence to substantiate the charges he made. He appears from motives of ill-will towards Cr. Boas to have accepted and acted upon this information without verifying its accuracy or the willingness of the persons concerned to substantiate it.

I think that disposes of the position so far as Mr. Davidson is concerned. Now we have the Commission again—

At a meeting of the special sub-committee of the City Council held on the 19th June, 1936, it was decided to defer consideration of the preliminary plans of London Court until the arrival of the Melbourne designer, Mr. Bernard Evans. Crs. A. Raphael and H. Boas were both present at this special sub-committee meeting.

Is that what the members of the Royal Commission say? Is that the evidence the member for Perth says Mr. Davidson submitted? For my part, I claim that is what the Commission reports as the facts. I am not aware of what information was not accepted by the commissioners. On the other hand, I claim that the Royal Commission supplied the Government with information regarding what happened. The Commission must have had evidence from someone—not from Mr. Davidson, because his evidence is discredited. Obviously the Royal Commission furnished that information based on facts disclosed during the course of evidence. Then the Commission reported—

The following day Cr. A. Raphael had a discussion with Mr. Faye concerning the plans of London Court and suggested the advisability of a local architect being appointed to consult or co-operate with the architect from the Eastern States, and recommended the services of Cr. Boas to Mr. Faye.

That is not Mr. Davidson's evidence. That is the statement of fact outlined by the members of the Royal Commission, and the Government is asked to consider that report and

act upon it. The Royal Commission has not asked the Government to act on that particular point, but members will see the futility of suggesting that the Government had nothing to go on. The Government could not afford to ignore such a report.

Mr. Needham: Does that relate to all professional men?

The MINISTER FOR WORKS: I am quoting from the report of the Royal Commission, the members of which regard these as the salient facts, not the statements of some discredited witness. The member for Perth need not try to sidestep the issue. He must face the facts now, and I will see that he does so. The Royal Commission continued—

Had Cr. Raphael limited his discussion with Mr. Faye to the suggestion that a local architect should be appointed, it may not have been open to very grave objection, apart from being an undesirable disclosure of the business transacted at a committee meeting of the council, but your Commissioners feel that in notifying Mr. Faye that the members of the special sub-committee appointed to deal with the plans could not pass them in their then shape and in definitely suggesting as consulting architect Cr. Boas, a fellow member of the special sub-committee appointed to deal with the plans, he acted in a very indiscreet manner. If any misunderstandings have arisen from his conduct he has no one to blame but himself.

The member for Perth says the Government should not take any notice of such a report. Then why should the Royal Commission submit such a report?

Mr. Hughes: But you are not excluding the Cr. Raphael referred to.

The Premier: He can look after himself.

The MINISTER FOR WORKS: In this case the architect is the principal; I am not worrying about his labourer. Then we have the following:—

Mr. Faye accepted the suggestion that the appointment of Cr. Boas as consulting architect would facilitate the passage of the plans of London Court through the City Council; he, therefore, recommended to his principal in London that Mr. Boas should be appointed, and this recommendation was adopted.

Would the Commission report to that effect on the statement of some discredited witness? The Commission goes further—

This recommendation was submitted to his principal in London in the following cablegram:—

The Royal Commission sighted that cablegram.

Hon. C. G. Latham: And we have all read it.

The MINISTER FOR WORKS: It is simply useless saying that I have referred to a discredited witness. I am not taking notice of anything except what the Royal Commission vouched for. That is why the amendment appears in the Bill. If I reviewed the Royal Commission's report in respect of this matter, I should say their only recommendation was that the City Health Inspector should be speeded up. That seems to be the sum total of their recommendations.

Mr. Raphael: You seem to think that the Royal Commission should have been speeded up.

The MINISTER FOR WORKS: Yes. This report seems to me to be the strongest evidence one could get for refusing pettifogging requests for Royal Commissions in future.

Hon. C. G. Latham: Why did you not back me up?

The MINISTER FOR WORKS: But you backed up the member for Victoria Park.

The CHAIRMAN: Order!

The MINISTER FOR WORKS: Next we find the Royal Commission reporting as follows:—

Whatever may have been the inferences drawn by Mr. Faye from his conversation with Cr. A. Raphael and by Mr. de Bernales from the cablegram concerning, or their expectations from, the appointment of Cr. Boas as consulting architect for London Court building, there was no occasion for Cr. Boas to exert any influence to secure the approval of the plans, since there was not at any time any substantial objection raised to these plans by the Perth City Council and your Commissioners consider there is no evidence that in accepting his appointment as consulting architect, Cr. Boas was actuated by any improper motive.

The Royal Commission made recommendations on the evidence, and it may be quite correct that on this particular point no direct recommendation was made. The responsibility for taking action was left to the Government, and this is the action the Government has taken. It has not been taken on discredited evidence or evidence that was disbelieved by the Commission. I respect what the Royal Commission has said, and the amendment is based on the evidence the Commission adduced and on its report. Surely, if there is any meaning in words at all, the Commission drew attention to something that was wrong in

principle. The Commission said it did not think the councillor was actuated by improper motives. I am not suggesting that he was. I simply say that in such circumstances the man on the committee has an advantage over all practising competitors, whether he be an architect, a building contractor or a building surveyor. The Royal Commission would not make statements in a report that could not be substantiated. If it did so, such statements would be highly libellous.

Hon. C. G. Latham: You know that the Commission would not be subject to a libel action.

The MINISTER FOR WORKS: I cannot think that the Commission would have made any statements that were not in accordance with facts.

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

Ayes	..	..	21
Noes	..	..	20

Majority for .. .. 1

AYES.	
Mr. Boyle	Mr. Patrick
Mrs. Cardell-Oliver	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Hill	Mr. Shearn
Mr. Hughes	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. Mana	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Withers
Mr. Needham	Mr. Doney
Mr. North	

(Teller.)

NOES.	
Mr. Coverley	Mr. Pantou
Mr. Cross	Mr. Raphael
Mr. Doust	Mr. Redoreda
Mr. Hawke	Mr. F. O. L. Smith
Mr. Hegney	Mr. Styants
Mr. Lambert	Mr. Tonkin
Mr. Leahy	Mr. Troy
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Nulsen	Mr. Wilson

(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Clause 27—New section:

Mr. DONEY: Mr. Chairman—

Mr. Marshall: Shoot him.

Mr. DONEY: I shall have to appeal to you, Mr. Chairman, for a little protection against the stupidities of my friend opposite.

The CHAIRMAN: Order!

Mr. DONEY: There are occasions when the hon. member has held up the Chamber hour after hour.

The CHAIRMAN: Order! We are not discussing the hon. member.

Mr. DONEY: I know we are not. I move an amendment—

That in lines 1 and 2 of proposed new Section 178a the words "with the approval of the Minister" be struck out.

Mr. Hegney: You cannot do that after midnight.

Mr. DONEY: The Minister may say he introduced this at the request of the municipalities, but the municipalities strongly object to it. The amounts involved are relatively small. To submit to the Minister for approval matters of that kind would be an annoyance not only to the council but to the Minister also. Last year the Minister said this matter was purely formal and was insisted upon in order that the position might be brought into line with that obtaining under the Road Districts Act. That reason is not at all impressive. I think it will be realised that the common sense of mayors and councillors, and for that matter of auditors and ratepayers, would all be obstacles to loose spending.

The MINISTER FOR WORKS: The councils have asked for this and for more than this. I limited the number of delegates to one and safeguarded the position by inserting the words the member desires to have omitted. Only on that condition does the clause appear in the Bill. If the condition is not approved by councillors, it will be approved by ratepayers.

Amendment put and negatived.

Clause put and passed.

Clause 28—Amendment of Section 179:

Mr. McDONALD: Paragraph (f) contains a definition of "hawker" That definition follows the measure introduced by the member for Murchison. For the purpose of clarifying the position, I move an amendment—

That the words "situated within the State" be added to paragraph (f).

There might be some doubt as to whether "place of business" meant a place of business within the municipal district, or a place of business anywhere in the State. I think the member for Murchison intended "anywhere in the State." A person soliciting orders for goods in Perth would not be a hawker if the person owning the goods had a shop in Perth, but if the person soliciting orders went over the boundary of the Perth municipality into Subiaco soliciting orders

for the same goods he would be a hawker. If it is not desirable or necessary to make him a hawker when seeking orders within the municipality in which the shop is situated, it is not either desirable or necessary to make him a hawker when he goes outside the boundaries of that municipality.

Mr. Marshall: The amendment will make the provision useless.

The MINISTER FOR WORKS: I am rather surprised at such an amendment coming from the member for West Perth. This is a clause empowering municipalities to make by-laws. Is it suggested that a municipality should be empowered to make by-laws applying to the whole State?

Mr. RAPHAEL: I support the amendment. In my electorate there are several small businesses the proprietors of which go into country districts and sell articles which are value for the money received. Go-getters from the Eastern States have recently taken loads of very inferior goods into the country and sold them there. Any person hawking, but having a place of business, is a legitimate storekeeper; and there should be no restriction on him. Under the proposal of the clause a Victoria Park baker, say, would be prevented from going into any other municipality.

Mr. STYANTS: I regard the amendment as necessary. The clause is not for the purpose suggested by the Minister. If we pass the clause as printed, the interpretation might be that a person who had large business premises at Northam would be regarded as a hawker in the municipality of York, should he go there. That is not the intention of the measure. The intention is to prevent persons who have no business premises within any town or any portion of the State from hawking goods. Such persons pay no rates, nor do they pay award wages to their employees, who work on commission. They are not much good to any section of the community. A grave danger attaches to the clause if passed as printed. I support the addition of the words "situated within the State."

The MINISTER FOR WORKS: We are dealing with the definition of "hawker."

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

Clauses 29 to 31—agreed to.

Clause 32—Amendment of Section 311, repeal and new section:

Mr. SEWARD: The clause gives the local authority too much power.

Mr. Raphael: Many buildings are erected without a permit.

Mr. SEWARD: Once the council has approved the plans and specifications of a building, it is unfair that it should have power to alter the plans and specifications or to direct that the building be pulled down if it is partly or wholly erected.

The MINISTER FOR WORKS: This amendment has been specially asked for by the municipalities. The Perth City Council and other municipalities say they are crippled unless they have this power. The council must have power to notify the owner of a building of defects in the building. The amendment was also suggested by the Royal Commission on civic administration.

Clause put and passed.

Clauses 33 to 40—agreed to.

Clause 41—Amendment of Section 388:

Mr. McDONALD: I thought that perhaps some objection would be raised to the preceding clause, because it involves the principle that an occupier should not be liable for rates.

Members: He should not be.

Mr. McDONALD: Ever since this Act has been in force, the occupier has been liable for rates not paid by the owner. The owner is the person who should pay the rates, but sometimes the occupier is obliged to do so. The owner may be absent from the State and the rental of his property may be remitted to him by his agent.

Mr. Cross: Why not make the agent responsible? Why penalise the tenant?

Mr. McDONALD: He is not penalised.

Mr. Cross: Of course he is.

Mr. McDONALD: The tenants pay the rates to the local authority and deduct the amount so paid from the rent.

Mr. Marshall: How does the tenant get on with his contract with the landlord?

Mr. McDONALD: The Act provides that payment of rates is equivalent to payment of rent.

Mr. Marshall: How would a tenant stand if a landlord proceeded against him?

Mr. McDONALD: The Act provides that if the tenant produces a receipt from the municipality for the amount he has paid in

rates, that is equivalent to payment of the same amount of rent.

Mr. Cross: The tenant becomes the debt collector for the municipality.

Mr. McDONALD: In the interests of ratepayers as well as owners the services of a municipality should be carried on. The cost of suing an absentee owner for rates is generally speaking out of all proportion to the amount involved, and it has therefore been provided that the tenant shall pay the rates but deduct the amount from his rent. Seldom does it happen that the local authority is compelled to recover rates from the occupier, but the convenience of being able to do so is of economic value.

Mr. RAPHAEL: The occupier has been made the debt collector for the municipality. Many people have told me that the bailiff has seized their furniture because the rates have been due, and has informed them that they will be sold up if the money is not paid.

Mr. Watts: That can no longer be done.

Mr. RAPHAEL: The fear still exists that it will be done. A municipality should have no right to seize goods belonging to the occupier on the ground that the landlord has neglected to pay the rates.

Mr. CROSS: Under the Local Courts Act furniture up to a certain value is protected, but a municipality can still distrain against the tenant for rates due. It is unjust that that should be so. I know of one property on which £75 was due for rates, and the tenant was hard pressed for the money. The landlord was quite able to pay but neglected to do so. I understand the City Council has issued 3,000 distress notices, but that several wealthy people who owe considerable sums have been overlooked. Rather than that municipalities should be allowed to distrain for rates, as they could do if this clause were not passed, I would be prepared to vote against the third reading of the measure. Only the City Council issues distress warrants for rates due.

Mr. McDONALD: I agree with the member for Canning that distress for rates should not be applied against an occupier. We could well abolish that practice, but this particular provision will not affect that matter.

Clause put and passed.

Clauses 42 to 46—agreed to.

Clause 47—Repeal of Section 411:

Mr. McDONALD: What does the clause mean? Section 411 provides that if a man does not pay his rates, interest at the rate of 5 per cent. may be charged on the outstanding amount. In actual practice, interest cannot be levied until two years after the rates first become due. If we abolish the power reposed in a council to charge interest on unpaid rates, a person could leave his rates unpaid for five years.

The Premier: He would run the risk of being put to expense through being sued for the outstanding rates.

Mr. McDONALD: That is so, but frequently these people leave the State, or cannot be found. Land in respect of which rates are unpaid for five years can be sold, but no interest can be charged. If we repeal Section 411, the tendency would be to leave rates unpaid as long as possible because interest would be saved and that would be to the disadvantage of the ratepayer who met his liability promptly.

The MINISTER FOR WORKS: The contention with regard to these matters is that local authorities have ample security. They can exercise their rights. The principle of charging interest on rates is wrong.

Clause put and passed.

Clauses 48 to 59, Title—agreed to.

Bill reported with amendments, and the report adopted.

## BILLS (2)—RETURNED.

1. State Transport Co-Ordination Act Amendment.

With amendments.

2. Wagin Water Board (Reserve).

Without amendment.

*House adjourned at 1.8 a.m. (Wednesday).*