

Legislative Council

Tuesday, 27th November, 1951.

CONTENTS.

	Page
Assent to Bill	983
Questions : Medical services, (a) as to doctors, local shortage and Eastern States surplus	983
(b) as to doctor for Big Bell	983
Bills : Acts Amendment (Superannuation and Pensions), 3r., passed	983
Nurses Registration Act Amendment, 3r., passed	983
Building Operations and Building Ma- terials Control Act Amendment and Continuance, report	983
Constitution Acts Amendment, 2r.	983
State Housing Act Amendment, 2r.	990
Trustees Act Amendment, 2r., Com.	992
Prices Control Act Amendment (No. 2), 2r. Com., point of order	993
Coal Mining Industry Long Service Leave Act Amendment, 2r., Com., report	995

to encouraging some of these doctors to come to Western Australia to act as locum tenens, and/or to fill the places of doctors who have left various country towns?

The MINISTER replied:

(1) (a) and (b) No, but broadly these are the facts.

(c) The shortage of hospitals referred to is for the training of graduates in the practical application of their theoretical education.

(2) These young men need one or two years' work in hospitals under supervision before undertaking public practice especially in isolated places. The Western Australian Government has arranged to employ 50 per cent. more of these graduates than usual as a contribution to the solution of the problem of training these young men.

(b) As to Doctor for Big Bell.

Hon. W. R. HALL asked the Minister for Transport:

Can he inform the House whether any progress has been made with regard to the appointment of a medical practitioner for Big Bell, where the miners and general public are alarmed at being left so long without medical attention?

The MINISTER replied:

At Big Bell the doctor has a private practice; he is not a Government appointee. However, the Minister has asked the Dean of the Faculty of Medicine of the University of Melbourne if he would recommend any of the new graduates, or other more experienced doctor for Big Bell.

BILLS (2)—THIRD READING.

- 1, Acts Amendment (Superannuation and Pensions).
- 2, Nurses Registration Act Amendment. *Passed.*

BILL—BUILDING OPERATIONS AND BUILDING MATERIALS CONTROL ACT AMENDMENT AND CONTINUANCE.

Report of Committee adopted.

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading.

Debate resumed from the 22nd November.

HON. R. J. BOYLEN (South-East) [4.49]: I support the Bill, which seems to be more or less of an annual one. I have supported similar measures in the past. The Bill is based on democratic principles,

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

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Country Towns Sewerage Act Amendment Bill.

QUESTIONS.

MEDICAL SERVICES.

(a) As to Doctors, Local Shortage and Eastern States Surplus.

Hon. W. R. HALL asked the Minister for Transport:

(1) Has his attention been drawn to the Press statement appearing in the "Kalgoorlie Miner" of the 20th November, 1951, and attributed to the Melbourne State President of the B.M.A., Dr. R. Watson, to the effect—

(a) that 30 newly-graduated doctors could not get work in the profession and that another 20 men would become unemployed after the supplementary examinations in a fortnight's time;

(b) that some of these doctors have already said that they would go to New Zealand or Canada if their luck did not change;

(c) that Dr. Watson and Sir Victor Hurley said that, "the surplus of doctors was due to the grave shortage of hospitals?"

(2) In view of the serious shortage of doctors in this State, will the Government give consideration to taking the matter up with the B.M.A. with a view

and I feel certain that members will give it full consideration on this occasion. I agree with the deletion of the word "sterling" as suggested in the Bill, because our dealings are conducted on the basis of Australian currency. If we are to have a democratic franchise for this House, we must have one on similar lines to that adopted in the election of members to both Houses of the Commonwealth Parliament. I do not refer to the method of election or the type of voting, whether preferential or proportional representation, but rather to the type of franchise for those elections where every person over the age of 21 years is placed on the roll and consequently has a vote at election times.

If my memory serves me correctly, during the election campaign in 1950 for the State Parliament, promises were made on the hustings that the franchise for the Legislative Council would be given consideration and an endeavour made to liberalise the restrictions. Those promises were made not only by members seeking election or re-election to another place but also by members of this Chamber who appeared on the hustings in support of those candidates. The Government did make a half-hearted attempt to carry out those promises, and as far as another place was concerned the Bill met with reasonable consideration, but on arrival in this Chamber it was first mutilated and eventually, through the action of one member of this House, defeated altogether. Adult franchise for this House, if we are to be democratic, is equally as important as it is for the Legislative Assembly.

On frequent occasions we have heard remarks passed that the Legislative Council is a House of review, but after the manner in which legislation has been received in this Chamber I am afraid that we are neither fooling ourselves nor the electors of another Chamber who should, in my opinion, be electors of members of this Chamber. Many years ago the franchise for the Legislative Assembly was not as democratic as it is today, but over a period of years it became an entire franchise as well as a compulsory one.

In other words, all those who are placed on the roll for another place must vote at Legislative Assembly elections. One of the sound reasons advanced for making voting at elections for that Chamber compulsory was that people were apathetic; they were not interested in electing their members of Parliament but were quite happy to criticise them on occasions. With compulsory voting, people have only themselves to blame for the members whom they elect to represent them. Also, compulsory voting makes people take more interest in the arguments put forward by various candidates and the same thing should apply to elections of members to the Legislative Council.

The very fact that legislation is initiated in this House, as well as in the Legislative Assembly, proves that this Chamber is not a House of review in the real sense of the word. I cannot think of any argument that could be advanced against a complete franchise for this House. I am inclined to think that not many members will speak to this measure although they will all vote upon it; if they did speak, they would not be able to advance sound reasons for defeating the Bill but could merely advance excuses as to why we should not have full franchise. The reasons advanced would merely be personal ones and I am certain that no sound arguments could be put forward which would go down with the public of Western Australia.

The argument put up is that those who have the greatest financial interests in this country have the greatest stake in it and that those people should be the ones entitled to vote at the election of members to this Chamber. The people who are personally interested in this country, and those who have the greatest stake in it, are those with large families. A family comprising four or five sons or daughters, whose ages are over 21 years and who have votes for the Legislative Assembly, should have the same rights at the election of members to this Chamber. People in that category have a larger stake in this country and have as much or probably more right than those who are now placed on the rolls for the Legislative Council.

We have seen the manner in which legislation has been dealt with in this Chamber, particularly during the past session, and I consider that latterly more attention has been drawn to the Legislative Council than probably during the previous 50 years. Consequently, if a matter of this nature were left to the electors of Western Australia to decide instead of to the 30 members of this House, we would have not only a complete franchise for people over 21 years of age but we would also have an opportunity to elect members to this House as long as they were over the age of 21 years. That provision applies to elections for other Parliaments in Australia and to the Legislative Assembly of this State. I ask members to give this Bill every consideration and to vote for it on this occasion. I support the second reading.

HON. G. FRASER (West) [4.45]: I was waiting for some other members who are opposed to this Bill to get up and give some reasons for their attitude.

Hon. L. A. Logan: I was about to get up but you beat me to it.

Hon. G. FRASER: I can easily sit down and make way for the hon. member.

Hon. H. Hearn: But you do not want to.

Hon. G. FRASER: There is no gain-saying the fact that this is an important Bill.

Hon. E. M. Heenan: It is being treated as if it were a joke.

Hon. H. Hearn: By whom?

Hon. G. FRASER: That is why I intend to have a few words to say about it. Any measure which deals with the franchise of the people of this country, as this Bill sets out to do, is important. Ever since I have been in politics, and long before that time, I have heard people say that it was time the Legislative Council franchise was liberalised. During my term in Parliament many attempts have been made, by all parties, to extend the franchise, and after all it is only right that people should have more say in the government of the State and the election of members to this Chamber.

Hon. R. M. Forrest: Would you make voting compulsory?

Hon. G. FRASER: Under the present qualifications we cannot even make voting compulsory at elections of members to this Chamber. I would agree with the hon. member if he would pair up with me in an attempt to alter the qualification or to see that compulsory voting and enrolment for this House became accomplished facts. However, knowing the hon. member as I do, I think I can expect very little co-operation from him on that score. This is a genuine attempt to improve the franchise and in my opinion is entirely justified. We often hear of Governments introducing legislation into a Chamber and because they have mentioned that fact on the hustings, they say "We have a mandate from the people to do this." That not only applies to Labour Governments but to other Governments as well. The present Government has a mandate from the people so far as the franchise of the Legislative Council is concerned.

Hon. E. M. Heenan: It made promises.

Hon. G. FRASER: Exactly. Members of this Government made promises on the hustings on the last two occasions.

Hon. R. M. Forrest: It is doing its best.

Hon. G. FRASER: And the Government's own supporters join in defeating those attempts. Many of the Government supporters who are opposing this measure appeared on the platforms with Government candidates, thus leading the people to believe that they were behind those candidates in their efforts to liberalise the franchise. Actually those members will have put a confidence trick over the people of this State if they vote against this measure, because they led the people to believe that they were in agreement with the policy enunciated by those candidates.

When speaking in favour of those candidates, Government supporters in this House did not say that they did not believe in this phase of the policy. They let the public assume that they were in favour of it. Now we find that they come

along here, when the opportunity is being given to put into actual practice the promises made, and are quite ready to defeat any measure which attempts to carry out those promises.

The Minister for Agriculture: Do you believe in the abolition of this House?

Hon. G. FRASER: That is not the subject with which this Bill deals.

Hon. H. Hearn: It is a leading question though.

Hon. G. FRASER: When we have a measure dealing with that subject, I will explain my attitude to the Minister then. We have to deal with the hurdle we have in front of us now. Some would say, "How do you know what they are going to do?"

Hon. H. Hearn: You are betting on it.

Hon. G. FRASER: I do not know, but I am a true Australian and I will gamble on what they are going to do. I am sure I will not be far wrong. This measure has been received almost in silence.

Hon. L. Craig: Silence means consent!

Hon. G. FRASER: As a matter of fact, only three members of a party elected to power with a mandate to liberalise the franchise of this Chamber, have spoken on this measure. There are another 18 or 19 members who have not opened their mouths regarding it.

Hon. E. M. Heenan: They have no case to put up.

Hon. G. FRASER: If they are going to vote against it, they should at least give reasons why they intend doing so. From Mr. Henning's remarks, it would seem that his only objection is that the wife of the farmer is not going to get a vote. Well, I say, why not? Would not he be a householder.

Hon. C. H. Henning: Mr. Gray objected; he said so.

Hon. G. FRASER: Even if the farmer is a leaseholder, the hon. member has the option in Committee of amending this measure to include leaseholders and I will support him in that, because I want the wives of farmers to have a vote the same as anyone else's wife. If that is the hon. member's only objection, it is a very poor one. Mr. Craig referred to the Council as a property Chamber; this Bill will not alter the property qualifications. There are only three vital points in the Bill: The first is to reduce the age of membership of the Legislative Council from 30 to 21 years; the second is to give the wife of a householder a vote, and the third deals with what is generally referred to as the plural voting section of the Act. As for the first point, I am not afraid to permit a man between the ages of 21 and 30 years to become a member of this Chamber; I am not afraid

of him opposing me either. I am a true democrat and I am not afraid of it. Mr. Baxter had great objections to a person of the age of 21 years having the right to sit in this Chamber. Is the hon. member afraid that some youth of the age of 21 or 22 will defeat him?

Hon. N. E. Baxter: I gave my reasons for that.

Hon. G. FRASER: They were so poor that I have forgotten what they were. I cannot see why an age barrier should be preserved. What difference is there between a man of 30 years and a man of 21 years of age?

Hon. R. M. Forrest: The former is a bit more solid.

Hon. G. FRASER: If he is solid enough to vote for this Chamber, he should be solid enough to take his place here if the people elect him.

Hon. R. M. Forrest: Do you think he would have great experience?

Hon. G. FRASER: That is for the people to judge; it is not our right to decide, but the right of the people. If they are agreeable to sending here a man who is 21 years of age, then that is all right. Why should we sit in judgment on their actions? It is only because of their actions that I and other members are here. I cannot see any valid objection to a person who is entitled to vote not having the right to take his seat in this Chamber. But we say it is all right for a person of 21 years to have a vote, although at that age he should not be permitted to come here as a member. The people should have the choice in this matter, not us. I have not heard of one objection to cause me to vote against the Bill because of the fact that it is proposed to reduce the qualifying age for membership to 21 years.

In so far as plural voting is concerned, I have always been in opposition to that. I cannot for the life of me see why, if I owned a sand patch in Broome, I should have the right to say who should be the representative of that area, any more than I can see why a man living in Broome who owned a sand patch in Fremantle should say who should be the representative for my area. Why should a man because he owns a £50 sand patch have the right to decide who should be the representative of another area? I cannot understand the argument in favour of giving a person more than one vote; everyone should be on an equal footing. If anybody moves in Committee to extend the franchise to the wife of a freeholder or a leaseholder, I will have no objection and will support him in that direction.

Hon. E. M. Heenan: So will I.

Hon. G. FRASER: In most cases the wife of a freeholder would already have a vote because the husband would be a householder in the electorate in which she lived.

The Minister for Agriculture: Only if the property is in her name.

Hon. G. FRASER: I am saying that the wife of a freeholder in another province would possibly be the wife of a householder in the province in which she lives. We know there are men living in hotels and lodging houses who would not qualify in their own electorate as householders, but in another province if that alteration were made the wife of that person would have a vote.

Hon. Sir Charles Latham: But they would be freeholders first.

Hon. G. FRASER: I do not care what they are; I am prepared to extend the franchise to the wife of a freeholder or a leaseholder. In most cases that wife would already have a vote because her husband would be a householder in the province in which she resides. The women-folk in our State play a great and important part and they should be given as much right from the point of view of voting as are the men. I had some figures but unfortunately I have mislaid them, which show that on the electoral list for the Legislative Assembly there are slightly more females than there are males.

Hon. Sir Charles Latham: You have got your figures wrong because there are 24,000 more males than females in Western Australia.

Hon. G. FRASER: I am talking about the electoral figures and if the hon. member checks them, he will find that there are 30 or 40 more females. I see the hon. member has the Year Book in front of him, but if he checks the figures in the possession of the Electoral Department, he will find there are something under 100 females more than there are males on the electoral list. I had these figures only last week and I could have given them to the hon. member, but unfortunately I have mislaid them.

A different picture can be seen if one looks at the enrolments of males and females for the Legislative Council and though I forget the proportion, I think there are two or three times more males than there are females. Can anybody put up a logical argument to show why the wife should not be entitled to a vote when the husband is entitled to one? Do not we owe a great deal to the wives and mothers of this State? The householder in most cases merely finds the money, but it is the wife who runs the home.

The Minister for Agriculture: Do you think many women want the right to vote?

Hon. G. FRASER: I think quite a large number want it.

The Minister for Agriculture: I do not.

Hon. G. FRASER: That is the hon. member's opinion, but there are quite a large number of women with whom I have come in contact that are very keen on a vote.

Hon. R. M. Forrest: But they do not vote.

Hon. G. FRASER: Because we have the wrong women on the rolls. We will find that a lady living at Kalgoorlie and owning a property at Fremantle will not vote because she does not consider she has the right to do so.

Hon. H. Hearn: You have it all worked out.

Hon. G. FRASER: That is why the figures are so small concerning the number of women who vote. The majority of women on the roll are freeholders living in a province distant from that for which they are qualified. That is one of the reasons why they do not record a vote for this House; they are not interested in a contest probably hundreds of miles from where they are residing. The women who are interested are those like many in West Province, who are very keen to exercise the franchise for this House.

Hon. Sir Charles Latham: Perhaps they are dissatisfied with their present members.

Hon. G. FRASER: I thought somebody would suggest that, but I am prepared to take the risk. I would welcome them as voters, and if they could find somebody to do the job better, I would accept their verdict.

Hon. H. Hearn: We should miss you.

Hon. G. FRASER: I am always prepared to admit that anyone is entitled to disagree with me. I am a good enough democrat to believe that other people are entitled to their views. What I find fault with is that members here will not state their objections to this legislation. Their objections might be of such a character that we could show they were acting on false premises and put them right in the matter, but if they just treat important legislation of this sort with silent contempt, it is a totally wrong attitude to adopt.

The public is entitled to be told why the franchise for this House should not be extended. We have been told that the franchise has existed for 100 years. How many things operating today were the same 100 years ago? Almost everything has changed—everything except the franchise for the Legislative Council. Is it not time that some alteration was made?

Hon. N. E. Baxter: Has not any amendment been made in all that time?

Hon. G. FRASER: No.

The Minister for Agriculture: Yes, the qualifications have been reduced.

Hon. G. FRASER: That is so, but I meant in the direction of extending the franchise. Certainly not in the 23 years I have been a member has any progress been made. If the period were only 23 years should not this system be brought up to date?

Hon. N. E. Baxter: It might not be out of date.

Hon. G. FRASER: The hon. member must have been born B.C. 1929, judging by the views he holds.

Hon. N. E. Baxter: Are they so old?

Hon. G. FRASER: They have moss growing on them. I had expected that a younger man like Mr. Baxter would help to rejuvenate this Chamber and prove himself to be a little ahead of us democrats, but he has views that are miles behind those of the crustiest Tory I have ever heard in this Chamber. On one occasion, a member opposed a measure of this sort with the words, "We are set. Why should we give things away?" That is the wrong attitude.

Hon. N. E. Baxter: Did I say that?

Hon. G. FRASER: The hon. member said worse than that.

The Minister for Agriculture: I know who said it.

Hon. G. FRASER: This House should tackle the question seriously. Surely we are not going to sit down and say that because the franchise was good enough 100 years ago, it is good enough today! There must be some points about the franchise on which members could agree to an improvement, just as improvements have been made in other walks of life. That is all that is asked by this Bill. The measure does not propose the adoption of adult suffrage; it does not propose to interfere with the property qualification; it is merely a proposal to give the wife of the householder and, if members like, the wife of a freeholder or leaseholder, a vote for this Chamber. The only other amendment suggested is to provide for one elector, one vote. There is nothing extraordinary about that.

Hon. N. E. Baxter: It is the thin end of the wedge.

Hon. G. FRASER: I do not care whether it is the thin end or the thick end. Doubtless the hon. member will be here next year and the year after and will adopt the same attitude. It will still be left for this Chamber to say whether it will be prepared to go further than the proposals in the Bill or not. My objection is that members will not budge one inch. They are satisfied with the system that was set up 100 years ago. What would be the condition of industry if it were prepared to operate with the machinery used 100 years ago? It is unthinkable that that could happen. When

everything else in the community has progressed, why should not the franchise for this House be improved?

The measure was originally introduced in another place by the Leader of my party, but it was there altered at the instance of the Leader of the Country Party. What better combination could members have than that—the Leaders of two opposing parties having agreed to it? They are prepared to get down to business and decide upon something worth while.

Hon. H. Hearn: You realise that it was something not affecting their Chamber.

Hon. G. FRASER: If the Leaders of those two parties can agree, surely to heavens we can agree!

Hon. R. M. Forrest: The object of your party is the abolition of this Chamber.

Hon. G. FRASER: Not under this Bill.

Hon. J. G. Hislop: That is the ultimate aim.

Hon. G. FRASER: That does not affect the question before us. When that question is raised, this House will have the final say. I want members to deal, not with the ultimate aim, but with the genuineness of the proposals before us. If they are genuine, members should support them. If they are considered to be not genuine, members should state their objections.

The Minister for Agriculture: How do you know that they are not going to support the Bill? This silence may mean acquiescence.

Hon. G. FRASER: Silence often is regarded as indicating consent, but I believe this is the exception that proves the rule. I appeal to members to judge the Bill on its merits. Those who vote against the second reading must be of opinion that the Bill contains no merits at all. If that is so, they should tell us where the measure falls short of what is desired.

I do not believe in destructive criticism; I consider that members should try to be constructive in their criticism. Therefore, if members are not satisfied with the Bill, they should tell us what they consider ought to be done. Surely they do not come here to sit down and merely say, "We shall not alter this in any way; we shall let it stand for all time." That is not the right attitude to adopt. Let members say how we can alter the Bill to give more people the vote and get more people to take an interest in this Chamber! Heaven knows we should do something in that direction! At one of the elections for this House, those voting represented 21 or 22 per cent. of the total number enrolled.

Hon. N. E. Baxter: What would the percentage have been for another place but for compulsory voting?

Hon. G. FRASER: There must be something wrong when a member can be returned on a 22 per cent. vote, of which probably he received 12 per cent. Is it not time that members sat up and took notice?

Hon. N. E. Baxter: This Bill will not alter that.

Hon. G. FRASER: It will enable people who are now debarred from taking an interest in the elections for this Chamber to do so. Would the hon. member be interested in any organisation in which he did not have a vote?

Hon. N. E. Baxter: I might be.

Hon. G. FRASER: Then the hon. member is cast in a different mould from most individuals. Here we have two or three minor amendments—age of 21, the wife of a householder, and the cutting out of the dual vote—which is very little to ask. Members here have supported the Government that promised to liberalise the franchise for this House and, therefore, they should be able to support the Bill or tell us their reasons for not doing so. If they will not support this measure, let them say what they would support, and what they had in mind when they endorsed the policy of the Government they supported on the hustings.

HON. L. A. LOGAN (Midland) [5.11]: In opposing the measure, I should like to put my reasons before the House. It is perfectly obvious that some members in another place are very anxious to belittle some members of this House with the ultimate object of belittling this House in the eyes of the public, and it seems to me that some members in this Chamber are supporting that attitude. It is more than time that this House asserted itself and let the people of the State know that it is functioning for the purpose for which it was constituted, namely, to review the legislation passed by the Assembly and improve it where, in our judgment, we consider it may be improved.

Admittedly the proposals contained in the Bill embody only three small alterations, but if we allowed them to pass, another lot of three small alterations would be brought in. If my Leader takes the platform and makes some appeal to the people with the idea of getting their support for himself and his party, I do not consider myself to be bound by his statement unless I have first been consulted.

Hon. G. Fraser: Do not you think that, when you are sitting behind him, you are bound?

Hon. L. A. LOGAN: I am not one of those who have been on a platform when this subject has been mentioned.

Hon. G. Fraser: You supported your party at the last general election.

Hon. Sir Charles Latham: This has never been an issue.

Hon. L. A. LOGAN: Never at any time. I have already stated clearly that if my Leader makes a statement without first referring to me, I do not consider myself bound by it.

Hon. E. M. Heenan: Should not you repudiate it?

Hon. L. A. LOGAN: If I am asked to state my attitude to any question, I am prepared to give my reasons. It is not very long since the Leader of the hon. member's party was asked whether his ultimate aim was not the abolition of the Upper House, and he replied that it was. Is Mr. Fraser prepared to stand behind his Leader and support him in that statement?

Hon. G. Fraser: Yes.

Hon. L. A. LOGAN: Then we know where we stand and why these amendments have been submitted to us. The object is to make the franchise wider and wider until adult suffrage is obtained for this House. When we have adult suffrage for one House, is not that sufficient? I say it is absolutely unnecessary to have adult franchise for this House.

Hon. G. Fraser: The Bill does not propose adult franchise for this House.

Hon. L. A. LOGAN: But the proposals in the Bill are merely another step in that direction. Eventually we will reach that stage.

Hon. G. Fraser: You are frightened.

Hon. L. A. LOGAN: I am not frightened, but we do not want to get away from the property franchise for this House.

Hon. G. Fraser: But this measure would not get us away from it.

Hon. L. A. LOGAN: Perhaps not, but it would be a start.

Hon. E. M. Heenan: You adopt the attitude of, "What we have we hold."

Hon. L. A. LOGAN: As to what is functioning perfectly well, yes.

Hon. H. Hearn: You think we should leave well alone?

Hon. L. A. LOGAN: Yes. If some alteration to the franchise would improve the functioning of this House, I believe we should vote for it, but this measure would not do that. We talk about our democratic vote and say we are democratically elected, but it has been said that we have an undemocratic franchise.

Let us refer, for a moment, to the franchise of the Legislative Assembly: As soon as a boy or girl reaches the age of 21 years he or she is compelled to become enrolled and, when an election comes along, to vote, irrespective of who the candidates are or whether he or she has any liking for the candidates. That means that electors are often compelled to do

something they do not desire to do. Under the franchise for this House the majority of the people in the State can become enrolled if they wish to and can vote or not just as they like.

Hon. R. J. Boylen: Not 50 per cent. of them could get on the roll.

Hon. L. A. LOGAN: Ninety-five per cent. of wives vote the same way as their husbands do. Some members talk about doing away with plural voting and would then wish to bring it back again. Let us be consistent.

Hon. R. J. Boylen: I think most wives are free agents and would vote as they pleased.

Hon. E. M. Heenan: Do not you think women should have votes?

Hon. L. A. LOGAN: Yes. They have votes at Assembly elections and they vote at elections for this House if they are qualified.

Hon. E. M. Heenan: Apparently you do not think the housewife should have a vote.

Hon. L. A. LOGAN: She should have it if she has the qualifications. On one or two occasions when it has been said that there are no party politics in this House, we have been ridiculed.

Hon. G. Fraser: So you should be, if you say that.

Hon. L. A. LOGAN: If the hon. member is playing party politics and is not doing the job he was elected to do, I suggest he should resign and let somebody else be elected to do the job properly.

Hon. G. Fraser: A member is elected and comes here as a member of a party, and you say there are no party politics in this House!

Hon. L. A. LOGAN: If the hon. member reads back through "Hansard" for the four years I have been in this House, he will find that voting has not been on party lines.

Hon. R. J. Boylen: You were elected on the Country Party ticket.

Hon. L. A. LOGAN: If there is a debate in the Lower House on a party measure, one votes for one's party as otherwise the Government might be thrown out.

Hon. R. J. Boylen: But you have no say at party meetings.

Hon. L. A. LOGAN: Yes, we have.

Hon. G. Fraser: I think it is a wonderful attitude to take up.

Hon. L. A. LOGAN: Today there are ten members of Cabinet and, when they have a meeting, six out of the ten may decide on a certain line of action. Because one is a supporter of the Government and does not wish to see it go out of power, one votes accordingly, irrespective of whether the decision of Cabinet was right or wrong—and it could be very wrong. This is essentially a House of

review and we can vote without playing party politics. If any member in this Chamber is not doing the job he was elected for, he should get out and let somebody else do it.

Hon. R. J. Boylen: That might be you.

Hon. L. A. LOGAN: If the people think I am not doing my job they are entitled to throw me out, but that does not alter the fact that I will try to do the job that I am here to carry out.

Hon. E. M. Heenan: But only 30 per cent. of the people put you here.

Hon. L. A. LOGAN: The others who were on the roll had an opportunity to go to the poll and vote.

Hon. E. M. Heenan: But only a few of them could vote.

Hon. L. A. LOGAN: I said those who were on the roll had the opportunity to vote. I would remind the hon. member that at the last election I recorded about 54 per cent., which was one of the highest percentages. The returning officer remarked on the high percentage of the poll. The other 46 per cent. could have voted had they wished to. I would rather be elected by those people who think enough of their country to go and vote than by those who must be compelled to vote. It has been said on many occasions that this House has a property franchise and I would ask Mr. Heenan whether, in his business, he lets the understrapper or secretary dictate policy, or whether the final judgment is his.

Hon. E. M. Heenan: But the Premier announced it as his policy to broaden the franchise of this House.

Hon. L. A. LOGAN: I am not referring to what the Premier or any other Leader said on the platform in order to get votes. The same applies to all political parties.

Hon. G. Fraser: No. When our Leader delivers a policy speech he gives it for us, so in the future we can tell the public that the present Premier is talking only for himself and not for his party.

Hon. L. A. LOGAN: Perhaps he is.

The PRESIDENT: Order! The hon. member must address the Chair.

Hon. L. A. LOGAN: We have Mr. Fraser's admission that his desire is to abolish this House, but I have already tried to prove that this Chamber is essential. I reiterate that any whittling away of the franchise would be a step towards abolition.

Hon. R. J. Boylen: Would you agree to a referendum on the question?

Hon. L. A. LOGAN: After the unfair publicity that has been given in the Press and over the air, the feeling of the public might be against this House. If we were to have a plebiscite, only those should vote who are entitled to vote for this House. If members desire to abolish

this Chamber they should agree to this measure but, if they wish that we should keep on functioning, they should throw it out.

On motion by Hon. E. H. Gray, debate adjourned.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [5.25] in moving the second reading said: This Bill marks the first move in the return by the State Housing Commission to the building of houses for home ownership, or, as they are more familiarly known, "workers' homes." The extent of the work which can be done in this connection during the present financial year will be limited owing to shortage of funds, but arrangements are being made for the provision of sufficient loan funds so that a substantial programme can be entered into early in the next financial year.

The immediate proposal is a widespread programme in rural areas, more particularly, for a start, in the smaller towns. Contracts have been negotiated with three large companies for the manufacture of precut houses, which will be complete in practically every detail on leaving the factory. The entire output of two of these factories will be erected in country districts, this work being done as far as possible by local labour.

Builders already are eagerly seeking these contracts in view of the fact that materials will be readily to hand, thereby obviating delays in erection. Many of these types of homes have been erected already in country areas, but it is proposed in future to limit strictly the erection of Commonwealth-State rental homes in the country, and to concentrate on the erection of houses for home ownership. I feel that it adds to the dignity and to the happiness of a man in being given an opportunity to own his own home, and to carry out his own alterations and renovations, without having to wait upon the pleasure of a landlord.

The first provision in the Bill is one made necessary by the rises that have occurred lately in wages and salaries. In the parent Act a worker—that is, a person eligible for assistance under the Act—is defined as a person in receipt of an annual income of not more than £750, plus £25 for each child under 16 years of age. This maximum was inserted in the Act last year. It is interesting to note that when the Workers' Homes Act was passed in 1912, the income limit was £300 per annum. In those days there was no declared basic wage, but the maximum wage was about £2 14s. per week.

In 1929, the income limit was increased from £300 to £400, the basic wage then being £4 7s. In 1942, the maximum was

amended to read: "£400 per annum plus £25 for each child under 16 years of age." In 1946, a further increase to £500 plus £25 per child under 16 years was granted, the weekly basic wage then being £5 1s. 1d. Last year the maximum was increased to £750, still with £25 for each child under 16 years of age. The basic wage is now £10 5s. 8d. and many workers receive margins for skill which substantially increase their earnings.

In view of the increases that have taken place in the past year in the basic wage, it is obvious that a further adjustment should be made to the maximum limit in the Act. This could be done in either of two ways—to further increase the limit, or to make it variable in accordance with fluctuations in the basic wage. The second alternative has been chosen as the more practical and as one in consonance with modern procedure affecting salaries and wages. The proposal in the Bill, therefore, is that the limit of £750 will remain and that no variation in the basic wage after the 1st November, 1950, will be taken into account.

The second amendment is also of importance as it seeks to extend for a further two years the powers of compulsory resumption of private land for the purpose of the Act, Section 23 of which limits resumptions to a period of five years, which ends in January, 1952. I wish to assure the House that in seeking an extension of this authority the Government does not do so with the intention of undertaking any large scale acquisitions. Excluding land recently resumed at Wanneroo for long term developmental purposes, the Commission now holds about 14,000 blocks, which is sufficient for a building programme extending over seven or eight years.

Hon. H. K. Watson: And including the land resumed at Wanneroo?

The MINISTER FOR TRANSPORT: No, I said "excluding."

Hon. H. K. Watson: Excluding how many blocks at Wanneroo?

The MINISTER FOR TRANSPORT: I think the area was 1,700 acres. I would not know the number of blocks, because I do not think the land has been subdivided. The Commission prefers to negotiate privately for any further land it requires, and will resort to resumption only in cases of expediency or of national importance, where a building project may be necessary in the interests of the State, and where the desired area may not be available for purchase through ordinary channels. Mainly, however, powers of resumption are needed to complete properly the design of areas that are already held. It often happens that additional blocks are required to complete a subdivision, or to complete drainage services, etc.

Hon. Sir Charles Latham: That could be done under the Public Works Act.

The MINISTER FOR TRANSPORT: This is necessary in regard to the areas held by the Housing Commission. If these additional blocks are not available, the success of a subdivision might conceivably be jeopardised. In such cases, the Commission would resort first to the normal methods of negotiation but, in the event of these being unsuccessful, it would be advisable that power of compulsory acquisition be available through the Land Resumption Office of the Public Works Department.

Another point too, must be taken into consideration. The Act empowers the Commission to take certain action with regard to slum clearances. Owing to the pre-eminent need to build homes, the Commission has not yet been able to attend to any action of this nature, but it is quite obvious that slum clearance could not be effectively carried out unless some powers of compulsory acquisition were available. Under the Act, resumed land may be returned to those persons who establish claims in regard to their proposed use of it—particularly where the land is intended for the future residence of the owner or of a near relative.

This provision has been administered in liberal fashion and the actual blocks concerned or others of a comparable value and position, have been returned to those persons whose claims have been established as genuine. There is no doubt that the power of compulsory acquisition is one which has to be handled with discretion and care, and the Commission in carrying out resumptions has been careful not to interfere with the bona fide rights and intentions of owners. I wish to reiterate that in future this power will be exercised only in the most essential and extreme cases.

The only other amendment is of a routine nature, referring to the commencing date of repayment of advances made by the Commission. The proposal is that repayments may commence on the occupation of a dwelling instead of, as at present, subsequent to the final payment on the building contract. This is a similar procedure to that used in the purchase of war service homes and it will have the effect of simplifying the accounts of the Commission.

Under the present arrangement the final payment under the building contract is delayed until maintenance is completed. As this may be some considerable time after occupation of the house, it is not in the best interests of the purchaser, who naturally desires to commence repayment immediately on taking occupation, so that his debt may be liquidated as soon as possible. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—TRUSTEES ACT AMENDMENT.*Second Reading.*

Order of the Day read for the resumption from the 8th November of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 5 amended:

Hon. H. HEARN: I move an amendment—

That in line 1 after the word "amended" the following words be inserted:—

- (a) By inserting after the word "Australia" in paragraph (d) the words "or any incorporated building society now or hereafter carrying on business in Western Australia, and certified by notice in the "Gazette," signed by the Treasurer, as a society in the shares of which trustees may invest.

I do so for the purposes which I outlined in my second reading speech, namely, to enlarge the avenues of investment of trust funds. The information that I have on the building societies now operating in Western Australia will be of interest to members before they vote on the amendment. The Perth Building Society was established in 1862, the Fremantle Building Society in 1875, the Swan Building Society at Guildford in 1895, and the Bunbury Building Society in 1882. I mention those dates to show that the building societies operating in this State have proved themselves to be sound investments and are mainly suited to this form of trustee investment.

The MINISTER FOR TRANSPORT: The amendment seeks to include building societies as profit investments. It is probably only fair to the Committee to read a minute from the Under Treasurer and to explain that the amendments on the notice paper in Mr. Hearn's name have been discussed with the Attorney General, who agrees with me that they will be quite in order, and that there are safeguards to protect trustees' investments. Mr. Reid's original minute read—

The amendment proposed by Hon. H. Hearn is to include investment in building societies as an authorised investment for trustees under the Trustees Act.

A similar request was made to the Attorney General when he was dealing with the Bill in the Legislative

Assembly. He decided to reject the proposal. When he sought my advice I told him that I did not think building societies should be included as trust investments, but where a testator had left part of his estate in a building society, and where he left no specific instructions in his will for the disposal of his assets, the trustee should be authorised to continue to hold the investments in the building society.

As the law stands at present, a trustee is required to sell any securities in a building society, because it is not a trust investment. However, all building societies are not of equal financial strength, and it would not be wise in my opinion to authorise a trustee to invest trust moneys in any building society.

I think the three final words, "any building society," more or less express the Under Treasurer's attitude. Mr. Hearn's amendments specify that the investments in building society funds must be approved by the Treasury, and no doubt in all cases that would be done upon advice from the Under Treasurer. The Attorney General and I are quite prepared to accept the amendments.

Amendment put and passed.

Hon. H. HEARN: I move an amendment—

That a new paragraph be added as follows:—

- (b) by deleting the word "preference" in paragraph (f).

I gave my reason for this amendment during my second reading speech. The object is to leave to the discretion of trustees whether they invest in preference or ordinary stock of approved companies.

Amendment put and passed.

On motions by Hon. H. Hearn, clause further amended in line 2 by inserting "(c)" before the word "by" and by deleting the word "paragraph" and inserting the word "paragraphs" in lieu.

Hon. H. HEARN: I move an amendment—

That a new paragraph be added as follows:—

- (i) In the shares of any incorporated building society now or hereafter carrying on business in Western Australia and certified by notice in the "Gazette," signed by the Treasurer, as a society in the shares of which trustees may invest.

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

Title—agreed to.

Bill reported with amendments.

**BILL—PRICES CONTROL ACT
AMENDMENT (No. 2).**

Second Reading.

Debate resumed from the 13th November.

HON. H. C. STRICKLAND (North) [5.47]: This is a small Bill embodying two amendments, the object of which is to increase the maximum fines that either a magistrate or a judge may impose upon offenders against the Prices Control Act. The intention is to raise the maximum fine in connection with prosecutions taken before a magistrate from £100 to £200 and in the case of matters dealt with by a judge from £500 to £1,500. The Attorney General has discretionary powers as to whether prosecutions shall be launched before a magistrate or shall be dealt with by a judge. Mostly prosecutions are taken before magistrates.

Complaints have been made by magistrates that although they do not like sending business men to gaol, as they can under the Act, the monetary penalties are not adequate to enable them to deal properly with some of the offences committed. I see no reason why the maximum fines should not be increased because there are no minima. A magistrate may administer a caution or he may impose a fine of £1 or £100. Thus the increasing of the maximum monetary penalty will, in fact, have no effect as regards the minimum or the discretion which the magistrate or judge may exercise.

With regard to wilful offences under the Prices Control Act, particularly in respect of overcharges for commodities the prices of which are fixed, every discouragement should be afforded by legislation, and one of the best methods of discouraging offences is the provision of an adequate deterrent. If we increase the maximum fine substantially, I should imagine people inclined to offend knowingly would be discouraged, for the action they might contemplate would prove unprofitable. The effect of overcharges on commodities could be felt widely throughout the State, particularly with regard to foodstuffs. People must have them and therefore must pay the prices demanded. I have no objection at all to the maximum fines for such offences being increased substantially, and I therefore support the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; Hon. E. H. Gray in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 16:

The MINISTER FOR TRANSPORT: I move an amendment—

That in lines 3 and 4 of paragraph (b) the words "fifteen hundred" be struck out and the words "seven hundred and fifty" inserted in lieu.

When the Bill was considered in another place, the original penalties were raised from £100 to £500 and from £500 to £1,500. The Deputy Premier moved to decrease the first penalty from £500 to £200, but omitted to move to reduce the maximum penalty of £1,500 to £750. It was an oversight as he had indicated during his second reading speech that his intention was to move in that direction. I have been asked to remedy that defect in Committee here.

Hon. H. HEARN: I support the amendment. The only regret I have is that the Minister has not seen fit to go further in lessening the penalties. Undoubtedly a spirit is abroad that tends to regard anyone associated with business as proper for the imposition of every penalty conceivable. It is fantastic that under the price control legislation that has operated for so long we should still be increasing the penalties. I am sorry the Bill was introduced at all. However, I shall take every opportunity offering to support the lessening of penalties, because too often is private enterprise charged with being dishonest. I seem to remember someone in another place saying that members having business interests entered Parliament only for their own ends. I support the amendment.

Hon. E. H. GRAY: I do not agree with what Mr. Hearn has said. A mistake was made in another place. While I would prefer the maximum penalty of £1,500 to remain, I shall take no exception to the amendment. The Bill is not aimed at reputable business men like Mr. Hearn and those who mix with him but at people referred to by Mr. Baxter when he opposed the Bill at the second reading stage. The object of the Bill is to deal with dishonest people, not with individuals who make a small mistake while waiting for official correspondence regarding prices to reach them. The measure has nothing to do with people who provide commodities to the community at the proper prices. The amending legislation was introduced practically at the suggestion of a magistrate who said that the penalties he could impose were not adequate to meet some offences.

Hon. H. Hearn: I do not take too much notice of a magistrate. He may be wrong.

Hon. E. H. GRAY: A magistrate can say in all sincerity what he thinks about cases that he deals with and the effect of the law.

Hon. H. K. Watson: Are you suggesting that the magistrate was responsible for the introduction of the Bill?

Hon. E. H. GRAY: No, not that he suggested it but that he spoke about the inadequacy of the penalties provided in the Act in the case he was dealing with. A magistrate would have more sense than to speak about politics. He has nothing to do with politics but with the administering of an Act. He said that the maximum fine provided in the Act was not adequate.

Hon. Sir CHARLES LATHAM: I am very reluctant to support this class of legislation. I know many instances in the country districts where men have been fined because of minor mistakes by their employees. It is difficult to get trained employees today. Many of those who are employed are not only untrained but are careless, and for minor offences the proprietor of a business is liable to a penalty of £200. I fully expected that some members who know a great deal more about business matters than I do, would have taken this matter up. I would not support a maximum penalty of £1,500 and I do not say that I shall support one of £750. I know for a positive fact that some time ago butchers were paying more for their meat on the hoof than they could sell it for over the counter.

Hon. R. J. Boylen: Some of them.

Hon. Sir CHARLES LATHAM: I know that is true.

Hon. E. H. Gray: This is not for butchers.

Hon. Sir CHARLES LATHAM: I am surprised at Mr. Gray's interjection.

Hon. E. H. Gray: This legislation is aimed at big business, not minor offences, and against those who are dishonest.

Hon. Sir CHARLES LATHAM: The hon. member said that the magistrate made an approach to Mr. Hawke.

Hon. E. H. Gray: No.

Hon. H. Hearn: But that is what he meant.

Hon. Sir CHARLES LATHAM: Someone must have asked for the legislation to be introduced. What the magistrate has to do is to carry out the wishes of Parliament. Neither a magistrate nor a judge is the determining factor in such matters. Parliament has that duty to carry out. We should tell these people that we are permitted to make mistakes, but they are appointed to the Bench to carry out the laws that we pass and to interpret them as reasonably as they can. If they are not in favour of them, they can refer the matter to someone else.

Hon. E. M. Heenan: Surely they are capable of offering well-meant advice!

Hon. Sir CHARLES LATHAM: I do not think they are.

Hon. H. S. W. Parker: This is not the question before the Chair.

Hon. Sir CHARLES LATHAM: What is Mr. Parker worrying about?

Hon. H. S. W. Parker: The waste of time.

Hon. Sir CHARLES LATHAM: If there is any question of waste of time, it is that we do not give sufficient consideration to legislation. Mr. Parker is qualified in law and ought to be able to advise us in many respects, but he sits still and does not give us any guidance.

Point of Order.

Hon. H. S. W. Parker: I will accept that challenge! On a point of order, Mr. Chairman, I want your ruling as to whether the hon. member is in order in discussing the matter he is dealing with or whether the question before the Chair is a matter concerning the raising or lowering of penalties.

The Chairman: My ruling is that the question before the Committee is the alteration of penalties. I have allowed Sir Charles Latham a certain amount of liberty, and I hope, if he rises in his seat again, he will keep to the terms of the amendment.

Debate Resumed.

Hon. Sir CHARLES LATHAM: If, Mr. Parker would not interject I would not be led astray. Some people make their speeches by way of interjections! I am not ashamed to express my views in Committee and I am not going to be prevented from doing so. The point I have raised is that we propose to inflict heavy fines on business people who very frequently are quite innocent.

Hon. E. H. Gray: They would not be fined if they were innocent.

Hon. Sir CHARLES LATHAM: I was at Goomalling once, and the proprietor of a ship showed me his accounts. An amount of one halfpenny had been charged on a certain line of goods by one of his counter hands and the proprietor was fined by the local magistrate. That was quite right, of course, because the law said he should be fined.

Hon. E. H. Gray: This Bill is meant for big stuff.

Hon. Sir CHARLES LATHAM: It does not matter what the amount is. If a man is overcharging to the extent of a farthing, he comes under this law.

Hon. R. J. Boylen: So he should.

Hon. Sir CHARLES LATHAM: I intend to oppose the third reading because I consider these penalties are not necessary. From a business point of view this State is being very well conducted; and, in general, customers are very well satisfied. There are cases where people have paid higher for their meat than the permitted price, and have done so knowingly, because they were aware that butchers were not able to purchase stock on the hoof

and still sell profitably at the price they were compelled to charge. The Prices Commissioner is doing quite a good job, but unfortunately is governed by the laws we make here. The point I want to stress is that those making minor overcharges are just as liable to penalties as those who commit offences of some magnitude. I hope the Committee will agree to reduce the amount to £750, but when the Bill reaches the third reading it will not pass with my vote.

Hon. H. C. STRICKLAND: I oppose the amendment. I cannot agree with Sir Charles that by reducing the maximum penalty we are helping dishonest people.

Hon. Sir Charles Latham: Do not you think that the present penalty is high enough?

Hon. H. C. STRICKLAND: It is discretionary. It may be nothing or it may be the maximum. If the maximum is reduced, we leave the magistrates and judges no recourse other than to imprisonment.

Hon. H. Hearn: Would not £750 be pretty solid?

Hon. H. C. STRICKLAND: It would not be much to a big concern. I have been in business and have had experience with the Prices Branch. An employee put a wrong price ticket on fruit of a certain type. But I was not marched off straight away. People in that position are given plenty of latitude. We have only to consider what happened when retailers increased the price of butter by 10d. a lb. before they were entitled to do so. The people who thus overcharged have not been prosecuted. I consider that the penalty should stand at £1,500; otherwise, when there are serious cases, magistrates will be encouraged to imprison the offenders.

Amendment put and passed.

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

Ayes	15
Noes	8
Majority for	7

Ayes.

Hon. L. Craig	Hon. L. A. Logan
Hon. E. M. Davies	Hon. J. Murray
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. E. H. Gray	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. G. B. Wood
Hon. E. M. Heenan	Hon. R. J. Boylen
Hon. C. H. Henning	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. R. M. Forrest	Hon. A. L. Loton
Hon. H. Hearn	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. Sir Chas. Latham
	(Teller.)

Clause, as amended, thus passed.

Title—agreed to.

Bill reported with an amendment.

BILL—COAL MINING INDUSTRY LONG SERVICE LEAVE ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption from the 22nd November of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 6.13 p.m.

Legislative Assembly

Tuesday, 27th November, 1951.

CONTENTS.

	Page
Assent to Bill	997
Questions: Housing, as to stoppage of material supplies to building firm	996
Fruit, as to distribution of high prices for apples	998
Education, as to new schools, South Bayswater	996
Hospitals, as to plans for Manjimup	996
Railways, as to locomotive spark-arresters	997
North-West, as to air freight subsidy on perishables	997
Ship timber dunnage, as to destruction and possible use	997
Bills: Town Planning and Development Act Amendment, 1r.	997
The Perpetual Executors, Trustees and Agency Company (W.A.), Limited Act Amendment (Private), recom.	998
Electoral Act Amendment (No. 2), Message	998
West Australian Trustee, Executor and Agency Company, Limited Act Amendment (Private), recom.	998
Traffic Act Amendment, Message, 2r., (continued)	999
Fisheries Act Amendment, 2r. (continued)	1001
Metropolitan Market Act Amendment, 2r. (continued)	1002
Royal Visit, 1952, Special Holiday, 2r., Com., report	1005
Motor Vehicle (Third Party Insurance) Act Amendment, 2r. (continued)	1005
Acts Amendment (Superannuation and Pensions), returned	1006
Nurses Registration Act Amendment, returned	1006
Fruit Growing Industry (Trust Fund) Act Amendment, 2r., Com., report	1006
Coal Mine Workers (Pensions) Act Amendment, 2r., Com., report	1007
Rents and Tenancies Emergency Provisions, Com. (progress)	1008

The SPEAKER took the Chair at 3.30 p.m., and read prayers.