

# Legislative Assembly.

Thursday, 7th July, 1949.

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## QUESTIONS.

### BUS SERVICES.

*As to Number.*

Mr. MARSHALL asked the Minister for Transport:

1. What number of new passenger transport services has been instituted within the Metropolitan Area since the 1st April, 1947?
2. What was the total number of similar services within the same area prior to the 1st April, 1947?
3. What was the total number of passenger services to country areas from the City of Perth (not including those services conducted by the Railway Department) as at the 1st April, 1947?
4. What is the total number of similar services operating at present?

The MINISTER replied:

1. Seventeen (17).
2. Thirty-six (36).
3. Five (5).
4. Six (6).

### BURSWOOD ISLAND.

*As to Future Use.*

Mr. GRAHAM asked the Minister for Works:

1. Has a decision yet been made regarding the future use to which Burswood Island will be put?
2. If so, what is the decision?

The MINISTER replied:

1. No decision has yet been made.
2. Answered by No. 1.

### WORLD RECESSION.

(a) *As to Financing Works to Provide Employment.*

Mr. MARSHALL asked the Premier:

In view of the 5,000,000 unemployed, and the falling of prices and stocks generally in America, and the urgent call of Commonwealth Treasurers to a conference in London, to consider further cuts in trade activities—all indicating an international move to create a world depression (now referred to as "recession")—will he confer

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

with the Rural and Industries Bank Commission in order to arrange for credit issues by that bank for national works to be proceeded with so as to provide employment in the event of this international move reaching Australia?

The PREMIER replied:

No, because the Rural and Industries Bank could not issue sufficient credit to finance a programme of national works, if it were necessary to provide employment by such means.

(b) *As to State's Assets.*

Mr. MARSHALL (without notice) asked the Premier:

Is the Premier's answer to the question just asked by me such as to give people to understand that Western Australia is bankrupt and devoid of assets or resources?

The PREMIER replied:

As members know, the member for Murchison has a motion on the notice paper which I hope will shortly be dealt with. Steps have already been taken by the Commonwealth and the States to provide for any recession, as the hon. member terms it, should one occur. There is a plan of public works provided for by all the States and consideration has been given to the implementation of such a plan. I do not consider the State of Western Australia as bankrupt and I can only repeat, at this stage, that all steps are being taken to safeguard the position.

## EDUCATION.

(a) *As to Correspondence Course and Reading Books.*

Mr. RODOREDA asked the Minister for Education:

(1) How long is it since correspondence course lessons generally have been revised and brought up to date so as to conform to modern educational trends, and when will this be done again?

(2) How long is it since the reading books have been changed?

(3) When will new readers be introduced similar to those in N.S.W. and Victoria, which are said to maintain the child's interest to a much greater degree?

The PREMIER (for the Minister for Education) replied:

(1) Correspondence course lessons are being continually revised and brought up to date so as to conform with modern educational trends.

(2) Reading books have not been changed since the introduction of the West Australian Readers in 1932.

(3) It is not proposed to introduce readers similar to those used in New South Wales and Victoria, as our own readers are considered to be of as high a standard generally as, and in some cases of a higher standard than those used in the States mentioned.

(b) *As to Dental Treatment for Trans-line Children.*

Hon. E. NULSEN asked the Minister for Education:

(1) How many children are there at the five centres allocated for schools on the Trans-line—

- (a) Coonana;
- (b) Zanthus;
- (c) Rawlinna;
- (d) Haig;
- (e) Reid ?

(2) Has any arrangement been made for dental treatment for these children who are so very isolated?

(3) If not, why not?

The PREMIER (for the Minister for Education) replied:

- (1) (a) Coonana 21.
- (b) Zanthus, 22.
- (c) Rawlinna, 20.
- (d) Haig, 17.
- (e) Reid, 26.

(2) The pupils of these schools have never received dental treatment from Government Departmental Officers.

(3) The staff of the Schools' Dental Service has been insufficient to allow of dental attention being given at all schools. Two vacancies for appointments to the staff are being advertised in the United Kingdom. Under the Government's policy one officer will be stationed at Kalgoorlie and will service the schools on the Trans-line.

The control of these officers is vested in the Department of Public Health over which the member for Kanowna presided for a considerable period prior to 1947. In addition to the proposal for the stationing of an officer at Kalgoorlie to service such schools, among others, an investigation is being continued into ways and means of greatly enlarging the present service to school children, notwithstanding great difficulty in obtaining staff.

### COAL STRIKE.

#### (a) *As to Stoppage of Electricity Supplies.*

Mr. GRAHAM asked the Minister for Works:

1. Is Western Australia the only State where no electricity is being made available to domestic consumers during the present emergency?

2. If so, why?

3. For what period daily is current supplied to domestic consumers in each of the other States?

The MINISTER replied:

1. Yes, but position in New South Wales unknown. In W.A. we are entirely dependent upon the Collie mines.

2. Tasmania depends on hydro-electric power.

Queensland: Certain coalmines are working and producing coal.

Victoria: Brown coalmines at Yallourn still working and coal being obtained in sufficient quantities to enable a supply of electricity to be given.

South Australia: Brown coalmines at Leigh Creek still working and coal being obtained in sufficient quantities to enable a supply of electricity to be given.

New South Wales: Conditions of electricity supply change from day to day; domestic supply position uncertain.

3. The position is changing from day to day and details are not known.

In Victoria and South Australia, I understand—although I am unable to vouch for it—that assistance is being given by independent unions.

#### (b) *As to Coal Consumption at Power House.*

Hon. J. T. TONKIN asked the Minister for Works:

What quantity of coal was used by the Electricity Commission from 6 a.m. Wednesday, the 29th June, when the supply of electricity for all purposes other than certain essential services was discontinued, until 6 a.m. Wednesday, the 6th July?

The MINISTER replied:

Figures are made up to 8 a.m. each day. 1,395 tons were consumed over the seven days referred to.

#### (c) *As to Standing-Down of Housing Employees.*

Mr. REYNOLDS (without notice) asked the Minister for Housing:

(1) Is he aware that a large number of building trade operatives are being stood down on the State Housing Scheme?

(2) Is he aware that there is on the jobs, at the moment, a sufficient quantity of timber to keep those men employed for some time to come?

(3) In view of the fact that housing is urgent to the community, is he using every endeavour to retain the workers while there is every possibility of making materials available?

The MINISTER replied:

Without notice, I am not able to indicate to what extent there has been a standing-down of men on the Commonwealth-State rental homes scheme, but I can assure the hon. member that every effort is being made to continue employment in the building of houses under that scheme. If there is any further information I can obtain I shall give it at the next sitting of the House.

### OUTPORTS.

#### *As to Expenditure on Development.*

Mr. KELLY asked the Minister for Works:

(1) Since taking office what development to outer ports has the Government authorised, other than ordinary maintenance?

(2) What amount has been expended, and at what ports?

(3) What future expenditure has been approved and to what ports?

The MINISTER replied:

(1) The Government has authorised major development of Albany and Bunbury ports.

(2) Amounts expended:—

Albany .....	£11,050
Bunbury .....	£92,000

These amounts do not include purchase of dredging and other plant.

(3) Albany .....	£1,190,000
Bunbury .....	£1,050,000

### LAND RESUMPTIONS.

#### *As to Transfers to Private Individuals.*

Mr. SHEARN asked the Minister for Works:

(1) As Section 18 of the Public Works Act, 1902, provides that any land resumed shall upon notice in the "Government Gazette" "be vested in His Majesty or Local Authority as the Governor may direct, and the case require, for an estate in fee simple," will he state by what authority the Registrar of Titles accepted and registered numerous transfers of such lands to private individuals within the statutory period of 90 days from gazettal of such resumptions?

(2) Is he satisfied that such use of the section referred to does not constitute an anomaly?

(3) If not, what action, if any, is proposed to clarify the position?

The MINISTER replied:

(1) Section 23, Subsection (2), makes provision that at the expiration of 90 days from the publication of notice of resumption the Minister for Works shall deliver a copy of such notice to Registrar of Titles who shall thereupon register such land in the name of His Majesty or the local authority in whom the land is vested in the notice.

The Titles Office has interpreted this as a direction not to register a resumption until the expiry of the 90 days concerned and has consequently accepted transfers lodged subsequent to resumption gazettal.

The provisions of Section 23 in this connection are consistent with Section 21 which makes provision for annulment of a resumption within 90 days of publication.

(2) The acceptance of transfers subsequent to the gazetting of a resumption is considered to be unsatisfactory and may lead to complications.

(3) The introduction of an amendment to the Public Works Act to prevent the acceptance and registration of transfers of land after gazettal of resumption thereof is already under consideration.

### MEAT MEAL.

#### *As to Supplies and Allotment.*

Mr. NALDER asked the Minister for Lands:

(1) How many tons of meat meal were manufactured in Western Australia last year?

(2) How many tons were imported, and from where?

(3) How many tons of local and imported meat meal were allotted to poultry and pig producers?

(4) How many tons were allotted to prepared-food manufacturers?

The MINISTER replied:

(1) Year ended the 31st March, 1949 (end of rationing year)—1,824 tons.

(2) Year ended the 31st March, 1949—1,281 tons. Six hundred tons imported from New South Wales and Queensland; 680 tons imported from Victoria.

(3) The whole. Up to the 31st March last the Department implemented a full rationing scheme, and all meat meal, whether straight or in prepared foods, was allocated to poultry farmers or pig raisers.

(4) The only meat meal available to manufacturers of prepared foods was that imported by themselves for that purpose. Generally speaking, these consisted of high priced meat meals which would not otherwise have entered the State. Of a total figure of 1,281 tons, processors imported 874 tons, of which probably 150 tons was sold to producers as straight meal.

### SERVICEMEN'S LAND SETTLEMENT.

#### *As to Chidlow-Mokine Area.*

Hon. A. R. G. HAWKE asked the Minister for Lands:

(1) Has any further consideration been given by the Government to the question of developing a land settlement scheme in the

Chidlow-Mokine area along the lines put forward in the scheme submitted to the Minister by the Clackline-Bakers Hill sub-branch of the R.S.L.?

(2) If not, is any further consideration likely to be given to the matter by the Government?

The MINISTER replied:

(1) Yes. The development of the Chidlow-Mokine area under War Service Land Settlement conditions would seriously affect the continued operations of the charcoal-iron industry.

(2) Answered by No. 1.

### WORKERS' COMPENSATION ACT.

#### *As to Appointment of Referees.*

Mr. MARSHALL (for Mr. Oliver) asked the Minister for Education:

(1) What number of referees, if any, are now appointed and operating under Section 8, Subsection 11, of the Workers' Compensation Act, 1912-1948?

(2) If no referee has been appointed, what action has been taken to comply with Section 8, Subsection 11, of the Act?

(3) If no action has been taken under this section of the Act, is he aware that no newcomer to this State could lawfully claim compensation, should he contract one or more of the diseases mentioned in this Act?

The PREMIER (for the Minister for Education) replied:

(1) Provision will be made by regulation, under Section 35 of the Act, for the Workers' Compensation Board to appoint a medical referee for the purposes of Subsection (11) of Section 8 of the Act. Until such appointment has been made, the certificate of any one of the referees gazetted under the old Act will be accepted.

(2) and (3) Answered by (1).

Mr. Marshall: You should make every doctor in the State a referee.

### MINING INDUSTRY.

#### *As to Reports on Ventilation.*

Mr. MARSHALL (for Mr. Oliver) asked the Minister representing the Minister for Mines:

As the practice of furnishing a copy of the ventilation inspector's monthly report to the Secretary of the A.W.U., Boulder,

was giving general satisfaction, upon whose recommendation was the practice stopped, and what was the reason for this altered practice?

The MINISTER FOR HOUSING replied:

The practice was stopped by the Minister for Mines for the reason that the reports are meant to be confidential and are considered to be more effective if made confidentially to the department. The previous practice was not satisfactory to the department.

### ROAD TRANSPORT OF GOODS.

#### *As to Emergency Plan.*

Hon E. NULSEN asked the Minister for Transport:

(1) Is it intended to operate a transport emergency plan under the control of the Transport Board for the purpose of utilising road vehicles if and when the Railway Department is unable to provide adequately for goods traffic?

(2) Has any agreement or understanding been arrived at between the Transport Board and any organisation under which the members of the latter are to be given preference of engagement?

(3) If so, what is the name of the organisation, and what is the reason for thus discriminating between owners of vehicles available for use on road transport?

The MINISTER replied:

(1) An emergency plan has already been prepared and provides for road transport to be called upon to handle traffic for which the railways cannot cater due to emergency conditions.

(2) No.

(3) Answered by (2).

### LAND SALES CONTROL.

#### *As to Extent of Blackmarketing*

Mr. GRAHAM (without notice) asked the Minister for Lands:

Did he make a mistake, or does he really believe that only five per cent. of property sales are blackmarket?

The MINISTER replied:

I can only make statements on information available; it is no use guessing when giving answers to these questions.

**RAILWAYS.***As to Warning Signal at Swan-street Crossing.*

Mr. BRADY (without notice) asked the Minister for Railways:

In view of the numerous accidents that have taken place on the Swan-street railway crossing, including the serious accident to Mr. George Dodd yesterday as reported in this morning's "West Australian," will he have a warning signal erected at this crossing immediately?

The MINISTER replied:

There are quite a number of crossings which may be regarded as dangerous at which it is intended to install flashing signals. The local governing authorities concerned have been asked to draw up a priority roster of those crossings where they intend to install such signals. I do not know whether the Swan-street crossing is included in such a roster, but I will have inquiries made.

**THE WESTRALIAN BUFFALO CLUB  
BILL (PRIVATE) SELECT  
COMMITTEE.**

*Report Presented.*

Mr. NEEDHAM brought up the report of the Select Committee, together with a typewritten copy of the evidence and the correspondence referred to in the report.

Ordered: That the report and recommendations be printed.

On motion by Mr. Needham, resolved: That the consideration of the Bill in Committee be made an Order of the Day for the next sitting.

**BILL—CANNING DISTRICT SANITARY  
SITE ACT AMENDMENT.**

Introduced by Mr. Needham and read a first time.

**BILL—MARKETING OF POTATOES  
ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 30th June.

MR. HOAR (Nelson) [4.57]: When the Marketing of Potatoes Act was passed in 1946 provision was made that all potatoes grown in Western Australia should be the property of the board which was appointed

to act on behalf of the growers, and no grower was to sell or deliver any potatoes to any person other than to the board. Only seed potatoes were exempted. In 1947 it became desirable, from the growers' point of view, to have established a potato-growing industry trust fund and a Bill for this purpose introduced by the present Minister for Lands was passed in 1947 and provided for a maximum levy of 1d. per cwt. of potatoes. But, owing to the exemption of seed potatoes from any form of control under the Marketing of Potatoes Act the growers of seed potatoes automatically became exempted from contributing any levy whatsoever to the trust fund. It is to repair that omission that this Bill is now before the House.

Whilst I have no objection to the proposal that seed potatoes should also be brought into line with all other commercial potatoes in order to swell the funds of the trust, I did hope that when the Minister was introducing this Bill he would take the opportunity of telling the House something of the activities of this fund; what it has been called upon to do; whether it has justified its establishment; whether it has invested any of its money which it has power to do under the Act; or whether any benefits have been derived by the growers themselves from the operation of the Act. The Minister told us nothing about such matters at all. He merely indicated his desire further to swell the fund by the increased levy that will be made permissible under the Act. I asked the Minister some questions a day or so ago with regard to the money in the fund. I notice that the total collections for the 18 months during which the fund has been in existence amounted to £2,388 0s. 7d. Out of that amount £32 8s. has been spent on administration, and on the all-important matter of research into diseases affecting the production of potatoes nothing at all has been expended.

Over half of the proceeds of the fund have been spent on financing the administration of the potato growers' organisation. I have no objection to a sum of money being set aside to keep the organisation in existence. It is only reasonable to expect the money to be drawn from this particular source, but I think the fund itself, which the Minister seeks to augment by a levy on seed potatoes, could be utilised

in some manner for the benefit of the growers who subscribe to it. There must be something somewhere on which this money could be spent to the advantage of the grower. There is plenty of scope under the Act itself to enable the Minister and the committee with which he is associated to do something along those lines. The Minister himself has, in accordance with the legislation, the final say with regard to the expenditure of money in various directions for the purpose of improving the lot and conditions of the growers themselves. Section 22 of the Potato Growing Industry Trust Fund Act states—

(1) The moneys in the Fund shall be charged primarily with the payment of the following expenses, namely—

(a) the costs of the administration of this Act;

(b) the fees and allowances of the members of the Committee.

(2) After payment of the expenses referred to in Subsection (1) hereof, and subject in every case to the approval in writing of the Minister, the moneys in the Fund may be used for all or any of the following purposes, namely—

(a) the payment of the whole or portion of the costs and expenses of measures taken to prevent or eradicate pests and diseases affecting potatoes;

(b) the payment of compensation to growers in respect of the whole or portion of losses suffered by them as the result of measures taken to prevent or eradicate the pests and diseases;

(c) the payment of the costs of the promotion and encouragement of scientific research for the improvement and transport of potato crops;

(d) the provision of financial help recommended by the Committee and approved by the Minister for the Association and its branches in the carrying out of its activities for the benefit of growers;

(e) any other purposes which, in the opinion of the Minister, will promote and encourage the potato growing industry.

Further than that, when the legislation was introduced in this Chamber I know that some people prominently associated with this industry felt that a proportion of the fund could be used, possibly to the extent of 40 per cent., for providing insurance each year to guard against losses from frosts or the flooding of crops. The Act presents all such opportunities for the Minister and the committee to utilise the funds in a useful manner on behalf of the growers. The House should have been told what are the intentions of the Minister and the commit-

tee regarding such matters, and what steps have been taken in respect of research into diseases affecting potatoes. The fund itself had an excellent start. Under the old licensing system that operated before the Act became law, there was a credit balance of £2,500 when the change-over took place, and that money was put to the credit of the trust fund.

The Minister and his committee ought to get together to consider what should be done with regard to the expenditure of that money with the object of remedying the serious troubles, anomalies and difficulties that confront the growers today. We know quite well that the potatogrower has a rather precarious existence. In that industry they can never be quite certain what return they are to secure for their labours, and in that respect they are differently situated from those associated with other activities. The costs of preparing the ground and manuring it, seeding, digging and packing are tremendously high in these days. The crops themselves are somewhat unpredictable. The growers may be lucky, or they may not, but there is plenty of scope under the provisions of the Act for the Minister and the committee to take steps that will tend to improve their lot.

One matter that comes to my mind, to which attention could be devoted, concerns transport and I refer particularly to rail transport. In my opinion, the railways are not doing the job with regard to the transport of potatoes that could be expected. Considerable losses are suffered each year on account of theft or petty pilfering when potatoes are in course of transit to Perth, particularly from the lower south-western areas. I have some figures which I have obtained from some growers in the South-West, that indicate the seriousness of this phase. In the first three months of 1949 they lost 22 bags from the Pemberton-Manjimup areas.

The figures in that regard are not entirely complete because the Potato Marketing Board has additional particulars. Those I have quoted came from the Potato Growers' Association. I have already mentioned this point to the Minister because I feel that even though potatoes are transported at grower's risk—due, I suppose, to the high charges for insurance—nevertheless I feel the Railway Department has a

distinct moral obligation to afford the growers some protection against losses while potatoes are in transit. Under existing circumstances, potatoes are loaded into trucks in the normal manner and bushes are put on top of them. There is nothing to prevent anyone when trucks are shunted off or there is a hold-up for one reason or another, from coming along at night and stealing as many potatoes as he desires.

In my opinion, the railway trucks should be provided with some sort of frame to which could be attached a covering. I do not mean a steel frame because that would be regarded as impracticable in these days of shortages, but I think it would be possible to provide a wooden frame of the single-bar type, over which a large sheet of white canvas—nothing dark should be used—could be stretched and securely tied in some manner that would make it very difficult indeed for the potatoes to be interfered with, unless the trucks were left standing idle for a considerable length of time.

Mr. Bovell: Potatoes in transit by rail are apt to become burnt by the sun.

Mr. HOAR: Definitely, because the coverings that are placed casually over the bags are flicked off by the wind. After all, the practice is to throw just a few bushes on top of each truckload to protect the potatoes from the sun. This is not an effective way of keeping the sun off as the covering could easily be disturbed by the action of the elements or of anyone intent on interfering. The Railway Department ought to do something about this matter. In these days when growers claim—and rightly so—that the price received is insufficient to encourage further production and when they are losing potatoes in transit on Government railways as a result of theft, it is not fair or reasonable that growers should have to suffer such loss. There is a moral obligation on the Railway Department to do something.

Under the Act there is opportunity for the Minister to consider, perhaps to the extent of spending some money, the procuring of sheds in country areas. If this were done, growers would be able to take their potatoes to the shed, and I assume that it would be the board's responsibility to accept delivery at the shed instead of in Perth. Then, if potatoes were lost in transit,

it would be the responsibility of the board, which probably could recoup itself for any loss by recourse to the trust fund. If that were done, the growers would not suffer. If we are producing a 40,000-ton crop I consider that the day is not far distant when sheds will have to be provided in country areas in order that the grading of the potatoes may be done there rather than elsewhere.

There is ample reason why potatoes should be stored in this way in the country districts. In many instances when farmers have dug their potatoes, there is no shelter for them other than the trees around the paddocks in which they have been grown, until an agent of the board makes known the fact that certain transport facilities are available. Therefore, deterioration is occurring all the time. If a shed were provided in a centre like Manjimup, there would be an opportunity to ensure that only the best potatoes were made available to the public, and thus the whole distribution of potatoes could be handled more effectively than under present methods. While I have no objection to the Bill, because it is only reasonable to expect seed potatoes to be brought under the Act, I am disappointed that in the 18 months during which the Act has been in existence, neither the Minister nor the committee has done much to investigate the opportunities for investing the money that has been accumulated on behalf of the growers.

**THE MINISTER FOR LANDS** (Hon. L. Thorn—Toodyay—in reply) [5.15]: I have noted the remarks of the member for Nelson and assure him that any information he may seek by way of question, or any information I may be able to furnish him at a later stage of the session, will be given him. Recently I tabled the annual report and balance sheet of the board, which will supply the hon. member with some information about its operations. This Bill is confined to the one object of imposing the levy on seed potatoes sold by the grower, but the hon. member has examined, as he was entitled to do, the manner in which the proceeds of the levy are used in the interests of the growers.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Amendment of Section 22:

Hon. J. T. TONKIN: The Minister might have made some attempt to answer the points put forward by the member for Nelson, but contented himself with replying in a few words, none of which had any bearing on the hon. member's remarks. The member for Nelson made statements that called for a considered reply from the Minister. If Bills are to be put through in this fashion, even though only small measures, and the Minister utters only a few words in reply to what a member on this side of the Chamber advances, we shall feel that we are being treated with scant courtesy and consideration. We merit better treatment than that.

Had the member for Nelson been facetious or merely occupied time without submitting anything substantial, the Minister might have been justified in acting as he did. But the hon. member did not do that. Obviously he had given considerable thought to the subject-matter of his speech, and yet the Minister wiped it aside with a few words, making no attempt whatever to deal with the questions raised. That is not a fair thing. Although we are aware that the Government wishes to hasten into recess, it has a duty to the House and, if it neglects that duty, it cannot hope to make much progress. I suggest that in future the Minister should make some attempt to answer matters advanced seriously as a result of considerable thought. Had the member for Nelson spoken with the intent of being obstructive, there might have been some justification for the Minister's action but, in the circumstances, there was no justification for the attitude adopted by him.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

**BILL—LAND SALES CONTROL ACT  
AMENDMENT (CONTINUANCE).**

*Second Reading.*

Debate resumed from the 30th June.

HON. F. J. S. WISE (Gascoyne) [5.20]: This Bill, which was introduced by the Minister for Lands the other evening, is a small measure to continue the operations of the Bill which became an Act and which was passed last year in the early part of the session. It is a little unfortunate, I think, that we cannot under this Bill amend the parent Act, because I shall endeavour to show to the House that that Act is a very ill-conceived and badly-designed statute. It was introduced at very short notice to enable the State of Western Australia to take over the authorities which formerly were vested in the Commonwealth Government. It was introduced under a section contained in it with which I shall deal shortly, and thus the Commonwealth regulations then in force became the law of the State so far as land sales control was concerned. But that measure, as the House will recall, was introduced under suspension of Standing Orders on a motion which was debated. The Bill passed through all stages in this Chamber in the one sitting, notwithstanding that members objected strongly to the absence in the Chamber of the regulations under which the measure was to operate.

The Minister, when introducing the Bill now before us, referred to the necessity for the continuance of the parent Act in order that control of land sales could be maintained. He mentioned also that in his view five per cent. of the transactions under the Act would be blackmarket transactions. In making that statement, the Minister must have had a measure or some information which was his warrant for making that estimate. Reference to pages 1,006 to 1,008 of "Hansard" of last year will disclose that the Minister then estimated that 90 per cent. of the sales of land were blackmarket transactions.

The Minister for Lands: That was before building blocks were released from control.

Hon. F. J. S. WISE: That is so. The Minister was quite definite on the point. He stated as a fact that at least 90 per cent. of the dealings in connection with vacant land were then blackmarket transactions. Land and improved property transactions coming within the purview of the parent Act number at least 1,500 per month. I wish members to note that figure. The Minister suggests that even now 75 of those

transactions per month are black market transactions. It will be possible to show, when dealing with a motion relating to this matter, rather than while dealing with this Bill, that it would be doubtful whether five to 10 per cent. of these transactions are free of blackmarketing. If I may refer, in one sentence, to the notice of motion which will be debated next week, should the Minister agree—as I hope he will—to the appointment of the suggested Select Committee, I think it will be clearly shown that the vast majority of land transactions are subject to black market conditions. The parent Act, as designed and as administered, does not give an opportunity to control those practices; it does not even attempt to do so. The Act contains many weaknesses and I therefore hope that we shall have the opportunity, through a Select Committee, to show how some of those weaknesses can be remedied.

The Act gives to one man, designated the controller, a tremendous authority. It gives him power to over-ride or ignore entirely the advice of a panel which was appointed to guide him in connection with valuations. The controller also has the right of his own volition to delegate his authority, just as the Governor, who is the Minister in this case, has the right to delegate the authority of the controller in the handling of land sales transactions. The controller is the person who administers the Act and he may administer it entirely without reference to the Minister. The controller has absolute say under the authority vested in him as to what he shall approve or disapprove.

The Minister for Lands: He refers the matter to his panel. He has a panel.

Hon. F. J. S. WISE: And he may, as I have mentioned, entirely ignore the panel. At the time the parent Act was introduced, we had a panel of experts, men who had given gratuitous service during the war years in the administration of land sales control under the National Security Regulations. Although the Minister mentioned, when introducing the parent Bill, that an advisory panel would be appointed, I cannot locate in any "Government Gazette" reference to the appointment of the successors of those whose period lapsed when the Bill became law. Most members who have had much or little to do with land transactions know that the earlier panel, which operated with Mr.

Steffanoni as its chairman, was a panel of men all of whom were authorities and experts in their spheres. But as to the two gentlemen who now constitute the panel, in addition to the public servants, I know of no publication in the "Government Gazette" and no tabled regulations relating to their appointment. I assume the Minister is aware of that, and that he knows how they were appointed.

The Minister for Lands: I am aware of their appointment.

Hon. F. J. S. WISE: Does the Minister know whether it was by Executive Council minute or by publication in the "Government Gazette"?

The Minister for Lands: At the moment I cannot tell you that.

Hon. F. J. S. WISE: I think they were appointed by a letter of notification from the Attorney General.

The Minister for Lands: Probably.

Hon. F. J. S. WISE: And I understand the reason given is that it would be unwise to publish the names of these people because it is not desirable that businessmen who are part of a panel giving such advice should be known to the public, in order that they might be given some sanctuary from the public.

The Minister for Lands: That is so; in order that they will not be annoyed night and day, after working hours.

Hon. F. J. S. WISE: I understand that the men who were appointed are in the agency business in this State.

The Minister for Lands: One of them.

Hon. F. J. S. WISE: And they are well known to anyone who has a land transaction, which means that ultimately they will become well known to all the community. It is a matter for great regret that persons who had acted with authority and had given good service and were experts in their sphere were at that time replaced. But, quite apart from that, there is a provision in the Act vesting in the controller such full authority that it does not matter whether the panel exists at all. That is a very serious weakness, because, if an approved valuer values a residential property and submits a report

with an application for land transfer approval, the controller may ignore the valuation entirely, even though it was also endorsed by the panel. The Act provides for that.

The Minister for Lands: The Commonwealth Act provided for it, too.

Hon. F. J. S. WISE. As the Minister knows, the Commonwealth law was used without a specific Act, under regulations then obtaining. But this Act, drawn in this State by our Crown Law Department, sets up the position of a controller as the sole authority and places an unfair responsibility and task on one person. In addition, it provides for the appointment of an advisory panel and then states, in Sections 10 to 14, that the controller may ignore the panel entirely and may act on his own discretion in the approval of land sales.

The Minister for Lands: The controller can show you a communication from me instructing him to refer all these matters to his panel.

Hon. F. J. S. WISE: That is not sufficient. I have no doubt the Minister has done that, because he agrees that this weakness which I have pointed out exists, and in that letter to which he refers he has attempted to overcome it. But that does not overcome the law. As the Minister states, he has requested that the controller shall refer these matters to the panel, and the panel may recommend that approval be given for a sale at a certain price. But the panel is only advisory; and it is possible to produce conclusive evidence from more than one person that the recommendations of the panel have on many occasions been entirely ignored and another price approved, which renders this law of not very much value from that angle.

It will be found in Subsection (5) of Section 10 of the Act that the controller may dispense with the valuation of an approved valuer. This is an Act entitled "The Land Sales Control Act," and the efficiency of the control depends on keeping land values on something of an even keel by taking the advice of authorities. But that has not been done. I have no doubt there are many members in this Chamber who have had to handle cases of people on the one hand anxious to buy a property and of persons

on the other hand willing to sell—and I refer particularly to farming properties—who have found that they have had to assist in proving a case either to the valuation panel or to the controller. I have had that experience myself. But even if the valuation panel decides that a person has proved his case, even in spite of the proposed sale having been previously turned down, it is not incumbent upon the controller to take the advice of the valuers. That leaves the Act wide open to criticism on the very basis upon which it is founded—stable valuations, the prevention of inflated values and the holding together of any inflationary tendency in the market price of land. So I would have wished that the parent Act itself had been the subject of review.

Members will find, in addition to the provision in Section 10 of this Act, a paragraph in Section 14, where the controller, when an application for consent is made as it may be under Section 10, may, in his absolute discretion, grant consent either unconditionally, or subject to certain conditions, or refuse to grant consent. Is it fair to the most accomplished and talented officer in the service to present him with an Act, subject to a considerable number of regulations, in the administration of which he is to be guided by the advice of a panel of experts, and then to provide that in his absolute discretion he may, in spite of a valuation being referred to him at £1,500, approve it at £3,500?

I am wondering whether the Minister has any idea whether such things have happened; whether the valuers have, as experts, made recommendations. The man who represents the agents on the panel happens to be an agent and is acknowledged to be an authority on the values of residential premises. It might be his instinct or desire to keep values as high as possible, but even when he has given of his best information and talent, together with that of his colleagues on the panel, he may be over-ridden entirely by the decision of the controller. Although the controller may be most anxious to agree to sales taking place at the valuations submitted, there are sure to be occasions, and there have been some, when he will ignore entirely the advice given by the panel. The principles of valuation, and the requirement of a person to be an approved valuer are such that they should be encouraged; they should be a foundation.

The work of valuers should be regarded as that of authorities and skilled people, rather than the tail that does not even wag the dog. The valuer's profession is a highly skilled one requiring experience of many years, and special training. In Government departments in all States there are few men skilled in that profession. I know of only one who is an outstanding man in the service of the State of Western Australia. The controller appointed under this Act and the chairman of the panel were Commonwealth servants, and still are, but with delegated authority, and they are not both valuers. The controller is not a valuer at all. I think, therefore, that a definite weakness in the Act is the fact that the controller is not a valuer. He is not expected to know about values, and so he receives advice. On the other hand, he has the authority vested in him to make any decision he desires. I have no doubt whatever that the controller is a scrupulous person, anxious to act honourably and honestly, but under this law he is placed in a very bad position. He acts in consultation with people who attempt, and succeed in their attempts, to prove to him that he should not follow the estimates and valuations of his own panel. I hope the Minister will earnestly and seriously consider, when the matter is being discussed from another angle, that that is not only unfair to the controller but something which should be amended in this law.

The Minister for Lands: He has the advice of the chairman, who, as you have already said, is a very accomplished valuer.

Hon. F. J. S. WISE: He has that advice, but I repeat it would be possible to produce cases where that advice has been thrown aside. Provision can be found in the parent Act for a statutory declaration, if necessary, but I am afraid that even statutory declarations are regarded very lightly by many members of the community at present. I think the Minister will agree with that.

The Minister for Lands: Yes.

Hon. F. J. S. WISE: That being so there is an opportunity, in the administering of the Act, for many things to be done that are not good as a trend in the private or public life of our community. If a law, which is introduced to control or enforce restrictive provisions, encourages evasion, as

distinct from promoting a desire to evade, it is time the law was scanned very thoroughly to allow corrective measures to be applied.

It is very obvious, in all our community, that where regulations and control prove irksome, and are objected to, the persons affected immediately seek some way of surmounting the difficulties. But where we have a statute which gives openings and opportunities I hope the Minister will exert every effort, and co-operate to the utmost, in seeing that the loopholes are closed. Prior to giving notice of a motion, upon which I do not wish to intrude today, I studied this Act on the first opportunity I had early this year. I was preparing many amendments for it, but they were not ready when the Bill was introduced. That is not the Minister's fault. But there are many doors in this statute that should be closed, and many ways in which the administration should be helped to stiffen, as it were, the weak links in the legislation. Section 21, which provides for penalties for offences, lays down that no prosecution for an offence under this Act is possible without the written consent of the Attorney General. I believe it will be possible to show, when the whole subject is ventilated, that there have been occasions when the Attorney General himself has been worried, owing to the position in which he has been placed by that provision.

There have been no prosecutions under this Act. No-one has been charged with attempting to evade the principles of this law in regard to the control of land prices. Is there any member in this Chamber foolish enough to say that, if one answered advertisements appearing in the daily Press on any day of any week, one would not get sufficient evidence of black market transactions predominating in the land sales affecting residential properties? The offences are flagrant and are known to the community. It is realised that agents who are honest—and there are many of them who will not touch black market transactions—see their businesses declining while others flourish.

Associated with this Act there is a weakness in one ancillary measure, the Land Agents Act, which I think should be considered in line with this measure in order to do justice to the business people concerned and to enable the prevention of what

is happening today when there are many land agents acting outside their association and threatening the business of the long-established people, whose records are sufficient to vouch for their integrity. From that angle alone—I will develop it on another motion—I think it is necessary that this law should be scrutinised. We should not say we can do nothing to prevent black-marketing.

If a law passed by this Parliament shows weaknesses and does not give the administration the authority it should have, then Parliament itself is at fault if it can see a way out and does not act on it. It is not sufficient to say that the trend today is towards an easy business morality. That will get the community nowhere, except into difficulties, and I believe that in speaking generally to the parent Act, as I have done, I have shown the Minister that it is unfair to have the measure drafted as it is, vesting authority in a single man and giving him absolute power and discretion. I am wondering whether the Minister often has opportunity of perusing the regulations and whether, with his multifarious duties, he has been able to scrutinise them at all. I wonder whether he ever refers to them in order to acquaint himself with the authorities they contain. Those regulations have never been tabled in this House.

The Minister for Lands: Some of them were.

Hon. F. J. S. WISE: One, which deals with certain exemptions from the Act—I have it in my hand—was tabled. It is contained on a single sheet of foolscap and prescribes the lands exempted under the regulations made under the Act. The other regulations have never been tabled and it may be that Section 23 of the Act, making provision for the taking over of the Commonwealth regulations, gives authority for them, without publication, to become part and parcel of this law. Even if that point is conceded, and if Section 23 does achieve that, I ask whether it is fair that the 80 members of Parliament in this State should not have had opportunity of seeing the regulations tabled or of knowing how wide are the powers or authorities under them. If the Minister asked the Clerk of Parliaments at this moment to produce, within the precincts of this House, the regulations under the Act, I doubt whether they could be produced.

The Minister for Lands: I think they are there.

Hon. F. J. S. WISE: I have the one available copy in front of me, and that was found only after a strenuous search that occupied a long time. They are contained in the manual of national security legislation, sixth edition. These are the regulations which I say—I think the Minister will on reflection agree—it is unfair members have not had opportunity to peruse. However, the regulations did appear, with all the other national security regulations that came forward from time to time during the war years to this House, and they are now in a bound volume. I am sure that if we did not have at our service experts in these matters, in the persons of the Clerks of the House, any member would have the greatest difficulty in locating the regulations. I do not think even Mr. Islip could have put his hand on these regulations at half an hour's notice.

The Minister for Lands: They were available in the Chamber when the Bill was being discussed.

Hon. F. J. S. WISE: I understand there was a lot of heat engendered on that point.

The Minister for Lands: I think you were absent.

Hon. F. J. S. WISE: Yes, but in their speeches the member for Pilbara, the member for North-East Fremantle and the member for Leederville said how unfair the treatment was, in the passing of a measure, notice of which had been given only the day before, without making available the relevant regulations. As will appear at page 1106 et seq. of this session's "Hansard," there was in this Chamber a great deal of complaint that the regulations were not made available to members. Although they have, in part, appeared in the "Government Gazette," I think it vital to an important piece of legislation that members should have seen them as printed regulations tabled in this Chamber.

I earnestly ask the Minister—since this is a continuance Bill and the parent Act is to continue in its amended form for the time being—to rectify the position as quickly as possible. Mr. Hunter and those associated with land sales control know the regulations, but the public, through their members who confer with Mr. Hunter, have little

opportunity of seeing them. I would like to be assured by the Minister that the transitional and saving provisions of the parent Act did, in fact, make law the regulations which did not accompany the Act when it was introduced in this House and were not tabled with it at that time. Did it take in the regulations specified in Section 23 of the Act and were they included in the Act as the law of the land?

The Minister for Lands: Do you want me to answer that now?

Hon. F. J. S. WISE: I would like the Minister for Housing to answer it.

The Minister for Lands: The only advice I had regarding the lifting of the regulations was from the Crown Law Department and that was the advice, naturally, that I accepted.

Hon. F. J. S. WISE: It is a legal point, and I hope it is one that is without doubt.

The Minister for Lands: I will have it examined.

Hon. F. J. S. WISE: I also hope that the Minister will concede that it is necessary for the regulations to be printed and for members to have copies made available to them. In examining the Act from the angle of whether it should be continued or not, I think there are many people of the opinion—and I suppose some would be in this Chamber—that it is so ineffective, in regard to property sales of a residential character, that it may as well lapse. I have no doubt that the Minister himself has had that opinion expressed to him. It is commonly expressed everywhere. Such a contention, in spite of the flagrant abuses under this Act, would not bear examination.

Unfortunately we have had, through depressions and other circumstances, serious difficulties by way of the shrinking of property values in rural areas. If the law, as it now stands, were relaxed and the Act did not continue to apply to rural areas, it could mean an immediate translation into land values of the present high prices of our primary products. If those prices were to be translated into land values, it would mean a serious time ahead when those commodity prices drop.

The Minister for Lands: I agree with that.

Hon. F. J. S. WISE: It would therefore be unwise not to keep a rigid control so that any inflation tendency caused by the tre-

mendous price of wool, and the substantial price of wheat, if transferred or translated into land values, could be checked. If it were not checked it would be a very sad day for this State. Therefore I am hoping that there is no suggestion that the Act will be thrown overboard. Although there is no doubt that this Bill will pass, I would prefer to see it kept aside on the assurance that the session would not end until the parent Act had been amended. It is vital that there should be a continuance of this control even in its present somewhat undesirable form. I hope that before the debate is completed, the Minister will realise that that is so. I am not at all critical against anything the Minister has or has not done, but I am merely pointing out to him the difficulties and weaknesses that he himself must realise and appreciate.

I trust that the Minister is sufficiently generous to be ready to be helped, if this Parliament can help, to stop the loopholes I have mentioned. Perhaps we could suspend the third reading of the Bill for the time being until the parent Act is amended, although if the Bill were passed the parent Act as amended would continue in force. It is necessary that these points should be scrutinised, and I hope that the Minister realises that the law as it stands is unfair to the valuer, the controller of land sales, and the general public as well.

**MR. SHEARN** (Maylands) [6.7]: As the Leader of the Opposition has said, the discontinuance of this legislation is being strongly advocated by some from outside. As one who has acquired some little knowledge over the years of the subject, I know that it is difficult to administer this law. It might be fairly said that the difficult problem of real estate is being experienced in every State in Australia. It is mainly a question of the law of supply and demand, and in this instance we have an almost unprecedented demand because of an almost unprecedented shortage of available property. Hence there is the tendency, inseparable from human nature, for a non-cooperative spirit to exist. In all the difficult circumstances associated with the problem, I believe that the Minister administering this Act has endeavoured to do his best. This Act is one which can be said to rest upon the efficiency with which it is administered.

It would be almost impossible, with any degree of accuracy, to hazard a definite figure relating to blackmarketing. The Minister mentioned five per cent. but, like the Leader of the Opposition, I would be interested to know how that figure was arrived at. I would be very surprised if it were only five per cent. Also, my knowledge of those associated with real estate in this State convinces me that the members of the Real Estate Institute of Western Australia, having set a standard of ethics which is common throughout Australia, have endeavoured to conform to their principles in dealing with matters governed by this Act. There are many people associated with real estate in its various aspects who I suggest would not have anything to do with real estate except in consonance with the Act, and over whose activities the Real Estate Institute has direct control. There are some, however, who though registered as land agents, have encouraged flagrant disregard for the Act which is closely related to this particular aspect of real estate. So it is that the Land Agents Act could well be overhauled by this Parliament having as its object the bringing about of a better state of ethics for all concerned.

As to control, I come in contact with the staff of the State Housing Commission and I believe we have a competent officer and staff there. Their qualifications will be well-known to the Minister. Returning to the question as to whether it is advisable that this control should be continued, or otherwise, like the Leader of the Opposition I would say that if it were practicable to administer control to the full, and obtain total observance, the cure for blackmarketing would be rendered possible almost overnight. However, we know that as the housing shortage exists to the extent it does, to lift control at this stage would create chaos and would prove entirely unsatisfactory. So it is imperative that it should continue until 1950. As to rural lands, residential and other properties under control at the moment, I believe it is conceivable for the position to continue for at least 12 months. However, the Minister might seriously consider a general review of the basis of values as they exist.

It has been said by the Leader of the Opposition that values are prepared by experts and members will realise that it is indeed an expert's job. It is one where big

variations in values occur. However, the premises upon which values are assessed are always ethically sound. They are the result of intensive training, considerable experience and other attendant knowledge. Therefore, I suggest improvements could be devised in order that a greater measure of reliance could be placed on values made under these controls, and perhaps assist the promotion of a better respect for the legislation dealing with them. I also believe that the operations of this legislation leave considerable room for investigation. To my knowledge there are few people who deliberately set out to engage in blackmarketing. I believe that in the main those people who deal in real estate, whether buyers or sellers, have no desire to use any influence in their dealings. However, a number of extraordinary circumstances relating to real estate exist, not only in Western Australia but throughout the Commonwealth.

Mr. Marshall: Is there any chance of having some discussion on the Wheat Pool Act Amendment Bill?

Hon. F. J. S. Wise: Yes, Mr. Speaker, there are only five members on the other side of the House.

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

Mr. SHEARN: I was referring to the difficulties experienced in the various States in relation to land sales control legislation. It seems to me that the formula being used is accountable in the main for the difficulty apparent in connection with the administration of this legislation. True, it was enacted by the Commonwealth, which had to deal very hurriedly with the then difficult circumstances associated with real estate generally. With the passing of time, however, there is a very definite need for the revision of the formula that has been used hitherto. I do not think there is any practical possibility of this legislation being capable of efficient operation until the formula is altered, and a basis established which would assess values on the replacement value, with such reasonable ascertainable depreciation as is necessary. Unless and until that is done, I submit we shall continue to have the existing unsatisfactory state of affairs.

As the formula used at present is almost impossible of equitable application, it constitutes an element of frustration as regards both purchasers and sellers of property.

That is the position if any regard is to be had to equitability respecting such transactions. I hope the Minister will take the opportunity, which I understand may be presented at a later stage, to have this legislation thoroughly investigated in order that we may, as I think we can, arrive at a basis that will make it possible for the legislation, distasteful though it will be while it exists, to gain a greater measure of application and more respect from the community.

Mr. Reynolds: Do you support controls?

Mr. SHEARN: Like many others, I would like to see every form of control at least eased as circumstances permit, but we must accept the position that we have to safeguard the interests of the people as a whole. We are responsible, as far as lies within our power, for conserving the interests of the whole of the community. I do not think any member would dispute the argument advanced by the Minister that circumstances will not warrant the cessation of this legislation for some time to come, and that matters must develop in such a manner that the Minister will be able to indicate the possibility of a greater amount of relaxation in connection with controls. I repeat that until there is a realignment of the basis on which this legislation operates, we can never hope entirely to eliminate what is commonly known as blackmarketing.

Members know that many people have been indulging in that practice. It is certainly blackmarketing, because such actions constitute breaches of the existing law. When we view it from the economic aspect, we must recognise that many of these deals would under normal conditions be reasonable transactions between willing buyers and willing sellers. I find myself in the position of having unfortunately to support the the continuation of the legislation, but I hope the Minister will indicate to the House, during his reply to the debate, what he intends to do to bring about what I have already indicated is necessary to obtain a more stable and satisfactory state of affairs.

MR. REYNOLDS (Forrest) [7.35]: I support the Bill for many reasons, but mainly on economic grounds, because, if controls were lifted in respect of farming properties and residential premises, prices would probably increase by 100 per cent. With respect to agricultural properties, I

realise that farming operations are eminently successful owing to the high price now being received for wool. Today's returns are almost four times the price payable prior to the war. Then again, wheat brought about 2s. a bushel before the war, and it has since reached about £1 per bushel. It looks as though farmers, for the next four or five years, will receive at least 9s. 6d. or 10s. a bushel. The improvement applies not only to wool and wheat. In pre-war days wethers brought about 45s. in the market, whereas today they bring over 80s. Lambs which, before the war, averaged about 20s., which was then considered an exceptionally good price, have today touched 70s. or 75s.

Mr. Nalder: What would the average be?

Mr. REYNOLDS: A good average lamb would fetch about 50s.

Hon. F. J. S. Wise: Have you many?

Mr. SPEAKER: Is the hon. member dealing with the Bill before the House?

Mr. REYNOLDS: Yes, and I will connect my remarks with the Bill in due course. Before the war, prime baconers returned 95s., but today they have reached the £10 10s. mark. Thus, farmers in these times are receiving excellent returns for their products. With prices showing increases of 100 per cent. or more, I realise that during the next four or five years farmers will be able to recoup the bigger percentage of their capital outlay, but, should a slump develop later on, they might then experience some difficulties. I touched on that aspect when introducing the Bill I submitted to the House last night. What I have said with regard to farming properties would apply also to residential buildings. I am afraid that if controls were lifted, the prices for these properties would soar and that in the next seven or eight years values would be increased by at least 100 per cent. I make this statement because never in the history of the State has the housing position been so bad. We are short of homes to the number of 16,000 to 18,000.

Mr. Kelly: And that is a conservative estimate.

Mr. REYNOLDS: I agree. In my opinion land and estate agents are taking advantage of the present unfortunate position by advertising properties for sale overseas, and intending migrants will be

the sufferers. When new arrivals come here, they are unaware of existing values, and go-getters are out to fleece such people, whom it is the duty of a sensible Government to protect.

When speaking last evening I was referring to land values being based on the valuations of March, 1942, and had said that an increase of  $32\frac{1}{4}$  per cent. had been permitted. I had reached the stage when I was about to mention to the Minister that I considered the  $32\frac{1}{4}$  per cent. should be increased to 50 per cent. or, better still, that the valuation should be based on what is known as depreciation replacement cost. Unfortunately, at that stage, several members interjected, and owing to those interjections, I missed making the point I had in mind. However, I handed my copy to "Hansard"—

Mr. SPEAKER: Those remarks do not concern this particular measure. The hon. member must confine his remarks to the Bill before the House.

Mr. REYNOLDS: In order to convey an idea of how this method would operate, let us assume that a home, which in pre-war days cost £1,000, would now cost probably £2,000 to build. If it were seven years old, the depreciation and obsolescence allowed by the Treasury would be round about one per cent. for 30 years. Thus the depreciation on a £2,000 home would be £600 and that sum, deducted from the £2,000, would give a value of £1,400. My suggestion to increase the  $32\frac{1}{4}$  per cent. to 50 per cent. would give £1,500, which would be the sale price less depreciation and obsolescence. Consequently I consider that the Treasury valuation should be amended to cover the depreciation replacement cost.

Timber houses have increased in value by about 90 per cent. compared with pre-war years. I have discussed this aspect with many land and estate agents, who have assured me that my suggestion would be most equitable and would probably go a long way towards preventing blackmarketing. I have pleasure in supporting the second reading of the Bill, because I feel that this legislation is essential until such time as our housing problems, which are vast and varied, are overcome.

MR. GRAHAM (East Perth) [7.45]: It is my intention to make a few general observations on the Bill, after which my speech will assume a far more serious note which will indicate to the House, and I hope to the public, something that is being done by the Controller of Land Sales and the Government and perhaps inform certain members of the Government of what is transpiring with, apparently, the knowledge of some of them.

First of all, let me say that I consider the present legislation in its application is ridiculous and farcical in that it does not control the prices at which land is sold. I was speaking to a local land agent—our conversation arose out of that silly statement by the Minister that only five per cent. of the sales are black market—and he told me in all seriousness that he had not heard of a property sale being made at the correct price and that he himself had certainly not negotiated any sale at the correct price.

The Minister for Lands: Is he registered?

Mr. GRAHAM: There is no doubt that people are able to receive what a purchaser will pay irrespective of any control. Would-be sellers have no difficulty in getting fabulous prices for their homes because of the notorious shortage of accommodation. This means that the only persons who are being penalised in a monetary sense and the only people who are suffering as a consequence of the application of this Act are the few who are honest and who refuse to trade on the black market. Notwithstanding the documents they have signed, they refuse to participate in transactions where an additional sum of money is passed.

A statute that penalises the honest man is certainly not desirable legislation for any body of responsible men to support. I feel that, so far as urban land is concerned, the Act could well be scrapped, and I do not think there would be any general ill-effect. On the contrary, I believe that, just as when controls were lifted from vacant land, more land became available on the market, it would have the effect of substantially reducing, not the official price, but the actual price. So I believe we have arrived at a stage where land prices, having regard to the value of the pound, have reached a reasonable standard.

The Minister for Lands: Do you think the legislation should be scrapped?

Mr. GRAHAM: I say definitely yes.

The Minister for Lands: I will convey your views to another Chamber.

Mr. GRAHAM: That will be quite all right. There is a representative of that Chamber here at the present moment. Whilst the intention of the Act might be sound, in application it is absolutely worthless. It is penalising the few—not the 95 per cent.—but the five or one per cent. who are honest, who refuse to indulge in these practices and who as a consequence are suffering some disability compared with their fellow men. There is a grievous weakness which, so far as I am able to discover from a reading of the Bill, is not provided for, but which apparently appears in the regulations though none of us seems to be able to get a copy. That weakness, I am informed, is that legal action must be taken within six months of the committal of a breach of the Act. Beyond that period no action will lie. Members will agree that it takes a certain period before matters such as this see the light of day. Accordingly, it is most desirable that that limited period should be considerably extended—at least to one of 12 months.

Coming to the matter of which I gave some indication when I opened, I shall submit a definite case, because the controller, or someone else in a responsible position—and I include Ministers—in at least one case I am about to outline, failed owing to dilatoriness to bring a blackmarketeer to justice. From the information supplied to me it is evident that practically no attempt was made to bring this person to justice. I shall on this occasion refer rather extensively to my notes, contrary to my usual practice, in order to avoid any chance of a mistake being made. I am able to use all the names of the persons concerned, with one exception; I have not the authority of that person or of her representative.

A woman, Mrs. W.—I am unable to give her full name—arrived in this State from England only a few months before this business deal was transacted. She purchased a dwelling at 43, Boulder avenue, Redcliffe, in October last year from one James Chapman. Mrs. W. was approached by an agent, C. A. Kinleyside, and offered this property. Kinleyside said that the owner wanted £2,000 for it, but might be prepared to accept £1,900. Subsequently

a sale was effected, except for certain formalities. Accordingly, an application was lodged by the agent seeking the consent of the controller to the sale. That was on the 28th October last. The sale was approved from Chapman to Mrs. W. on the 2nd November, 1948. On the 18th of that month the transfer was registered at the Lands Titles Office. It is interesting at this stage to mention—I believe it is the common practice—that the buyer and the seller had at no time met one another, nor was either aware of the name of the other during the course of the transaction. It was not until a considerable period after the sale had been effected that they came to know each other's names.

Mr. Cornell: They could not have read the transfer very well.

Mr. GRAHAM: That was because of the device used in submitting a blank form, or placing a piece of paper over the document to be signed, which was the procedure adopted on this occasion; the names were not known to either of the persons concerned. Whether that is right or not I do not know, but, Mr. Speaker, that is actually what occurred in this instance. On the 21st March of this year Mr. Chapman addressed a letter to the Attorney General in the following terms:—

In October, 1948, I sold my property, a dwelling-house situate 43 Boulder Avenue, Redcliffe, through the agency of C. A. Kinleyside, of 151 Rokeby Road, Subiaco, to a Mrs. W. I am eliminating the name.

The purchase price approved by the Sub-Treasury was £1,353. This, with £190 for furniture, was the total received by me, namely, £1,540. I was later informed by the purchaser that she paid to Kinleyside £1,900. I may say that I did not meet the purchaser at any time until she was in possession of the premises and the transaction was completed, as my wife and I were not living at the house at the time. I consider the action of Kinleyside as a deliberate case of blackmarketing and request your department to investigate the matter to the end that Kinleyside be prosecuted as an example and the public thereby warned and protected against such practices by unscrupulous agents and land sharks.

The Minister for Lands: Was Mrs. W. being approached about the matter?

Mr. GRAHAM: If the Minister will be patient and allow me to tell my story in my own way, I suggest that perhaps he will have something to answer. At this

stage I do not propose to answer his interjection. The letter I read was addressed to the Attorney General and it was the first official notification to the Government of the matter. There was then still at least a month of the statutory period of six months in which inquiries could be made and some action launched if it were deemed necessary. Apparently, Mr. Chapman received an acknowledgment of his letter, but nothing obvious was done. Accordingly, on the 11th May, 1949, he addressed a letter to the Under Secretary for Lands, in which he stated—

On the 21st March I wrote to the Attorney General informing him that my dwelling-house was sold by an agent, C. A. Kinleyside, of Rokeby Road, Subiaco, in October, 1948, for £1,900, but for which I received only £1,540, including furniture. I was informed by that department that my letter was handed to the right department.

Mr. Kinleyside informs me that Mr. Hunter has been in touch with him and requires me to sign certain papers and a declaration, for what purpose I do not know.

As I have not received any reply, I would ask that your department take the matter in hand.

I enclose a copy of my letter to the Attorney General.

There was a reply to that communication over the signature of the Acting Under Secretary for Lands dated the 17th May, 1949, It reads—

I have to acknowledge the receipt of your letter of the 11th instant in which you have stated the circumstances connected with the sale of your property through the agency of C. A. Kinleyside.

The Controller of Land Sales, Taxation Department Buildings, Murray Street, Perth, has been requested to investigate the case and meantime it would appear desirable that any correspondence or documents received by you from the agent should be referred to the Controller.

The position as I understand it as late as today is that Mr. Chapman has heard no word whatsoever as to whether any action is being taken or not, which is a shocking state of affairs in view of the seriousness of the situation.

Hon. A. A. M. Coverley: At least it is a bit long-winded.

Mr. GRAHAM: It would appear that there has been some deliberate delay on the part of someone; because surely the first thing to do in a case like this is to have some regard for the time that is yet left

and to do everything to expedite inquiries so that if at last—and I know it is difficult—a blackmarketer has been brought to book, some action can be taken against him instead of allowing time to run out. Let us look at what did happen! In process of time the controller, Mr. Hunter, requested Kinleyside to see him. I do not know whether that was by correspondence; I have an idea it was by telephone. Anyhow, Kinleyside, apparently not the least perturbed, took ten days or so before he called on the controller. They had a long discussion regarding certain points of this transaction, during which Kinleyside admitted to the controller that he had made £200 on the side out of that particular deal.

The Minister for Lands: Did the controller tell you?

Mr. GRAHAM: Yes.

The Minister for Lands: Well, that is all right. That is all I wanted to know.

Mr. GRAHAM: Members might recall that the disparity between the figure of £1,540 as against £1,900 is £360. Kinleyside himself admitted having made £200 on the side. What became of the other £160, I do not know. But I understand that a person whose name is Ryan, and who follows the occupation usually referred to as a kerb-stone land agent, figured somehow in the transaction. During the discussion between Kinleyside and the Controller of Land Sales, Kinleyside informed the controller that Chapman was not anxious to proceed with the matter but that he was being pushed into taking action by another party for certain ulterior motives.

I submit that the fact that Chapman wrote to the Attorney General on the 21st March and, nothing satisfactory having been achieved, then wrote to the Under Secretary for Lands and even today is still desirous of proceeding with the matter, indicates that there was not a scintilla of truth in the statement made by Kinleyside to Mr. Hunter. It appears that Mr. Hunter suggested to Kinleyside that if it were a fact that Chapman was not anxious to proceed, he, Kinleyside, should get signed a statutory declaration to that effect. Kinleyside approached Chapman and Chapman refused to sign. That, incidentally, is the document to which he refers in the letter of the 11th May addressed to the Under Secretary for

Lands. During the talk between Kinleyside, the land agent, and Chapman, the vendor, Kinleyside suggested to him that his signing of the document would be worth £200 to Chapman.

Here we have a situation where a complaint is lodged by a person who had a grievance and grounds for complaining. It was lodged with the Government at any rate in ample time for something to be done. There is an admission by the land agent himself—forgetting what Ryan, the kerbstone agent, may have got out of it—that he, Kinleyside, got £200 on the side. Yet time is allowed to run out and the agent can take as long as he likes before calling on the controller. Now we have reached the position where nothing can be done. I am told that action is likely to be taken against Kinleyside regarding his land agent's license when he seeks to have it renewed towards the end of the year.

Might I suggest that as these applications are heard before a magistrate, if there is sufficient evidence to establish that Kinleyside is not a fit and proper person to be a land agent, there surely must be sufficient evidence to sustain a prosecution against him. But in any event, what sort of a penalty is it that is proposed with the loose land agent laws we have in this State, if indeed a case can be established? It is a minor penalty indeed. For a few pounds and two recommendations, it is possible for practically anybody to become a land agent; and if Kinleyside had his license withdrawn, he could have his clerk or some friend licensed as the land agent and could proceed with his business in the normal way with very few limitations. Therefore it is no penalty whatsoever which is contemplated against this man.

The most remarkable part of the whole transaction—and God knows there are quite a number of remarkable features about it!—is that no inquiries whatsoever were made or have been made up to this date of either the vendor or the purchaser. The only person consulted is the person who has been accused, the person who is under suspicion, the person who himself admitted that he had made £200 on the side. Surely the first thing to have done was to go to the buyer and the seller and ask them to produce documents, cheque

butts, receipts, witnesses and so on to sustain the charge contained in the two letters. It is obvious that there was considerable unnecessary delay. I would like to know the reason for that. Secondly, there was no attempt whatever to get to the root of the matter. No effort was made to take action against Kinleyside; and he, let me say, is not the cleanest potato in the world so far as business deals are concerned, apart altogether from this transaction.

If I might digress for a moment—and it will be only for a moment because I understand some form of litigation is pending—a man who was in partnership with Kinleyside became terribly ill and to some extent mentally affected. His name was Ruscoe, and the business was Newman's Estate Agency, Subiaco. Whilst this partner, who had actually financed them into the business, was lying on a sick bed in hospital, and was in such a bad state that he was handcuffed to his bed, Kinleyside got him to sign an agreement that if he, Ruscoe, were unfit physically or mentally for a period of six months, the business was to go to Kinleyside. I saw that document myself, today. That fact, and others, regarding this man are pretty well known.

Is it any wonder that I should question the wisdom and desirability of the continuation of an Act which has proved, in the overwhelming majority of transactions, to be utterly worthless, and no sort of a deterrent to blackmarketing? In addition, when a genuine report is made to the responsible authorities, ranging from the Attorney General to the controller himself, no action is taken. It is a scandalous state of affairs, and I sincerely trust, not for my own sake, but to let the people know—not about this tommy-rot concerning five per cent. of the transactions being blackmarket—what goes on and that the Government and the department are culpable for some measure of it, that it will receive some publicity.

Just before we rose, prior to Christmas, I gave instances concerning a man who subsequently spent several months in Fremantle gaol. I do not know why, but not one single word of the case appeared in the Press nor, so far as I have been able to learn, was one heard over the air. There is no seeking of kudos in this, but the public is entitled to know the truth rather

than be fed with ridiculous statements misleading it into the belief that only a comparatively few transactions are conducted on the black market. It is obvious to anybody that practically every transaction is on the black market. That cannot be gainsaid by any person honest enough to admit the facts, or to be guided by what his friends and associates tell him. What I am most concerned about is that in those few cases when persons are prepared to come forward and allow their names to be used, and they have the relevant evidence, there is no desire on the part of this Government to pursue the matter in order to take appropriate action against the offenders.

I might mention, too, that Mr. Kinleyside received all his usual commissions in connection with the transaction, apart from the sum of £360 that I mentioned earlier. In addition to feeling it was a duty on my part, having become possessed of these facts, to mention them in the House, and, perhaps in advance, to make the Government give the most serious consideration to a favourable reception to something to be moved later by the Leader of the Opposition, I was especially stirred to bring this matter forward because on Tuesday afternoon I had a long telephonic discussion with the Controller of Land Sales. I was astounded to learn this morning that within 24 hours of my discussing, as a member of Parliament, a serious matter with a responsible Government servant, Mr. Kinleyside was aware of the fact that some further action was about to be taken.

Surely the whole matter of land sales requires the deepest probing from Ministers down to lesser officials. I repeat, the Act itself has proved, so far as urban lands are concerned, to be utterly unworkable and useless. I have indicated, and I am certain others can give further illustrations, the slipshod manner in which the Act, such as it is, is being administered. Accordingly, whilst I support the second reading of the Bill, I do so with reluctance, and I re-affirm my earlier statement that so far as urban properties are concerned, I do not think any harm would be caused if the Act lapsed. I am informed, however, that it has some effect in keeping prices within reasonable bounds in the country areas. For that reason, it is most desirable that there should be some form of control.

I am certain that the Minister, in view of the case I have cited, will be most anxious to have the closest possible examination and investigation made into the activities of the Government department and the controller under the Act. If I have given some food for thought to the Government before a case generally is made out for an inquiry, then my efforts will have been worth while. As there is no particular urgency with regard to this matter, the Minister can easily get the adjournment of the debate and reply on some later occasion. I would like him to endeavour to reply to the facts of the case as I have submitted them to the House tonight. They are a standing disgrace to the Government, as such, and to the administration of an important department. With the greatest reluctance, I support the second reading.

On motion by Mr. Yates, debate adjourned.

### COAL STRIKE.

*Statement by the Premier.*

**THE PREMIER** (Hon. D. R. McLarty—Murray-Wellington) [8.22]: The Government, during the past few days, has been giving most careful consideration to the strike of coalminers at Collie, and its effect upon the industrial community and on the other citizens of the State. There are, in a number of industrial awards affecting Western Australian unions, provisions for the imposition of a penalty in the nature of loss of holiday pay for each day in respect of which a strike may be in progress. Instances of this are the awards governing workers in the goldmining industry and in the Goldfields firewood industry. When the Collie Coal Miners' Union was working under the industrial award of the State Arbitration Court, which was gazetted on the 17th December, 1936, that award contained a penalty provision providing, *inter alia*, that for every day on which there was a strike there should be a loss of two days' holiday pay.

Subsequently, as appeared in the Gazette of the 18th October, 1938, another award was made by the State Arbitration Court during the time of Mr. President Dwyer, in which the two days' penalty was reduced to one day. Later, and comparatively recently, under an order made by Mr. Wallwork, S.M., as Chairman of the Local Reference Board, which is responsible to Mr.

Gallagher, the Coal Tribunal set up under legislation of the Commonwealth Government, this penalty provision was taken out of the award altogether. In consequence, and differing from other unions mentioned, the Collie coalminers at the present time are under no similar penalty in respect of loss of holiday pay during such period as they may be on strike.

At or about the time of giving this decision Mr. Wallwork, discussing the observations of Mr. Carter, who appeared for the employers, and dealing with the proposal for increased holidays, said—

He further contended that if any increases were granted a penalty clause should be introduced to ensure maximum attendance at work. There can be little doubt about the logic of this latter contention. Increased annual leave should be contingent upon attention to duty with a view to steady and constant production. Unauthorised absence from work is the direct antithesis of conduct deserving increased recreation leave. Paid holidays are intended to be a recuperative period, following months of arduous work, and not a bonus for work left undone.

Hon. A. H. Panton: Did Mr. Wallwork say that?

The PREMIER: Yes. In 1948 a claim was made by the union for an increase of the amount of annual leave previously granted, whereupon the employers asked for the inclusion of the penalty clause in the award. Mr. Shannon, who appeared for the union, said in this connection—

If some trouble crops up at a later date, Mr. Carter has the same opportunity to make an application, if the men give him cause to do so, as is done in every other State, for the re-introduction of penalties. Mr. Gallagher has made it clear that if things do not improve, or if they give trouble this year, the penalties will be introduced.

On the 24th June of last year, following the dispute over the horse "Red," the employers filed an application to re-impose the penalty clause. Nothing was done in this regard, as the men had returned to work, but on the 16th March, 1949, Mr. Wallwork heard an application by the union to have the three weeks leave, which had been granted for a period of six months only, made a permanent feature of the award. This was the first occasion on which the annual leave clause had come before the court since the application for a penalty clause had been lodged, and therefore the employers asked that the penalty clause be

re-imposed. However, during the hearing, the employers agreed that the three weeks' annual leave should become part of the award and, with the consent of the chairman, asked that the application for the re-imposition of the penalty clause be held over, with the right to bring it on at any time should circumstances warrant it. This application had the effect of adjourning the proceedings sine die.

The Government has now been informed by the employers concerned that it is their intention to re-open the application to Mr. Wallwork for the reinstatement of the penalty, and it has been requested to support this application at the resumption of the hearing. The Government has given very careful consideration to the matter and has come to the conclusion that, in all the circumstances of the case, such application at the present time is a proper one. It may be said that there are three grounds which justify the application by the employers.

These are—

(1) The matter is obviously one which has long been closely allied to the strike question.

(2) It proposes no departure from the well-established principles which the Federal Government, through the Prime Minister, Mr. Chifley, strongly contends, as this Government contends, should be adhered to in this present matter; namely, adherence to the principles of industrial arbitration.

I am sure that in this connection the Leader of the Opposition will entirely agree with me, that there is little or no future for industry in any part of Australia if the well-established and generally very satisfactory principles of industrial arbitration, adopted in this country, are departed from. I well remember a statement made by the hon. gentleman on the 7th November, 1946, on the occasion of a strike of railway locomotive drivers, at which time the position of electric current and power was much the same as it is today. On that occasion, the Leader of the Opposition, when Premier, said—

I announce with the greatest regret that negotiations with the Locomotive Engine Drivers' Union for a settlement have failed and the issue is now far beyond the working of engines. A far wider issue is involved and a more important one, namely, industrial disputes are to be settled by legal and constitutional method or by direct action.

These sentiments are so closely in line with our own, and those of the Prime Minister, that I contend that they admit of no contradiction by any member of the community.

Mr. Marshall: Circumstances alter cases, just the same.

The PREMIER: I should say that the circumstances today warrant Government action much more than they did in the days to which I am making reference.

Government members: Hear! hear!

The PREMIER: The third ground which I consider justifies the action is as follows:—

(3) The application by the employers, if granted, will remove an anomaly which at present appears to exist.

The strike of the Collie coalminers is causing their fellow workers, and the people of the State generally, a grave loss of wages as well as other losses. Numbers of workers are using their future holiday leave in order to continue receiving wages; they cannot afford to do without. In these circumstances the Government feels that the penalty clause should be reimposed in the Collie miners' award, so that the rest of the people shall not be called upon to pay, through the price of coal, for holidays on full pay which the miners will otherwise enjoy without having made any contribution similar to the losses they are imposing on their fellow workers. In addition, because of their unemployment, many workers, particularly in the metropolitan area, are suffering much hardship and actually, I think, more than the striking miners, who are responsible for that unemployment, in that the latter are not deprived of light and power.

The anomaly to which I have referred would, if the miners still propose to remain away from work, be corrected. The Government intends to intervene in the matter because it believes that such intervention will be substantially in the interests of the workers who are unemployed, and who are mainly members of other unions in the metropolitan districts. It is the Government's duty to act where it can in a lawful manner in the general interest. These other unions referred to have in the main loyally adhered for many years to the principles of industrial arbitration so well established in Western Australia and it is felt, in consequence, that in their interests every effort should be made

to bring the miners of Collie to a proper sense of their responsibilities, both to their fellow workers and fellow citizens of Western Australia.

I would say that if a return to work should take place before a decision is made by the Reference Board as to the imposition of the penalty from the Government point of view, it would be desirable, and action would be taken accordingly, to leave the matter entirely between the employers and the union involved. But, if the strike continues, it is felt that the Government has no option but to expedite, as far as it can, an early hearing and to intervene in support for the reasons given.

### **BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR LANDS** (Hon. L. Thorn—Toodyay) [8.35] in moving the second reading said: In introducing the Bill may I state that the first three items on the notice paper are all complementary to one another and the final effect of their passing will be to transfer the staff of the Rural and Industries Bank from the Civil Service to trading bank conditions.

Hon. F. J. S. Wise: They will cease to be public servants?

The MINISTER FOR LANDS: Yes. In order to give full effect to the change in conditions arising from the Arbitration Court judgment delivered on the 22nd November, 1948, in respect of Rural Bank officers, it is necessary to amend the Rural and Industries Bank Act, the Public Service Appeal Board Act and the Government Employees (Promotions Appeal Board) Act. The effect of this judgment is that employees of the Rural Bank should be treated industrially similarly to their counterparts in the trading banks, and their relationship completely removed from the Public Service.

The Civil Service Association, on behalf of the officers of the bank, approached the Arbitration Court for an award based on a long automatic salary range such as applies to the Commonwealth Bank and the trading bank organisations, in lieu of the Public Service system of a comparatively short automatic range with classification of positions beyond that range according to the degree of responsibility required of the officers.

In a unanimous judgment, delivered on the 22nd November, 1948, the court agreed that the application had merit. The President stated—

I consider that in the interests of management, the staff and the Bank's ultimate destiny, officers of the Rural Bank should be treated industrially in a manner similar to officers in trading banks. This means that in my opinion bank officers should be removed completely from relationship with the Public Service and should become to all intents and purposes bank clerks entitled to rights and privileges similar to those enjoyed by their counterparts in banks with which the Rural Bank is a business competitor.

He continued, that to implement that opinion was not simple and was qualified by certain factors, one of which was that by Section 36 of the Rural and Industries Bank Act, the bank officers are deemed to be officers of the Public Service. His judgment states—

Although this general position is substantially qualified and reduced by subsequent statutory provisos, for the purposes of this judgment, it means that bank officers enjoy long service leave and certain other Public Service privileges which are most substantial as a benefit to employees and a liability to employers and which come into being not because of the Agreement between the parties, but because of the automatic operation of the statute.

Taking into account certain conditions, including the beneficial operation of this statute, he considered that the bank officers must take the good with the bad, and if they really desired private bank conditions they could not expect to retain Public Service benefits as a matter of course. His judgment stated that he considered it the duty of the Association carefully to examine its position and make a complete review of the situation, as to give effect to the court's decision would mean that much may be lost as well as gained. If the bank officers decided, after mature consideration and by the exercise of a democratic majority vote, to accept private bank conditions, he would then recommend that Section 36 of the Act be amended as there was no constitutional power to implement the court's decision except in this fashion.

A plebiscite was conducted amongst all officers of the bank, including officers stationed in country districts, which resulted in an overwhelming majority in favour of accepting trading bank conditions. The voting was 272 for such a course, with only 18 dissentients. The poll was declared on the 7th December, and by letter of that date

to me, the President of the court indicated that legislative amendment was necessary to implement the court's decision. Section 36 of the Act requires to be repealed as it provides that officers of the Rural Bank are deemed to be officers within the meaning and for the purposes of the Public Service Act. As the result of the plebiscite referred to was announced in the closing days of the last session, it was not possible for the necessary amending legislation to be introduced.

Hon. A. H. Panton: Was it not this session?

The MINISTER FOR LANDS: Yes, that is a typographical error. In order that the intention of the judgment should be observed, Mr. President Dunphy convened a conference of the parties to determine ways and means of temporarily implementing the provisions of the judgment pending the legislation being introduced. At this conference he decided that an unregistered agreement should be entered into between the parties, to cover the position. This agreement was entered into on the 12th day of April, 1949, following determination by the court sitting in chambers of certain matters on which the parties could not agree. The draft legislation now introduced is in accord with the provisions of the said agreement. The Bill to amend the Rural and Industries Bank Act provides for the repeal of Section 36 of the Act and the substitution of a new section providing that officers are no longer deemed to be officers under the Public Service Act. Officers in trading banks do not receive long service leave but receive three weeks annual leave in lieu of the two weeks allowed to public servants.

Mr. Hegney: What about the Commonwealth Bank? Has that any relation to it?

The MINISTER FOR LANDS: I have already stated that the agreement was in conformity with the Commonwealth and the trading banks. Provision is made that at the date of judgment, when the court decreed trading bank conditions should come into effect, the right to long service leave ceased. The Bill provides further that in accordance with the court's decision in chambers, accrued long service leave to that date may, at the option of the Commissioners, be granted to any officer under conditions applying as at the 21st day of November, 1948, or that payment in lieu

thereof may be made under certain conditions. Provision is also made for the repeal of Sections 37, 38 and 39 of the Act, which are now unnecessary in view of the officers' decision to forfeit public service rights and accept trading bank conditions.

One of the public service rights forfeited is the right of appeal to the Promotions Appeal Board established under the Government Employees (Promotions Appeal Board) Act. This is not a right enjoyed by trading bank officers and the agreement signed by the trustees of the Civil Service Association and the president of the Rural and Industries Bank Officers' sub-Association recognises that as from the 21st day of November, 1948, no right of appeal should be permitted to any officer of the bank. This necessitates an amendment to the Government Employees (Promotions Appeal Board) Act. A further right which was formerly enjoyed by Rural Bank officers, and which their representatives have agreed should not now apply, was the provision for a right of appeal to the Appeal Board established under the Public Service Appeal Board Act.

Generally, appeals under this Act are lodged against classification of positions made by the Public Service Commissioner, but, by virtue of the introduction of a long automatic range, the principle of classification has "gone overboard." Trading bank officers have no similar right of appeal against classification. They have a right of appeal in certain instances to an Arbitration Court Board of Reference, and this right will be extended to Rural Bank officers. In the terms of the judgment, it is not considered that any right of appeal should lie under the Public Service Appeal Board Act. These Bills have been introduced to enable the decision of the Arbitration Court to be implemented; briefly, that officers of the Rural Bank should be treated industrially on a similar basis to trading bank officers. This was agreed to by an overwhelming majority of the bank officers, who had been informed that the implementation of such judgment would mean that certain public service benefits now enjoyed would be lost. Nevertheless, they voted for trading bank conditions in lieu of Public Service conditions.

These Bills also incorporate the provisions of the unregistered agreement, containing provisions agreed to by the members of the Arbitration Court, operating retrospectively to the 22nd day of November, 1948, and made between the Public Service Commissioner and the Commissioners of the Rural and Industries Bank on the one part, and the Civil Service Association and its Rural and Industries Bank Officers' sub-Association on the other part. I move—

That the Bill be now read a second time.

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

### **BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT (No. 2).**

*Second Reading.*

**THE MINISTER FOR LANDS** (Hon. L. Thorn—Toodyay) [8.48] in moving the second reading said: As this Bill is complementary to the one I have just explained, I would only be repeating my remarks if I made a speech on this and the following Bill. This measure only does away with the right of appeal of Government employees to the Public Service Appeal Board. I move—

That the Bill be now read a second time.

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

### **BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.**

*Second Reading.*

**THE MINISTER FOR LANDS** (Hon. L. Thorn—Toodyay) [8.50] in moving the second reading said: It appears to me that in view of the sequence of the Orders of the Day on the notice paper, the cart has been put before the horse because the Bill I now submit is the one to amend the Rural and Industries Bank Act. However, as I have already explained the reason for its introduction, I move—

That the Bill be now read a second time.

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

# **BILL—ADMINISTRATION ACT AMENDMENT (No. 2).**

## *Second Reading.*

### **THE MINISTER FOR EDUCATION**

(Hon. A. F. Watts—Katanning) [8.52] in moving the second reading said: I am submitting the Bill to the House on behalf of and in the absence of the Attorney General. The only intention of the measure is to increase the share that the spouse of a deceased person who dies intestate shall receive, by virtue of the provisions of the Administration Act, from the estate of such deceased person. Section 14 of the principal Act provides—

(1) A husband or wife shall be entitled, on the death of the other, as to the property as to which he or she dies intestate, to the following shares only:—

(a) where the net value of the property of the deceased does not exceed the sum of five hundred pounds, to the whole of such property.

(b) where the net value of such property exceeds the sum of five hundred pounds, to the sum of five hundred pounds absolutely, and also to one-half share of the residue where there is no issue surviving; and where such issue survives, the husband or wife shall be entitled to one-third share of the residue and such issue to the remaining two-thirds, the division among the issue being per stirpes and not per capita.

(2) Subject as aforesaid, the property of such deceased husband or wife shall be divisible amongst the next of kin.

For some time consideration has been given to an alteration in this law, partly because of the very decreased value of money in the last decade or two. The proposal has also been recommended by the Law Society of Western Australia as one it considers should be made as a measure of reform. The Bill provides that where the words "five hundred pounds" appear in Section 14, which I have read, they shall be deleted and in lieu of them shall be included what is referred to as the specified sum to which the spouse of the deceased person would be entitled, whether widow or widower. It must be understood that the reference in the parent Act in such cases applies only to people who die without leaving a will.

The original provisions of the Administration Act were designed to ensure that there was a reasonable distribution of the estate of a person, who died without leaving a will, amongst those to whom he or she

was responsible, namely, his widow and children or her widower and children, as the case might be. The Bill therefore provides that the sum mentioned shall be altered from £500 to £1,000 in the case of a person dying after the coming into operation of this Bill, when it becomes an Act, and that if the person dies before the coming into operation of this legislation, the original provisions of Section 14 shall continue to apply. The reason for that is that the estate of a testator or deceased person is valued for probate purposes and all transactions are dated from the date of death. In consequence, there would be some confusion if the date of death were not taken as the date in point. Thus the Bill provides that if the person dies before the coming into operation of this measure, the provisions of the existing Section 14 of the Administration Act shall continue to apply; but if the person dies after the amending legislation becomes operative, the new provisions shall apply.

What the alteration in the law will amount to is that the sum of £500 as set out in Section 14 will be altered to the sum of £1,000. Although the phraseology of the section will be substantially amended, its effect will be that where the net value of the property of the deceased does not exceed the sum of £1,000, the husband or the wife, as the case may be, on the death of the other shall be entitled to the whole; where the net value exceeds the sum of £1,000, the remaining spouse shall be entitled to the sum of £1,000 absolutely and also to one-half share of the residue where there is no issue surviving; and where such issue survives, the husband or wife shall be entitled to one-third share of the residue and such issue to the remaining two-thirds. Subject to those provisions, the property of the deceased husband or wife shall be divisible amongst the next of kin. That will not be the exact phraseology of the section if passed, but that will be the effect. In short, the object is to increase the interest of the husband or wife of the deceased spouse from £500 to £1,000. I move—

That the Bill be now read a second time.

On motion by Mr. Styants, debate adjourned.

*House adjourned at 8.58 p.m.*