The CHAIRMAN: There being a dissentient voice, permission to withdraw the amendment cannot be granted.

Hon. A. F. GRIFFITH: I think this Chamber is being reduced to a complete and utter farce when Mrs. Hutchison objects strenuously to the reference to women being taken out of the title, and then when I want to withdraw the amendment hers is the dissentient voice which prevents me from doing so.

Hon. E. M. Davies: But you were still going to take out the reference to the women on juries.

Hon. A. F. GRIFFITH: I think I should have had opportunity to withdraw the amendment; but I have been prevented from doing so by a dissentient voice, and so I hope the Committee will agree to the amendment.

The MINISTER FOR RAILWAYS: The title of the Bill sets out its purposes: Firstly to consolidate the Act; then to make certain other provisions in relation to publicity; and, finally, to make provision for women jurors. If it becomes law the measure will be cited as the Juries Act, and the long title will not remain. There is no point to the amendment, and I hope it will not be agreed to.

Hon. Sir CHARLES LATHAM: We have placed in this legislation something that should have been dealt with in another Act; and I refer to the libel law, which should come within the scope of the Criminal Code. However, I think that point will be taken in another place, because we have no right to attach to special legislation something foreign to it.

Amendment put and negatived.

Title put and passed.

Bill reported with amendments.

House adjourned at 11.27 p.m.

Legislative Assembly

Tuesday, 8th October, 1957.

CONTENTS.

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

QUESTIONS.

EDUCATION.

(a) Scholars' Transport Cost, Metropolitan Area.

Mr. JOHNSON asked the Minister for Education:

(1) Do children in the metropolitan area have to pay the first five shillings of transport cost to attend school?

(2) Can the department estimate the number of children affected in the metropolitan area?

(3) How many children are transported by departmental contractors to country schools?

(4) Do any of these children pay the first five shillings of such cost?

(5) If not, how long is the subsidising of country children to continue at the expense of metropolitan children?

The MINISTER replied:

(1) Under the new Regulation No. 160, all children were required to pay the first five shillings of transport cost to school.

(2) Approximately 5,500.

(3) 18,000.

(4) No.

(5) The practice of transporting children to consolidated schools in the country has been in existence for many years.

(b) John Curtin High School, Cost of Buildings and Furnishings.

Mr. W. A. MANNING asked the Minister for Education:

(1) What amount had been spent to the 30th June, 1957, for buildings and furnishings, apart from classrooms, at John Curtin High School?

(2) What are the details?

(3) What additional amounts have been, or will be spent—

(a) to date;

(b) from this date to the 30th June, 1958;

(c) to finish the work?

The MINISTER replied:

Before a proper reply is given it will be necessary for the hon. member to state specifically what information he requires. His questions could be read to mean that the cost of everything, such as verandahs, corridors, lavatories, water services, and a number of other items other than actual classrooms should be included in the reply.

The P.W.D. is not sure of the specific information sought. If the hon. member would clarify the position the department would give him all the information possible.

CHAMBERLAIN INDUSTRIES.

Manufacturing Potential and U.S. Military Mission.

Mr. JOHNSON asked the Minister for Industrial Development:

(1) Is he aware that a United States military mission is visiting eastern Australia to examine military manufacturing potential?

(2) Has the potential of Chamberlain Industries been notified to this mission?

(3) Has the performance of the "Champion" tractor during the round-Australia trial been expounded for reliable long-range military traction?

The MINISTER replied:

The Government is aware, from Press reports, that a United States military mission is visiting Australia. Information regarding this mission is being sought, but as the Government has had no official advice, there has been no opportunity to place before the mission any facts concerning Western Australian industrial potential.

FISHING INDUSTRY.

Dumping of Japanese Canned Fish.

Mr. HALL asked the Minister for Fisheries:

(1) Will he endeavour to ascertain the quantity of Japanese canned fish in this State at present and what amount is likely to be imported into this State in the near future?

(2) Will he give an assurance that all measures are being taken to prevent the dumping of Japanese canned fish in this State which could cause a recession in the canning and fishing industries?

The MINISTER replied:

(1) Information of this nature is not available.

(2) It is understood that the trade agreement with Japan contains special anti-dumping provisions. If it later appears that undue quantities of Japanese canned fish are imported to the State, I shall certainly take the matter up with the Minister for Customs.

NATIVE WELFARE.

(a) Telegram Quoted by Minister

Mr. GRAYDEN asked the Minister for Native Welfare:

When he recently quoted the wording of a telegram which he said was supposed to have been sent in regard to the natives on the Canning stock route, what document was he quoting from and to whom and by whom had it been sent?

The MINISTER replied:

The telegram referred to was an abridgement of that quoted by the member for South Perth in the House on the 28th

August (Hansard, page 1093), which telegram the hon. member stated was received by A.N.A. and conveyed to the Press.

(b) Minister's Reply and Previous Statement.

Mr. GRAYDEN (without notice) asked the Minister for Native Welfare:

Is he aware that his answer is completely at variance with his own statements when he spoke on the motion regarding the Canning Desert Basin natives on the 18th September? Is he aware that on that occasion he made these remarks in connection with the telegram in question—

> The Commissioner of Native Welfare, in my opinion, was very wise in his appreciation of the position. He looked at the wire that was supposed to have been sent in regard to these natives at Well 40 and the disabilities they were suffering. The papers received contain the following information:—

He went on to enumerate what was in the wire. Is he aware that his remarks were being made about something that happened some weeks before the 28th August, and yet today in his reply to this question he says—

> The telegram referred to was an abridgement of that quoted by the member for South Perth in the House on the 28th August (Hansard page 1093), which telegram the hon. member stated was received by A.N.A. and conveyed to the Press.

In view of the obvious discrepancy here, is the reply a poor attempt on the part of the Native Welfare Department to explain away the fact that that telegram is not on the file which is at present on the Table of the House?

The MINISTER replied:

The hon. member will appreciate that that is a long question to answer without notice. If he will place it on the notice paper, I will endeavour to obtain the information.

(c) Missing Papers from Departmental File.

Mr. GRAYDEN (without notice) asked the Minister for Native Welfare:

In view of the most unsatisfactory position which applies—

The SPEAKER: Order! I would ask the hon. member to resume his seat. The hon. member is not in order in commenting on any answer given. He is entitled only to ask a question and not to make comments. I hope he will ask his question straight out.

Mr. GRAYDEN: Is the Minister aware that a number of papers are missing from the Native Welfare Department file which is at present on the Table of the House, and will he have them restored in accordance with the decision made recently in this House?

The MINISTER replied:

I am not aware that any papers are missing from the file on the Table. I understand that the hon. member has been invited by the Public Service Commissioner to make any allegations in regard to the file, and he will have an inquiry made into them. I would say that the matter is in his hands, and he can make allegations.

(d) Location of Warburton File.

Mr. GRAYDEN (without notice) asked the Minister for Native Welfare:

In view of the fact that the Warburton file, which contains a lot of the evidence I want to bring forward at the forthcoming inquiry, is at present in the hands of the department, will he ensure that the file is taken into the immediate custody of the Public Servicé Commissioner and held in his custody until such time as the inquiry is completed?

The MINISTER replied:

If the file is not already in the hands of the Public Service Commissioner, I will see that it is placed in his hands tomorrow.

(e) Pingelly Reserve, Water Supply, etc.

Mr. W. A. MANNING asked the Minister for Native Welfare:

(1) Was it intended to connect the native reserve at Pingelly with the town water scheme?

(2) If so, what amenities were to be provided?

(3) Why has nothing been done?

The MINISTER replied:

(1) Yes. Application has been made to the Public Works Department for the connection of the Pingelly reserve to the town water supply.

(2) Amenities intended for the reserve are an ablution-laundry block, two lavatories and a stand-pipe tap.

(3) When an assured water supply to the reserve has been provided, the department will seek finance to have the other amenities completed.

RAILWAYS.

(a) Engine Dispatched from Katanning to Tambellup, etc.

Mr. NALDER asked the the Minister representing the Minister for Railways:

(1) Was an engine dispatched from Katanning to change over with the one from Tambellup on the 4th May, 1957?

(2) What time did it arrive at Tambellup?

(3) What time did it depart from Tambellup?

(4) What time did it arrive at Katanning?

(5) Was there a delay in handing over the engine to the Tambellup train crew?

(6) If so, what was the reason for the delay?

(7) Was overtime claimed by both crews?

(8) If so, what was the amount paid to each crew?

The MINISTER FOR TRANSPORT replied:

(1) Locomotive W 922 was used for haulage of empty tankers, Katanning-Tambellup, on the 4th May, 1957.

(2) 12.50 p.m.

(3) 2.40 p.m.

(4) 4.30 p.m. after performing shunting requirements en route.

(5) Locomotive W 922 was not handed over but was stabled at Tambellup. Locomotive W 933 which had been working the Tambellup-Ongerup section was due for normal maintenance, which is not available at Tambellup, and was prepared by the driver for his trip back to Katanning.

(6) There was no unauthorised delay.

(7) No.

(8) Answered by No. (7).

(b) Removal of Facilities, Mt. McLeod Siding.

Hon. A. F. WATTS asked the Minister representing the Minister for Railways:

(1) Is it a fact that certain facilities at Mt. McLeod siding between Denmark and Nornalup have been removed?

(2) If so, will he give particulars of what has been removed and why?

(3) Was not an assurance given that lines would not be taken up or facilities removed from the lines listed for cessation of operation?

The MINISTER FOR TRANSPORT replied:

(1) Yes.

(2) A shelter shed for small consignments which was in the way of a proposed realignment of the Manjimup-Nornalup-Denmark-rd was removed at the request of the Main Roads Department.

(3) Only in special circumstances will materials be removed.

(c) Legislation re Future Control.

Hon. D. BRAND (without notice) asked the Premier:

Has any decision been made by the Government with respect to the introduction of legislation to cover the situation that has developed in regard to the control of railways?

The PREMIER replied:

Amendments are in process of being prepared for final consideration.

INTERSTATE SHIPPING.

Effect of Improved Service on Local Trading.

Mr. COURT asked the Minister representing the Minister for Supply and Shipping:

With reference to my question asked on the 1st October, 1957, will he please reconsider the matter in view of the fact that my requeset in the first part of the question was for information on an examination of the position and not for interference with the trade between States, while the second part only dealt with intrastate transport facilities?

The MINISTER FOR NATIVE WELFARE replied:

A number of our local exporting manufacturers have been circularised by the Department of Industrial Development advising them of the increased shipping facilities and offering the services of Western Australian Government liaison officers in Melbourne and Sydney in contacting potential buyers.

WATER SUPPLIES.

Extension to Marmion-Sorrento Area.

Mr. MARSHALL asked the Minister for Water Supplies:

(1) As the erection of homes in the Marmion-Sorrento area is increasing considerably, what plans are contemplated to increase the existing water supply?

(2) When will it be possible to carry out the extension of water supply to this area?

The MINISTER replied:

(1) The construction of an 18 in. feeder main from Karrinyup to North Beach has been planned to augment the existing water supply, and this work will be considered in conjunction with other urgent works when formulating the loan programme for 1958-59.

(2) When the feeder main is constructed, extension of the reticulation system will be dependent upon the economics of the proposition and the availability of funds.

LATE MRS. F. C. DEAN.

Royal Perth Hospital Medical Files, Tabling.

Mr. POTTER asked the Minister for Health:

(1) Will he have the medical files of the Royal Perth Hospital, relative to the late Frances Christina Dean, deceased, laid on the Table of the House?

(2) If not, why not?

The MINISTER replied:

The Hospital Board is an autonomous body and it is a matter of policy for the board to decide whether or not it will table medical records. I understand it is board policy to make records available to interested relatives in certain circumstances, but to refuse to allow medical records to be inspected publicly, which would be the case if they were tabled. This is in keeping with medical ethics and universal practice of hospitals in the interest of patients.

In the case of Mrs. Dean, this policy is being followed. Mr. Dean, a son of the deceased, has been invited by the board to inspect the medical records with his solicitor and his own doctor and, at the same time, consult with the medical superintendent of the hospital. This opportunity has been available to Mr. Dean for some months and I understand that he called at the hospital yesterday and met the medical superintendent, who explained the full circumstances of his mother's case.

CROWN AND PRIVATE LAND.

Area Reserved for Cutting of Wandoo.

Mr. W. A. MANNING asked the Minister for Forests:

(1) What area of Crown land is held in reserve for the cutting of wandoo?

(2) Is there any record of private land held for the same purpose?

(3) If so, could any estimate be made of the area?

(4) Who is responsible for the decision as to whether land should be retained for forests?

The MINISTER replied:

(1) Wandoo occurs in an area of about 200,800 acres of timber reserves.

(2) No.

(3) Answered by No. (2).

(4) Parliament in the case of State forests; Conservator of Forests in the cases of timber reserves and of timber on private property reserved to the Crown.

TRANSPORT AND TRAFFIC INSPECTORS.

Number and Identity.

Mr. W. A. MANNING asked the Minister for Transport:

(1) Are any transport inspectors also traffic inspectors?

(2) If any, how many and where do they operate?

(3) How can they be identified by a person questioned?

The MINISTER replied:

(1) Yes.

(2) Twelve. Of these, seven full-time Transport Board inspectors are based on Perth and operate in metropolitan and country districts as and where directed. Two traffic inspectors employed by local authorities at Geraldton, two at Albany and one at Donnybrook also undertake part-time duties as inspectors under the Transport Act.

(3) Every inspector carries written authority which can be shown on demand, also a traffic inspector's badge.

LAND AGENTS ACT.

Supervisory Committee.

Mr. COURT asked the Minister for Justice:

Is it intended that the present members of the supervisory committee under the Land Agents Act, 1922-1953, will continue as the committee under the Land Agents Bill, should it become law in its present form?

The MINISTER replied:

It is not proposed at this juncture to make any alteration in the membership of the committee. The members have carried out their duties in a very able manner. Clause 9 (7) of the Bill intends that existing appointments shall inure, subject to the provisions of the Bill.

TRANSPORT.

Search of Vehicles and Legal Position of Inspectors.

Mr. HEARMAN asked the Minister for Transport:

(1) To what extent is any person, who is stopped by a Transport Board inspector, obliged by law to assist that inspector in carrying out an inspection of his vehicle?

(2) To what degree may an inspector use force to enter any vehicle for the purpose of carrying out his inspection?

(3) In the event of no goods being found to be illegally carried and some force having been used in making the search, what redress exists at law for the person unnecessarily stopped?

The MINISTER replied:

(1) The obligations of the driver of a vehicle are defined by Section 49 of the State Transport Co-ordination Act.

(2) There is no known instance of an inspector having used force to enter a vehicle.

(3) This would be a matter for legal decision.

AGENT GENERAL ELECT.

Appointment and By-election.

Hon. D. BRAND asked the Premier:

(1) When will the Agent General elect take up his appointment in London?

(2) Is a by-election likely before the end of the present session?

The PREMIER replied:

These matters are receiving consideration.

NORTH-WEST PORTS.

Effect of Arbitration Court Award.

Mr. COURT asked the Minister representing the Minister for Supply and Shipping:

(1) What will be the effect of the recent award amendments made by the Arbitration Court in connection with the working of North-West ports?

(2) (a) Is is expected that the award will involve increased costs in respect of—

(i) State Shipping Service;

(ii) wharf handling charges?

(b) If so, what will be the extent of these cost increases?

The MINISTER OF POLICE replied:

(1) A 6-hour minimum engagement now applies in place of previous 4-hours.

The number of men in each gang and the size of sling loads will now be decided by the employer and labour may be transferred as found necessary.

The amount to cover district allowance has been incorporated into the basic hourly rate of pay. Half of that amount is included for calculated overtime rates.

Wages have been increased on an average over all ports affected by 7d. per hour ordinary time.

Workers are now entitled to payment for absence through sickness and for public holidays.

(2) (a) (i) Increased costs are not expected.

(ii) Yes.

(b) Approximately £4,000 per annum.

DEPARTMENTAL HOMES.

Daily Cost.

Mr. CORNELL asked the Minister for Health:

What was the cost, per inmate per day, of conducting each departmental home, respectively, in each of the three years ended the 30th June, 1955, 1956, 1957?

The MINISTER replied:

The cost per patient per day to the 30th June, of the years mentioned was as follows:—

Home.	1955.		1956.		1957.	
	Gross Cost.	Nett Cost.	Gross Cost.	Nett Cost.	Gross Cost.	Nett Cost.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
Sunset	15 8·9	6 7·9	16 4·3	7 3	17 8	7 6·9
Mt. Henry	23 11	11 11·9	25 3·7	13 2	25 1·1	12 1·8
Guildford	19 7·3	8 10	22 0·6	12 0·4	21 7·6	9 10·5

MAIN ROADS DEPARTMENT.

Proposed Works, Nungarin Road District.

Mr. CORNELL asked the Minister for Works:

What works are proposed to be carried out by the Main Roads Department in the Nungarin Road District in the current financial year?

The MINISTER replied:

The following works are listed in the 1957-58 programme of works for the Nungarin Road District, and are to be carried out by the Nungarin Road Board subject to submission of schedule of proposals to the department:—

	£
Vernons-rd.: construction	1,000
Devlins - Kennet - Chandler-rd.: form and gravel	2,000
McGlinns-rd.: form and gravel	1,500
General allocation	2,500
Roads to isolated settlers	200
School bus routes: maintenance	820
	£8,020

TURKEY POINT-LESCHENAULT ESTUARY.

Siltage, Pollution, etc.

Mr. ROBERTS asked the Minister for Works:

(1) Is the area of water from Turkey Point to the head of Leschenault Estuary being closely watched from the siltage, pollution and marine growth aspects?

(2) If so, what are the details of the last report covering these aspects?

The MINISTER replied:

(1) No.

(2) Answered by No. (1).

TRAFFIC.

Driving Against Lights, Stirling Highway-Dalkeith-rd.

Mr. ROBERTS asked the Minister for Transport:

(1) How many drivers of motor-vehicles were apprehended by police traffic officers for going through the traffic lights (when

the lights were against them) situated at the corner of Stirling Highway and Dalkeith-rd., Nedlands—

(a) during the week ended midnight Sunday, the 29th September, 1957;

(b) during the week ended midnight Sunday, the 6th October, 1957?

(2) How many of such drivers were drivers of vehicles registered in—

(a) country areas;

(b) metropolitan area?

(3) How many drivers of vehicles registered in—

(a) country areas;

(b) metropolitan area;

are to be proceeded against for breaches of the traffic regulations at the traffic lights situated as mentioned above?

The MINISTER replied:

(1) (a) Three.

(b) Six.

(2) (a) Two.

(b) Seven.

(3) (a) One.

(b) Five.

STATE HOUSING COMMISSION.

(a) New Manager, Particulars.

Mr. WILD asked the Minister for Housing:

(1) On what date did the newly-appointed manager of the State Housing Commission, Mr. A. D. Hynam, become a member of the staff of the commission?

(2) What position did he hold and by whom was he employed immediately prior to his appointment?

(3) What particular qualifications for his new position are possessed by Mr. Hynam?

(4) How many applicants were there for the position?

(5) How many applicants were officers of the State Housing Commission?

(6) How many applicants were returned soldiers?

(7) Is Mr. Hynam a returned soldier?

The MINISTER replied:

(1) On loan to the commission from the 8th July, 1946, to the 12th July, 1948. Appointed to the staff of State Housing Commission on the 4th January, 1950.

(2) Liaison officer for production of basic building materials, Department of Industrial Development.

(3) Mr. Hynam has a background of technical training and, as a factory inspector and industrial officer to the Court of Arbitration, gained considerable experience in industrial and labour problems.

He was for a period prior to joining the State Housing Commission staff, liaison officer for the production of basic building materials and has been a member of the housing advisory panel for the past 10 years.

In 1950 he was appointed technical officer on the commission's staff and continued in this capacity until he was appointed building superintendent in 1954.

These positions have given him a wide knowledge of the commission's activities and kept him in close touch with the building programme.

He qualified at the Western Australian University for the Diploma of Public Administration, and is a member of the Royal Institute of Public Administration.

(4) Seven.

(5) Six.

(6) Six.

(7) Yes.

(b) Applications for Under Secretary and Manager, Tabling Papers.

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

Will he lay on the Table of the House all departmental papers regarding the calling of applications for the position of under secretary, State Housing Commission, and the rejection of the recommendation of the Public Service Commissioner that the chief administrative officer, Department of Agriculture, Mr. W. A. Hopkinson, be appointed to this position, together with all departmental papers dealing with the calling of applications for the position of manager, State Housing Commission, and the appointment of Mr. A. D. Hynam thereto?

The MINISTER replied:

If the hon. member is interested in seeing these papers, I will arrange for them to be made available to him at his convenience at the office of the Public Service Commissioner.

DIESEL FUEL TAX.

Distribution, Exemptions, Cost, etc.

Mr. COURT asked the Treasurer:

(1) Has the Government sought and obtained information on how the Commonwealth proposes to distribute the £3,000,000 per annum to the State from the recently imposed diesel fuel tax?

(2) Has the Government made representations to the Commonwealth for the exemption of passenger road transport operators?

(3) What is the estimated cost of the tax per mile and per annum to—

(a) private metropolitan road passenger services;

(b) Government metropolitan road passenger services?

(4) How much is paid per annum by way of Transport Board fees by—

(a) private metropolitan road passenger operators;
(b) Government metropolitan road passenger services?

(5) How much is paid per annum in licence fees by—
(a) private metropolitan road passenger operators;
(b) Government metropolitan road passenger services?

(6) How much of the licence fees referred to in No. (5) is attributable to the increases under the 1956 legislation—
(a) private metropolitan road passenger services;
(b) Government metropolitan road passenger services?

The TREASURER replied:

(1) No. The Government is awaiting advice from the Commonwealth. It was reported in the Press that the Commonwealth would need to bring down new legislation to cover the proposal.

(2) No. It is understood that the Omnibus Proprietors' Association has made representations for exemption.

(3) (a) 1.21 pence per mile and £50,000 per annum;
(b) 1.317 pence per mile and £26,000 per annum.

(4) (a) £57,873 for the year ended the 30th June, 1957;
(b) £8,334 for the year ended the 30th June, 1957.

(5) Assuming the question relates to licence fees under the Traffic Act—
(a) £22,152 per annum at current rates;
(b) nil.

(6) (a) £7,363 per annum;
(b) nil.

VISITORS TO LEGISLATIVE ASSEMBLY.

Provision of Conveniences.

Mr. HALL (without notice) asked the Speaker:

As Parliament has been receiving quite an amount of publicity recently in the way of voices from the gallery, could he state what conveniences are available to those people who give us their patronage?

The SPEAKER replied:

I do not know exactly to what conveniences the hon. member is referring. If he means conveniences in the shape of lavatories, all I can tell him is that there is one for gentlemen in the corridor immediately above this House. The convenience for lady visitors is some distance from the gallery. I might inform the hon. member and members generally that in drawing up plans for the proposed new building consideration was given to the provision of public conveniences for both men and women. If the hon. member was referring to other kinds of conveniences, such as liquor bars, no provision is being made along those lines.

BILL—LONG SERVICE LEAVE.

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

BILLS (4)—THIRD READING.

1, Companies Act Amendment.
2, Licensing Act Amendment (No. 1).
3, Bush Fires Act Amendment.
4, Pig Industry Compensation Act Amendment.

Transmitted to the Council.

BILL—LAND AGENTS.

Second Reading.

Debate resumed from the 1st October.

MR. COURT (Nedlands) [5.1]: This rather voluminous Bill seeks to repeal the existing law dealing with land agents and to provide for a re-enactment of the law, with certain amendments. It is an important measure which can be broadly regarded as being based partly on experience and partly on a hope of prevention.

The 1953 amendments, which were considered and passed by this Parliament, were of a rather radical nature and introduced three main principles. The first was the establishment of the supervisory committee, which still functions; the second was the introduction of the system of audits of land agents' accounts, and the third was the establishment of the system of increased fidelity bonds. It would be fair to say that that legislation was responsible for scaring—I use that word for want of a better one—a large number of undesirable people, who were bringing discredit on an otherwise creditable profession, out of this sphere.

I might be a little bit biased in the matter but my view, based on my observation of proceedings since the new legislation was placed on the statute book, is that the statutory provision for audits was the greatest of the factors. It really frightened some of the people who up till then had got away without proper records or without possibility of proper audits. Once they knew that their records were to be subject to an official audit by auditors approved by the Minister, they felt it was better to get right out of the business than to stay in it. The public and the profession itself have been the better off for their absence.

It would be fair to say that those practising in this business at the present time are a much more sound and reliable body than was the case prior to the passage of the 1953 legislation. It is true that to some extent much of the cream had been taken off this trade up to 1953, because in the postwar era there were certain conditions in connection with land sales which lent

themselves to manipulation by undesirable people and it is well known that the more reputable persons in this calling were embarrassed by the presence of these disreputable people, just as the public in many cases were unfairly treated.

I support, in principle, the move by the Government to repeal and re-enact this law with amendments, although during the Committe stage there will be certain matters on which I would like further information from the Minister. In the main, however, they are matters of machinery and detail rather than the actual principles sought to be achieved in the Bill. Some of those points, on explanation, might involve amendments but I cannot see that they will be great or entail any matters of principle. For example, there is the anomaly in some of the penalties, such as where in the Bill we find that the land agents are exposed to a penalty of £200 if they fail to make a proper appropriation of rates and taxes between the respective parties, but only a penalty of £100 if they practice without a licence.

Mr. Lawrence: Quite a few have gone to gaol.

Mr. COURT: It would be better to reverse that and adjust the penalties because by no stretch of the imagination could it be claimed to be a worse crime to fail to make a proper appropriation of the rates and taxes between the parties than to operate without a licence.

Another small matter of drafting which no doubt the Minister has in hand has reference to the method of appointment of the chairman. The Leader of the Country Party was quick enough to pick up the point during the Minister's second reading speech and on subsequent reference to the Bill in detail, I cannot find any machinery whereby the chairman can be appointed, unless the Minister or the Leader of the Country Party have been able to find some such provision. It is true that the existing appointment continues, but as the Leader of the Country Party pointed out—I think by interjection—there must come a time when a new chairman has to be appointed and then the machinery will have to be brought into effect .

The Minister for Justice: That will be attended to.

Mr. COURT: The increase of the bond to £5,000 in the case of land agents and £500 for land salesmen and registered managers is not excessive, having regard to the circumstances. Most real estate transactions these days involve fairly big money, and I think that £5,000 as a bond for a person carrying on a reasonably sized business, is more realistic than the existing £2,000 bond. However, it could be anomalous if there were several persons in partnership.

I can understand the Minister wanting to increase the bond if there were several partners and so have a greater overall coverage for the firm than the £5,000. For instance, he might want to increase the overall coverage to £10,000 having regard to the extra volume of business done by the partnership, but I think it would be fair also to impose some limit on the amount of bond wanted from the partnership as a whole, bearing in mind that the partners would be jointly and severally liable for the liabilities of the firm.

Mr. Lawrence: Is there any limit under the Federal Bankruptcy Act?

Mr. COURT: Do you mean the bond for a registered trustee? That is fixed under the Federal Act.

Mr. Lawrence: But it can be increased.

Mr. COURT: Each trustee has to have his own separate bond under that Act. This legislation calls for each land agent to have a separate bond, either as a fidelity bond or by way of security, and I think on reflection the Minister will agree that it could be harsh in the case of a firm with a lot of partners if they had to produce, say, either five times £5,000 by way of fidelity bond or five times £6,000 by way of deposit of Comwealth securities. Perhaps a graduated scale could be arrived at so that if there were more than three partners, a lower proportionate increase in the bond would take place, bearing in mind that the partners would be jointly and severally liable for the obligations of the firm.

As regards the supervisory committee, I would normally be opposed to its having all the power that is provided, but in the light of the right of appeal and the pressure it would take off the magistrates, I have no serious objection to the provision. In addition, I feel that the committee would develop a degree of specialised knowledge in considering these matters and would develop a fund of information regarding the requirements of this calling. It would accumulate a lot of first-hand knowledge with regard to the habits, characteristics and general standard of conduct of those engaged in the industry.

The licensing of land salesmen and the registration of managers is desirable and I can see the object of the amendment. Without this provision, subterfuge could be resorted to which could by-pass the intention of the Act and if land salesmen and registered managers are subject to the same procedures before they can be licensed and registered, it is an additional safeguard for the public and will give the supervisory committee ability to control those people who are inducing persons to buy property or who are representing properties for sale or to let to people in this State. During his reply to the debate the Minister may be able to deal with these points.

I would like him to clarify the position of the staff, other than land salesman and registered managers who are defined under the Act. Of necessity, a land agent of any size at all has to have other staff additional to those normally classed as land salesmen and registered managers. I am not sure under the Bill in its present form that it will be possible to clearly differentiate between the two.

For instance, if one goes into a land agent's office there must be someone behind the counter, in the absence of the land agent, the land salesman or the registered manager as the case may be. Some of these people have been with their firms for many years and are trusted servants with a fund of knowledge of places for sale, to let and so on although they do not apply normal salesmanship tactics in talking to customers but they may in some cases influence a transaction. If the Minister would comment as to how far he expects the staff of a land agent's firm to be either licensed as land salesmen within the meaning of the Act or licensed as registered managers, I would appreciate it.

It is interesting to note that adequate provision has been made in the Bill for those who do not want to put up a fidelity bond and find it more convenient or desirable to lodge security. It is a necessary provision. Off-hand one would think a fidelity bond would be the easier security to arrange, but in some cases people prefer to lodge Commonwealth bonds and the Bill contains provision for that. The public is equally well protected in that way and under the procedure laid down in the legislation, redress to aggrieved parties could be quicker under the deposit system than under the fidelity bond system.

The power to freeze bank accounts is regrettably necessary. It is unfortunate that we have to pass legislation like this but in view of the circumstances, I do not think there is any alternative but to provide for the freezing of bank accounts owing to the peculiar circumstances of these transactions. There is a certain type of agent who makes this procedure desirable and necessary so that quick action can be taken to make sure that at least the funds in hand at the time are frozen and can be dealt with in accordance with the law. I repeat that it is regrettably necessary in a community such as this but I can see the reason for the amendment and do not oppose it.

The Bill superimposes on the current audit provision, a system of inspections and investigations at the instance of the supervisory committee. Again it is regrettable but the significance of it and need for it are understood. However, presumably these surprise checks and investigations will be made only in cases where there are good reasons to suspect malpractice, and I presume also that these methods will be used with the utmost restraint. The reason why I make that comment is because I would not like to think that that would be made a general rule. I think it would breed a spirit of mistrust and discord between the committee and the reputable agents. The object of the committee should, at all times, be to retain the confidence, the respect and the goodwill of the reputable operators who in turn can do much to assist the Minister.

The Minister for Justice: It will happen only where the committee is highly suspicious.

Mr. COURT: Yes, but I would not like to think that the committee says, "We have this power and we will use it." It should be clearly understood by the committee that it is the intention of Parliament that the power to make these surprise checks and investigations will be used only in cases where there is suspicion of malpractice.

The Minister for Justice: Where they really think it is necessary.

Mr. COURT: That is so. I have made the point about the need for goodwill between the committee and the reputable operators; and I think the Minister will agree that much of the background information that the committee needs and can get will come from their ordinary friendly everyday dealings with the reputable operators, between whom there should be a great degree of mutual understanding and trust.

The Minister for Justice: Actually, that is the predominant feeling among them.

Mr. COURT: We must appreciate that the reputable operators are anxious to stay in business and expand; and the last thing they want is to see an influx of undesirable people. If there is goodwill between the committee and the reputable operators much information will flow from them and much help will be given to the committee by those people. On the other hand, if the committee pursues a policy of suspicion and power-consciousness in its dealings with land agents generally, it could find itself in an almost untenable position. Resistance from the whole of the calling could be a very difficult barrier for any statutory body to overcome, no matter how powerful its legal weapons might be.

The provisions in the Bill to prevent agents from having a vested interest in property transactions other than the authorised commission is necessary and natural. I would say that there is not a reputable agent in this town who would not welcome that provision because it is in accordance with sound ethical conduct, and it is really making statutory something that the reputable agent has practised for many years. Ample provision is made for an agent to declare his interest in a particular transaction and no one can object to that if there is a full disclosure. The whole basis of the law between agent and

principal has been the necessity for a full disclosure. If one is a director of a company and has other interests, the Companies Act insists that at the particular meeting of directors, when the decision is made, such director will declare his interest, or will declare it at some other time provided in the Articles of Association so that no one can deny that he made it patently obvious he had an interest in the transaction. In that regard the law has met the situation and this Bill makes statutory something which has been consistent with good practice.

The provision preventing the agent from advertising other than in his own name appears, superficially, to be in order; but I can see certain practical difficulties. I know that the Minister's object is to prevent some of these agents inserting rather clever types of advertisements in the Press which appear to be very straightforward, and somebody answers them thinking that he is dealing with a house-hungry person, or somebody genuinely in need, or somebody genuinely going away, or something like that; and then finds that he has been caught in the web of these less reputable people.

However, I am sure, the Minister will concede, on reflection that some of the most reputable agents have of necessity to resort to this system in the interests of their clients, not because they want to put anything over. They do it only on a basis which is thoroughly understood by their clients. Therefore, it is not inconceivable that we could devise some machinery to overcome the position and at this point I would like to ensure that the Minister does not intend to take the Bill into Committee this evening, or at least not beyond the formal stages.

We should then give some thought to devising some simple machinery to make it practicable for advertisements to be used without the agents' names in certain selected cases. I could not get any practical solution in time for the second reading debate this afternoon, but on considering the matter I have one possible solution. If there are cases where an agent, in the interest of his clients, has advertised without his name being used, and a box number has been given, the land agent could have a copy of the advertisement lodged with the committee as proof of his bona fides. Such a person would not mind the committee knowing why he advertised in that particular way. Thus, the committee would know all the circumstances when the advertisement appeared in the paper.

If the Minister wanted to go one step further he could insist on the land agent taking the advertisement to the committee, getting the secretary to stamp it and then allow it to be taken to the newspaper office. In that way, the Press would know that it was a bona fide advertisement approved by the committee. I know that is extra administration and humbug in a way; but rather than remove completely the right of agents to advertise without using their own names, in certain cases in the interests of their clients, some such system should be used.

The Minister for Justice: What would the interest of their clients need to be?

Mr. COURT: There are clients who want to handle their property without having it known that agents are involved. Some people might have discussed the matter with a land agent and not be very satisfied with his work. They might feel that he did not have enough go, or enough contacts; he might be a very close friend and they might not like to go to another chap who has more connections and more go. They might feel that they did not want to upset their friends, and so they go to another agent and say, "Will you advertise this for me under my name or under a box number?"

The Minister for Justice: That would only be a matter of sentiment.

Mr. COURT: Not necessarily; it might be a matter of sound business because they might not want their agent friend to be upset about the matter. It is not good to have people upset about property because they can condemn it with faint praise. That is only one instance that comes to mind in answer to the Minister's interjection. I am sure we could think of several other cases upon reflection, whereby it would be desirable to advertise without the agent's name being given.

I am not suggesting that it be allowed to get out of control. My suggestion is that if a land agent licensed under the Act wanted for a special purpose, to advertise without his name appearing, control would be achieved by a copy of the advertisement being lodged with the committee, before it appeared in the Press or simultaneously with the insertion in the paper. The public would know that somebody was watching their interests in the matter and they would know that it had been done with the full knowledge of the committee.

The Minister for Justice: Would it not be possible to deceive the advisory committee?

Mr. COURT: That could happen even with a man's application. As the Minister well knows, a man can get three references, have a good presence, appear before the committee, create a good impression and be licensed. Yet, within a month it could be found that the committee had licensed a man who had an undesirable character. That is with us all the time. The Minister knows how he has given references to people; I have given references to people; and I suppose everyone in this Chamber has given references to people, only to find something about them later on, which was

not apparent at the time. As long as references are given in good faith, I do not think anyone is culpable. All the actions of the committee are based on good faith. I think the Act provides that the members of the committee, so long as they act in good faith, are not personally liable. That is the only test that can be made of their sincerity in the matter.

I think the Minister would concede that the committee would have a fairly sound knowledge of the people with whom it was dealing. Its members would not be easily deceived on the merits or otherwise of a particular case. I am not suggesting that this should be encouraged, but there will be such cases as I have indicated, and we should have the law sufficiently flexible to allow it to operate without a lot of fuss and bother.

There is another provision in the Bill which could have a far-reaching effect, and I refer to the one which allows for the fixing of the remuneration of land agents, their commission and other rates of charges by regulation. It seems to me that the regulations could exempt certain transactions. Further, I think the provisions should also state that charges can be based on a scale issued by some nominated body—to use a name, the Perth Chamber of Commerce. I do not think the rates should be fixed by regulation.

The more we can let people regulate their own affairs on a fair and equitable basis, the better it is; that is something which should be encouraged. For as long as I can remember, people have always known that the rates charged by the reputable land agents have been those referred to as "the Chamber of Commerce rates." Everyone in business knows those rates, and I suppose there is hardly a week, or even a day goes by, that somebody does not ring the Chamber of Commerce asking the rates of commission for particular transactions.

These people have done a good job and the rates have been mutually agreed upon. I do not see why we should want to upset a very satisfactory arrangement. Any agent who wanted to charge more than those rates today would be battling to get the money. The Minister well knows that an agent is in a very difficult position if he tries to sue for his commission or other charges. In fact, none of them would want to sue for rates higher than the Chamber of Commerce rates.

Hon. L. Thorn: They would settle their businesses if they did.

Mr. COURT: Overnight. This legislation provides that the rates shall be fixed by regulation. I think it will be a good thing if we allow the present arrangement to continue, because the more these goodwill arrangements can be fostered, in full view of the public, the better it is. The Minister knows what the rates are, the public knows what they are, and the agents and the committee know what they are. It is a public statement of the situation.

The Minister for Justice: But the committee would have no jurisdiction.

Mr. COURT: If the Minister looks at the powers of the committee, he will find that it has tons of jurisdiction. Its members have very sweeping powers and it has the greatest weapon of all—the ability to cancel a man's licence, his registration or punish him for certain offences. The committee has very strong powers and I have not objected to them. If we accept the principle of this committee being able to issue licences and make registrations. I agree that we have to give it reasonable powers, subject to appeal; and in view of the appeal provisions in the Bill, I have not objected. Therefore, if anyone started to overcharge, the Minister would find that the committee had ample powers to deal with that person. But let the position keep moving along easily and let the committee hold these powers in reserve, if it wants them.

There is one contentious matter I want to raise, and I do so with great diffidence, because I know the Minister feels rather strongly on the matter and is of the opinion that members of this supervisory committee have done a good job.

The Minister for Justice: I think they have done an excellent job.

Mr. COURT: I do not doubt that for one moment, but the fact remains that there is an unusual situation in connection with one of the members. If the Minister were on this side of the House, I think he would be giving the Government some hurry-up over this particular matter, seeing that the member in question is one who will be covered by Clause 9 of this Bill, and who will be referred to as the accountant member. Such a member exists under the present law.

This appointment has been the subject of correspondence between the Minister and myself on occasions. Although the original Act provides, among other things, that the appointee shall be a qualified accountant and auditor and a practising member of the Institute of Chartered Accountants in Australia, or of the Australian Society of Accountants the Government has seen fit to retain the person appointed—that is the accountant member —although he has been excluded from his institute for some years.

The Minister for Justice: Still, as far as the advisory committee is concerned, he has done an excellent job.

Mr. COURT: As I have said before, I am not doubting that at all; not for one minute. He would be a fool, in view of the circumstances, if he had not done a good job. If we make provision for certain qualifications to prevail, surely they must be honoured in the spirit as well as in the letter.

Mr. Johnson: Is not that a form of compulsion?

Mr. COURT: No, this not a question of employment at all but of a man serving on a Government committee. Certain qualifications were called for, and they were satisfied at the time.

The Minister for Justice: He had those qualifications when elected.

Mr. COURT: Without going into the sordid details, the Minister is aware that the said accountant was firstly subjected to disciplinary action by his institute and was found guilty under the Royal Charter of an act or default which was considered to be discreditable to a public accountant. That was in May, 1954.

At a later date, in November, 1954, the same accountant was excluded for non-payment of dues. Having been dealt with for an unprofessional matter—and, I might add, just reprimanded because due regard was given to his circumstances and family, and a degree of leniency was shown to help him—he then gets himself excluded automatically for non-payment of dues; and the Minister well knows the situation in connection with his taxation registration. In view of the particular function of this body, it is most important that the land agents, the public, the auditors and everyone else who is to operate under this particular Act, and be subjected to the supervision of this committee, should look to all the members with complete confidence and without any reservation whatsoever.

The Minister for Justice: They can do that now as a result of the service he has rendered to the committee.

Mr. COURT: I will put the following case to the Minister: Let us say, for instance, that the chairman of the Licensing Court, or one of its members, was a man who was rendering first-class service now, but who had done something of a similar nature. What would be the position? It would not matter how good that man was, or how hard he tried. It is the history of the case that must be considered, and we cannot divorce the one from the other.

The Minister for Justice: He did not commit a fraudulent act, did he?

Mr. COURT: I would rather not go into the details, in the interests of the man concerned. They are fully known to the Minister, and the best thing we can do is to leave it at that. Several people were very anxious to help the man concerned. The fact remains that he was dealt with under the Royal Charter, and subsequently left himself open to exclusion, and in that regard I would say he was a foolish man.

The Minister for Justice: I am quite sure you would be prepared to help him.

Mr. COURT: I have done so, as the Minister knows. But it is not a question of personalities; it is a question of the statute being put into operation, and we have a duty to bring these matters to light. I would far rather that the Minister made a change without the matter being discussed in Parliament at all, because it is not good for the man concerned. I am rather surprised that the change was not made in that manner, because it would have saved everybody embarrassment, particularly the man under discussion.

It is only a matter of time when some person charged with an offence by the committee will raise this particular point. That individual will bring forward the fact that a man who serves on the committee is a person who, himself, was excluded, and if they were desperate enough for a reason, they would say that it was not a very good example.

The Minister for Justice: I do not think people will have much cause to do that.

Mr. COURT: When people are desperate, they will come at anything. If a man is in a financial jam, or a legal or criminal jam, he will grasp at any straw, and use any method regardless of whom he hurts at the time.

Mr. Lawrence: That is bad psychology.

Mr. COURT: The Minister relies on the fact that when this man was first appointed he was a practising member of the institute, and at the time he was entitled to be appointed.

The Minister for Justice: That is so.

Mr. COURT: But the Minister also says —and he is basing his opinion on legal advice—that technically since he was qualified at the time of his appointment, he can continue his appointment. Whether that is technically correct or not, it is certainly morally wrong, and I would like an assurance from the Minister that the Government will examine the situation, particularly in view of the fact that under the new legislation it is provided that the existing appointment will continue and therefore this man will carry over from the existing committee under the present Act to the committee under the new Act.

The Minister for Justice: They will inure.

Mr. COURT: I am presuming that the Minister is relying on the legal opinion he had before that this man can continue in office in view of the fact that there is provision for existing appointments to inure under the new Act. Presumably these appointments are in order under the new Act, and that provision is sufficient to preserve the status quo.

The Minister for Justice: If he were not doing his work well, there would be some reason in your argument, but seeing he is doing his work so very well and that he

has received the highest commendation from the chairman, it is difficult to act against his interests.

Mr. COURT: I do not want to labour the point, but he would be a fool if he were not doing a good job. How silly would he be if he were not now doing all that is required of him? In a quiet way, I rather admire the Minister for attempting to protect this person as he is doing, but the situation is not good, particularly when the matter is so contentious, and particularly when the provisions of this Act may be invoked in regard to a person who has misbehaved, bearing in mind at the same time that we are giving the committee much wider power than it previously possessed.

The Minister for Justice: I am sure you would have done the same as I am doing if you were in my position, but you happen to be on the other side of the House.

Mr. COURT: I do not think I would do what the Minister is doing; I would endeavour to deal with the situation in another way, but not within the framework of this statute. I can assure the Minister, as I have done in correspondence, that the two institutes are ready and willing at any time to submit to him a very big panel of names, if he so desires—men who could be vouched for as being of good standing, highly regarded in the community and anxious to serve—from which the Minister could make a selection with confidence.

If and when the time arrives, I trust the Minister will take advantage of that offer, because even if he did not accept one of these names, he would at least have a wide field from which to choose. I feel sure that the panel of names submitted would be of such a sound nature that he would be prepared, unless there were special circumstances, to make a selection from those names. If that were done, all the people practising under this legislation would feel confident of the situation.

I support the second reading, and I repeat that I hope the Minister will not take this Bill into the Committee stage tonight in view of the fact that there are one or two provisions which, in my opinion, require alteration.

HON. A. F. WATTS (Stirling) [5.40]: Like the member for Nedlands, I propose to support the second reading of this Bill, but like that hon. member I think it is open to a series of objections, and I propose to make some reference to one or two of them. I indicated by interjection the other day that I could find no provision for the appointment of a chairman. I find now that there is provision for the appointment of a chairman, but it is so far removed from the usual procedure in matters of this kind that it is not extraordinary that it could not be found on short notice. It is not only an extraordinary piece of drafting but, in the circumstances surrounding it, it is rather an unusual and undesirable piece of work.

The situation is that under one of the clauses of the Bill, existing appointments of members of the committee are to inure, as the Bill says, for the purposes of the new Act. In short, that means that the existing appointees are to continue in office. That of itself, of course, does not make any provision for the appointment of a new chairman in the event of the present one retiring or otherwise ceasing to be chairman. But we find that another clause of the Bill says that power to make appointments of eligible persons to fill vacancies as they occur in offices of members of the committee is conferred on the Governor and is exercisable in accordance with the provisions of this Act. So, if a vacancy occurs, either in the position of chairman or of any other member of the committee, the Governor is empowered to make a new appointment.

I have not the slightest doubt that that procedure is perfectly valid; neither have I the slightest doubt that it is most unusual. I venture to say that in no other Act that has been passed in the last decade, and which has set up such an organisation as this, or in any way resembling this, do we find the means or method by which the members of the committee are to be appointed wrapped in obscurity as they are in this measure.

Mr. Court: Which clause is that?

Hon. A. F. WATTS: It will be found on page 10 and in the middle of page 11.

Mr. Court: I am glad somebody found it.

Hon. A. F. WATTS: I must say that I concur with the views expressed by the member for Nedlands if the circumstances as related by him are correct—and, of course, I have no reason to doubt that they are not. The Minister has certainly not contradicted them. While I agree with the Minister—for what my agreement is worth—that if the chairman of the board was fully qualified under the provisions of the existing Act—as I have no doubt he was—at the time of his appointment, no doubt these qualifications inure for the purpose of his holding the position at the present time.

The Minister for Justice: And for any future appointment.

Hon. A. F. WATTS: I question that, and that is why I believe that the provisions relating to the existing appointment inuring for the purposes of this Act were placed in the Bill in order that there would be no doubt, from the Crown Law point of view, that the chairman, although he has not now the same qualifications as he had when he was appointed, is still eligible to occupy the position. I venture to say that were the existing appointments cancelled by this Bill and new appointments made

by the Governor, as they were made in the parent Act, the chairman of the board would find himself in some difficulty in accepting the appointment, as would the Minister in making the appointment, because I suggest he would no longer be qualified as intended by the statute. In any event, I think it is a very dubious practice to continue a person in office who has lost, or virtually lost anyway, the qualifications which he possessed at the time of his appointment.

The Minister for Justice: You imply that he could be appointed with no qualifications at all subject to this Bill.

Hon. A. F. WATTS: No, I do not think so, unless the Minister interprets the proisions of this definition differently from myself. I do not think that would be so, as I understand the definition. My objection to the business is that the chairman, if the facts as related by the member for Nedlands are correct—and, I have said, I have no reason to doubt that—has lost the status he possessed when he was appointed. Therefore, in my view it would be wiser to appoint somebody else in his place. However, that is a matter for which I can take no responsibility. The principle of the Bill is all right; it is only the method by which these changes in the agents' status are being dealt with in the proposal.

A further point I wish to refer to is in regard to the requirement that land salesmen and managers should be registered. In this Bill there is a reference to stock and station agents. Approved stock and station agent means—

> A person carrying on business as a stock and station agent and approved by the Minister as a stock and station agent to whose employees this section applies;

Power is conferred on the Minister to approve any stock and station agent as one to whose employees this section applies. It then goes on to say—

> Notwithstanding the provisions of this Part, if the manager of a branch office of an approved stock and station agent is a registered land salesman or a registered manager, any person in the service of that agent and employed at that office, shall not by reason only of that service or anything done in the course of that service be required to be a registered land salesman or a registered manager.

The Minister can correct me if I am wrong, but the sort of people who are going to be stock and station agents will be such firms as Dalgety's, Elder Smiths and others like them. It is quite obvious that as they deal in land transactions and could be vendors' agents in the sale of land, these firms will require to have a lot of salesmen's licences. They have always had one in the past, and there is no objection to their having one in the future. It is quite right, but the position will be that at every branch office they are to be required to have a land salesman registered under this Act or a registered manager.

This is, as I understand it, quite a new departure. Hitherto, if I apprehend rightly, the company has put up the bond and has become the registered land agent and its employees have carried on as employees of the company. In the unlikely event, in this instance, of any defalcation becoming evident, the whole of the assets of the company would naturally be liable for the default of its servant. So there would be no risk whatever of anybody being defaulted of his rights in respect of a sale conducted by a regular employee of a company, such as I have mentioned.

The Minister for Justice: What provision would you make?

Hon. A. F. WATTS: I would not make any provision.

The Minister for Justice: What about land agents dealing directly—

Hon. A. F. WATTS: If a company of that nature is itself a registered land agent, as has been the position in the past, that is all that is required. Why should every branch be compelled to have a registered land salesman who puts up a bond of £500 and makes application through the mass of machinery which is to be found in this Bill? Good gracious! I do not know how many country branches these large stock and station firms have, but they must run into hundreds even in Western Australia, and we are going to have hundreds of persons offering as employees of these companies for registration as land salesman or managers under this Bill. and they are, each and every one of them, to be asked to go to an insurance company and put up a bond of £500, despite the fact that the company which employs them, and which is responsible for their activities, puts up a bond of £5,000.

However, in most cases—and in all the companies I have in mind—they have assets of hundreds of thousands of pounds far exceeding any possible risk of defalcation. It seems to me, with due respect to the Minister, that this proposal requiring branch offices of stock and station agents to have in each case a registered land salesman and a registered manager on the staff is not only a waste of good effort, but also a waste of considerable money in paying the premiums of agents' bonds of £500. I sincerely hope that the Minister will give very careful consideration to having these provisions struck out.

The Minister for Justice: I think the small land agent should be registered.

Hon. A. F. WATTS: Please do not tie me up with the small land agent. The only people to whom I have referred to date have been the stock and station agents.

Mr. Bovell: I will deal with the small land agents in a minute.

Hon. A. F. WATTS: With numerous branches over Western Australia, running into hundreds in total, and bearing in mind the very responsible and financial firms engaged in this business, each and every branch is to have a registered land salesman. That is a different proposition to an odd small land agent here and there who, in all probability, will not have anybody employed.

The Minister for Justice: A number of them have.

Hon. A. F. WATTS: I know one without anybody employed, although in a number of cases they will have employees, and I am not raising any objection to that proposition at this stage. I am prepared to look into that a little more closely because even though these employers are excellent people—the majority are—they have not the resources and financial backing of the organisations which we refer to as stock and station agents. They are as different as chalk is from cheese. They may, or may not, be soundly financially backed, but these small land agents, to whom the Minister referred, are in quite a separate category from those I am talking about. I am prepared to look at the proposals in regard to them and I was not going to address any criticism about them, because I consider the member for Nedlands said quite enough in that particular regard. However, I do want the Minister to look twice or even three times at this proposition about the number of stock and station agents, because I think it is just stupid.

The Minister for Justice: I will look four times.

Hon. A. F. WATTS: That is better still. It is well worth a critical examination before we pass it in this House. There are one or two other propositions in the Bill which I would also like to qualify, but I can leave them to the Committee stage. Generally speaking, I agree with what has been said by the previous speaker, and I support the second reading.

MR. BOVELL (Vasse) [5.58]: This Bill is an endeavour to consolidate the legislation relating to land agents and their operations. A Bill was introduced by the present Minister in 1953 because at that time there was some evidence of defalcation, but, so far as I am aware, the Minister has given no reason why these bonds should be increased to the extent proposed. The increase from £2,000 to £5,000 is considerable indeed.

The Minister for Justice: It has been suggested that they should be increased further.

Mr. BOVELL: The Deputy Leader of the Opposition and the Leader of the Country Party have dealt with certain phases of the legislation, but I want to deal with it as it affects the small land agent. In small country towns there are licensed land agents who operate because it is part and parcel of their business. It is not possible for them to earn a living entirely from land sales and the operations under the Land Agents Act. I might quote such towns as Augusta, Tambellup, Narambeen, Morawa—

The Minister for Justice: For instance, Esperance.

Mr. BOVELL: Yes, Esperance too. I think there is a land boom going on at Esperance at the present time and no doubt quite a lot of properties are changing hands. Therefore there is quite an amount of business being transacted there. However, that is only a passing phase. These small land agents are to have additional fees imposed on them. Under the 1953 legislation they were required to engage auditors; and with that principle I wholeheartedly agree. They will, however, have to pay this fee out of their meagre earnings as land agents.

The Minister for Justice: It is difficult to differentiate between the city and the country.

Mr. BOVELL: I know, and I have not the solution to the question. In some of the country towns, the local land agents are called upon to do the menial tasks such as rent collecting and so forth, which the bigger land agents like Elder Smiths, Dalgetys and Goldsbrough Mort & Co. do not want to be bothered with. There is little or no profit to be made from rent collecting in country areas. The trend has been towards the State Housing Commission being the biggest landlord in the State, and this has meant that the business derived from rent collecting in small country towns is so little that it can be classified as nominal. A local land agent in the country might have one or two land or house sales a year.

The fidelity bond required is to be increased from £2,000 to £5,000 and if an agent has a partner, this means, presumably, an extra £500 for each of the partners plus the fees already being charged in connection with approved auditors for the auditing of the books, so that eventually the land agents in small country centres will go out of business.

I have always espoused the cause of private enterprise, and I consider people should be encouraged to conduct business on a fair basis in a small way. Our system has been built on that principle. Great Britain has through the years, been classed as a nation of shopkeepers, and we, in Australia, can be classed as a nation of small business proprietors whether we be farmers, grocers, butchers or even starting price bookmakers.

Although I agree with the Minister that it is difficult to differentiate, I would say that some consideration should be given to the land agents in small country centres who, although they handle but very little business, are there for the convenience of the people of the district.

The Minister for Justice: Have you a concrete suggestion that you can put forward?

Mr. BOVELL: No, but the provision in the Bill will, in my opinion, virtually wipe out the small operator in the country. Firms like Dalgetys and Elder Smiths will gradually absorb the business that is offering and the small land agent will say, "I cannot keep up. I had a sale last year and made £100 from it, but I have had no sale at all this year, but I still have to pay my bond fees."

Mr. Court: I think there is provision in the Bill under which the Minister, if he wanted to, could exempt these people from the provisions of the Act.

Mr. BOVELL: I speak with some personal knowledge. My own firm has conducted a land agency business in Busselton for well nigh 70 years.

The Minister for Justice: I suggest that you put an amendment on the notice paper.

Mr. BOVELL: I do not know how a suitable amendment could be drafted. I have not been able to find one which would protect the public and also allow the small business people to continue to operate, but we should be able to find some way to allow these people to retain their business. I have considered giving up the land agency because on occasions we might get a quiet year so that all we do is collect rents, and that side of the business has more of a nuisance value than anything else. The statements, annual audit and declarations that have to be made out at the end of the year make the business hardly worth while.

The Minister for Justice: The Government is anxious to ensure protection for the public, and also to hold the land agent in the country.

Mr. BOVELL: I quite appreciate the Minister's intention. My concern is to see that the public is protected and not so much the land agent. On the other hand, the agents in small country areas should be given consideration because of the rising costs in connection with their business. I refer to the auditing of their accounts which was imposed, and rightly so, in 1953. I think the bond was then increased from £1,000 to £2,000, and now it is to be increased to £5,000.

Unless a solution can be found to the problem, the small agents in country centres will go out of business. I do not want to see land agents controlled so that their operations are restricted to certain people. I consider that anyone who has the qualification should be permitted to operate. This legislation, I know, is necessary where huge sums are being handled by land agents, and this applies generally in the city and suburban areas, but not always to even the bigger country towns such as Katanning, Narrogin and others, because the land transactions during the last few years have deteriorated in volume. The Minister should endeavour to devise some protection for the small land agent in the small country centres.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre—in reply) [6.9]: I thank the members of the Opposition who have spoken, for their constructive criticism. Generally speaking, their comments have been very fair and I will look into them. The Bill has been brought down purposely for the protection of the public although we do not want to injure any agents. We do, however, want to make sure that the disreputable agents—there are not many of them—are put on a basis whereby they cannot defraud the public as they have done in the past.

Of course, I perfectly understand the member for Vasse when he speaks of the country agents. I know the difficulties they face because many years ago, I, myself, had experience in the land agency business in the country. We can keep on increasing the costs and so put most of them out of business. Most of the points brought forward can be dealt with in Committee. I shall allow the Bill to go into Committee and, when we reach the first clause on which there is opposition, we can, perhaps, report progress.

Mr. Court: You could bring in a simple amendment to give discretionary power to the Minister in connection with small agents where the transactions are so small that there is no great danger to the public.

The MINISTER FOR JUSTICE: I suggested to the member for Vasse that he put an amendment on the notice paper. If he does so I will have it investigated—

Mr. Bovell: It would have to be a new clause, I think.

The MINISTER FOR JUSTICE: —to make sure that it is on a sound basis and legally effective.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 to 4—agreed to.

Progress reported.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—ELECTORAL ACT AMENDMENT (No. 1).

In Committee.

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 17 amended:

Hon. D. BRAND: This is one of the important amendments which the Bill proposes to make to the Electoral Act. It provides for the substitution of the words "three months" for the words "one month" which relate to the residential qualification of an elector. We are opposed to this amendment because we think it is necessary for a resident to have three months to establish himself in a new district and to enable him to take the necessary steps to have his name placed on the roll.

In the old countries such as the United Kingdom and the United States of America, the residential qualification is three months. In my opinion, the amendment will lead to roll stuffing. With all the goodwill in the world, a Government may, with the help of a band of workers, bring about an electoral change, particularly in electorates such as those in the North-West where there are as few as 400 electors in an electorate. I would therefore like the Minister to consider this amendment more fully.

The MINISTER FOR JUSTICE: I cannot see any logical reason why the residential qualification should be different from that provided in the Commonwealth legislation. This Bill is brought forward to simplify the administration of the Electoral Act.

Hon. D. Brand: It goes the wrong way about it.

The MINISTER FOR JUSTICE: Our Act at present is causing a good deal of confusion because many people are of the opinion, when they complete a Commonwealth electoral card, that they have also been enrolled for the Legislative Assembly of this State. A resident in any district qualifies immediately to have his name placed on the Legislative Council roll. The Leader of the Opposition has given no valid reason for his objection to the amendment. In Canada and New Zealand, for instance, an elector may have his name placed on the roll immediately on the issue of the writ. In any case, we are anxious to have uniformity because in this State we are out of step with other States and also the Commonwealth.

Does the Leader of the Opposition think that a person who moves from, say, Cottesloe to Leederville should have three months in which to settle down in his new district? That is ridiculous! I think he is being pushed into making this objection by some outside organisation.

Mr. Court: That remark does not come well from your side.

The MINISTER FOR JUSTICE: I think that must be the position, because I cannot see any reason why our legislation should be different from that of other States and also different from the Commonwealth legislation. Why should not the Act be placed in the same position as it was prior to 1948 when those on the opposite side of the Chamber amended the legislation? I have never heard of roll-stuffing and I am certain it has never been done in my electorate.

Further, the three months' residential qualification makes the work of the Chief Electoral Officer very difficult. He is inundated with requests from many people asking why they have not been enrolled for the Legislative Assembly because they have become confused with the enrolment for the Commonwealth elections. The sooner we achieve uniformity with our electoral laws, the sooner we can have the names of people placed on the one roll.

Hon. D. Brand: Why not try to have the Commonwealth amended its laws?

The MINISTER FOR JUSTICE: The Opposition cannot put up one logical argument against this amendment. For the sake of administration and the electors of the State, we should fall into line with the rest of the States of Australia.

Hon. D. BRAND: I want to make it clear to the Committee that I am under no pressure from any person or any organisation. I regard the amendment as absolutely unnecessary. Since 1948 when we, as a Government, made a reasonable and logical amendment to the Act, the provision has worked particularly well. The filling in of a separate card for the Legislative Council and the Legislative Assembly has nothing to do with this question. Whether the residential qualification is one month or three months makes no difference as far as confusing the elector is concerned. We view with some suspicion the intention of the Government to revert to the one month residential qualification.

The Minister for Justice: That was the position before 1948 and it worked very well.

Hon. D. BRAND: The electors of this State were very dissatisfied with the conditions which existed before 1948. It opened the way for roll-stuffing under which the political party in office could bring about a position in an electorate where 4,000 or 5,000 people become enrolled, and thus alter the political complexion of that electorate.

Mr. Jamieson: Can you cite where such an instance occurred?

Hon. D. BRAND: I can cite that. In 1930 in the Greenough electorate that very thing occurred. The Government of the

day sent out many men to that electorate, even without their shovels or tools of trade, in order that they might have one month's residential qualification before the election was held. That was enough to swing the vote. This Committee should not agree to a clause which will enable the Government of the day to have recourse to such action. I ask the Committee to vote against the clause.

Mr. I. W. MANNING: As members of Parliament, we are all aware of the ramifications of the Electoral Act. In my experience, I have found no complaint about the existing residential qualification of three months. Many difficulties have cropped up, however, under the Commonwealth Electoral Act which provides for a month's residential qualification. Many queries have been raised in that regard and people have been threatened with prosecution by the Commonwealth Electoral Office for having failed to comply with that provision. It has been the experience that people operating under the State Electoral Act are much better off. I support the remarks of the Leader of the Opposition in opposing this clause.

Mr. ROSS HUTCHINSON: I also oppose this clause. The Minister said that he believed this State should fall into line with the Commonwealth in regard to residential qualifications.

The Minister for Justice: And the rest of Australia.

Mr. ROSS HUTCHINSON: But I cannot see why we should fall into line and become uniform in this respect when there exists the possibility of political philandering or roll-stuffing. Examples of roll-stuffing have occurred in the past. Even if the possibility did not exist in the past, it could occur in future. It is possible for the Government, under the provision in this clause, to use its power by sending out a number of men to a borderline electorate to swing the vote.

The Minister for Police: Has that been done in South Australia?

Mr. ROSS HUTCHINSON: I am not talking about South Australia but about the possibility of an unscrupulous Government being able to do such a thing. I believe that the present Government would, and could, under certain circumstances do such a thing.

The Minister for Education: Do you think the Government would do that?

Mr. ROSS HUTCHINSON: There is a reason why I think the present Government will do that. It has already used its powers in this regard. It has used civil servants and public money to place people on the Legislative Council roll. I say that advisedly. That applied in both the West Province and the Metropolitan Province just prior to the elections. The Minister caused officers of the Electoral Department to go out to enroll people in those provinces. They selected special areas which could be classified as predominantly Labour in colour.

The Minister for Education: How do you know that? It is a secret vote.

Mr. ROSS HUTCHINSON: Because the figures were given in this House for the regions referred to. The figures for Scarborough were quoted in this House showing the number who voted Labour and the number voting Liberal. If the Government was prepared to do that, then it will in future be prepared to hold office by roll-stuffing. I am speaking sincerely in this regard.

Members opposite should be anxious to avoid the charge of roll-stuffing, by preserving the three months' residential qualification so that no accusation could be levelled against them. To justify the amendment of the existing provision on the ground of uniformity, when the real reason is political advantage and the wrongful use of Government power, is a very poor action indeed. Members opposite should do everything possible to prevent accusations being levelled at them. I oppose the clause.

Mr. COURT: The Minister has endeavoured to give the impression that people are besieging the Electoral Office wanting to be enrolled. My experience has been the reverse, and it is hard to get them to enroll. The main point upon which the Minister rests his case is the need for uniformity. I do not know why we should be slaves to uniformity. If the Commonwealth, South Australia or Victoria wants that system, let them have it. We do not need to look abroad. We should face up to the situation in the light of our experiences.

The Minister for Justice: Why march out of step with the rest of the Australian States?

Mr. COURT: There are many directions in which we are out of step with them. If those States were to examine the position, for what it is, they might be inclined to agree that we have a better method here.

The Minister for Justice: Members opposite seem to be suspicious.

Mr. COURT: They have reason to be. They have looked into the history of this matter. I have heard the most extraordinary stories of men being marched off to areas prematurely and what was done to entertain them during the interim period until the required statutory residential period had elapsed.

The Minister for Education: In the 1930's the men were on relief work. Because the Government tried to find work for them, ulterior motives were attributed to the Government's action.

Mr. COURT: The Minister has a smile when he says that. It is not a bad story. If he were to put his tongue from one cheek to the other, it might be more effective. It is true that men were marched off even without their tools of trade. If I remember the story correctly, the Government had to provide entertainment in the interim. In fact, it was alleged that the Government had to organise community singing. Let us examine the situation. The Minister wants one month's residential qualification only. When a person moves into a new district, surely 30 days is too short a period for him to establish himself in a new house. He has to find new friends and new interests.

The case of a person moving from one street to another, and finding himself going from one electorate to another, is exceptional. It is more usual for a person to move from one district to another and that represents a substantial change in the mode of life and circle of friends. Therefore, the provision of three months is sensible and practical. I cannot see why the Minister wants to alter it unless the Government has some other reason. If he has, let him say what the reason is. We have been perfectly frank in our approach.

The Minister for Justice: For the sake of uniformity.

Mr. COURT: If it is for uniformity, that is no argument. I support the approach of the Leader of the Opposition in opposing this clause.

Mr. POTTER: The Opposition is fighting amongst the shadows. The provision of three months was suitable in the horse-and-buggy days, or in the days before the satellites, but in these days everything has speeded up. Today there are variations in the residential qualification for the Legislative Assembly, the Legislative Council and under the Commonwealth Electoral Act. That is very confusing to the electors. They are so varied that it becomes a problem to be dealt with by lawyers. The Opposition should bring itself up to date and agree that one month is sufficient as a residential qualification.

None of the experiences which they have referred to has existed under the Commonwealth Electoral Act. There is no jerrymandering on the part of the Government by sending large numbers of people to electorates, even without their shovels. That does not exist under the Commonwealth Electoral Act. The period of one month's residential qualification will make the provision uniform. People will not have to study a number of Acts before filling in enrolment cards. I believe there is some liaison between the Commonwealth and the State regarding residential qualification cards which tends to make the administration easier. I support the clause.

Hon. Sir ROSS McLARTY: I support the remarks of the Leader of the Opposition. Looking at the electoral roll at the present time, one can find hundreds of names struck off. In a three-year period between State elections, those names might amount to thousands. If the proposal contained in the Bill is agreed to, there will be many more thousands of alterations, and that will make it more difficult for the Electoral Department to keep the roll in a reasonable state.

One month is a very short time for a person to be in an electorate. In such a brief period he would hardly have time to become a citizen of the district and have that interest in it which an elector should have. A period of three months would be one in which he would have had time to settle down and learn something about the electorate. It could be that after having been in an electorate for a month, a person would move on and be enrolled in some other electorate, and we would then have a most unstable roll. There is something to be said in regard to roll-stuffing, which is certainly a very undesirable practice. The period of three months which is stipulated at present is a safeguard against that, and leads to cleaner rolls all round.

The Minister gave as a reason for the proposed change that this is the law of the Commonwealth. I agree with the Deputy Leader of the Opposition that we should not have to follow the rule of the Commonwealth. The Commonwealth is not always right. Again, we must remember that the Commonwealth has electorates of something like 40,000 or 50,000 people; whereas in our country districts the electors number 4,000 or 5,000, and perhaps double that number in the metropolitan area. So the movement in regard to the Commonwealth roll would not be nearly so great as with regard to the State roll, and the Commonwealth would have a better chance of maintaining a clean roll.

I do not think it is possible to get what could be called a clean roll with a residential qualification of just one month; and I cannot see any reason at all why the Government should want to alter the present qualification, which is not inflicting any hardship on anybody, and which is much more satisfactory both to the department and the electors themselves.

Mr. RODOREDA: I think it will be admitted by everybody in this Committee that the only time it is important for an elector to be on the roll is immediately prior to an election. So we have the absurd situation under the existing three months' residential qualification, that a person could be—and mostly has to be—approximately six months in his new electorate before he can be enrolled to vote. There is a period of 90 days from the issue of the writ to election day. The rolls close a fortnight before. So, if a person leaves

a district in the North-West and comes to the metropolitan area or some other southern electorate, he could be away 5 or 5½ months from his North-West residence but would still have to vote for that district, which is absurd.

If members of the Opposition wish to have an elector resident in his new district for three months, they have it now. I do not hear anybody denying that, because it is a fact. If we stick to the three months' qualification, there are tremendous numbers of electors who will be disfranchised or who will have to vote for a district they left 5½ to 6 months prior to the date of voting. Few people worry about getting on to a roll in a new district until immediately before the closing of the rolls for an election, when candidates and their helpers get busy and comb the district for enrolments.

We had this argument here long years ago when Mr. Val Abbott was Attorney General in a coalition Government and changed the system that had been satisfactory in this State from the time we held elections, and that still obtains in every other State in the Commonwealth. The same conditions apply in South Australia, Victoria and New South Wales and they have seen no reason to change. Nor has the Opposition given any sound reasons why our Act should not be in conformity with those of the other States of the Commonwealth.

Let us leave the Commonwealth out of it. That has been the only basis of argument used. Why should we not be in step with all the other States? I fail to see that any cogent arguments have been produced against the Bill, and I am prepared to support it and hope that the Legislative Council will do likewise.

Hon. A. F. WATTS: I support the Leader of the Opposition. I would like to correct the member for Pilbara, because it was not Mr. Abbott who was responsible for the amendment to the Act, as it was passed in 1948, long before that gentleman became Attorney General.

Mr. Rodoreda: He was the principal opponent when I tried to alter it.

Hon. A. F. WATTS: That may be. I made that correction for a reason—namely, that the Attorney General at that time was Sir Ross McDonald, a person who could be relied upon to make—as he did make—a most close inquiry into this matter before he attempted to alter the period from one month, which had persisted for some years prior to that time, to three months which is in the measure now. I say without the slightest fear of successful contradiction that the period of three months was inserted only after a most careful inquiry, and for very sound reasons in the opinion of the Attorney General of that time. If my memory serves me aright, it was done with the approval of the Chief Electoral Officer.

As for the argument that there is a maximum period of 90 days which can elapse between the issue of the writ and the date of the poll, the lapse of that time is the exception rather than the rule. As a matter of fact, it is very rarely that more than 35 days elapse between those two dates, and, in consequence, to stretch out the period to one of 6½ months or thereabouts, as the hon. member did, is, I think, drawing the bow a little long.

Mr. Rodoreda: It is normally five months.

Hon. A. F. WATTS: It may be. In the meantime, the person is not deprived of his franchise, but is given the right, which he never loses, to vote in respect of the area where he has had his interests for some time previously and with the circumstances of which he is far better acquainted than he would be with those of a new district. It seems to me there is not the slightest reason to alter the system which has been developed over the last 10 years. It seems to me there is no reason to change a system which has been found entirely satisfactory and in respect of which the only complaints I have heard have come from the Minister for Justice.

Mr. JAMIESON: To say that the only complaints about the present period have come from the Minister is stretching things very much. Both from the Commonwealth electoral officers and from the State electoral officers, complaints have been many and frequent; and they have been made not only to me but also to the member for Stirling. Only the other day I was speaking to one of the Commonwealth electoral officers who has been in his district and discussed with him the possibility of having the two rolls united for the convenience of electors. At that stage the hon. member had some degree of sympathy with the idea.

A little while ago the Leader of the Opposition, giving an example to emphasise roll-stacking, referred to the Greenough electorate. I am not sure whether he did that because he thought he would stick to his own electorate or did—as most people would when giving examples—give the most outstanding case. It is interesting to know how the roll was stacked. If it was stacked, those responsible are to be condemned for their bad effort; because, after Labour had held the seat from 1924 to 1930, Mr. Patrick won it. So they did a very bad job of roll-stacking on that occasion and are to be condemned for it if they did it.

Mr. Court: You suggest they should be condemned for not doing it properly?

Mr. JAMIESON: Yes, if that is the best example that can be given. Being a member who has quite a number of housing areas in my electorate, I am constantly

prevailed upon to fill in electoral cards. The member for Nedlands, the member for Cottesloe,and the member for Harvey have much less to do in that regard than has one with great housing projects in his electorate. If the member for Nedlands is keen to find out who has done most work in this regard, I would be willing to check through all the cards in the Electoral Office, and I think it would be found that the number of times I have witnessed cards would be far greater than his.

Having had experience the hard way, I can tell him that there is a good deal of confusion, because once having filled in a card, people are never sure what they have filled in. It is all right for us to say that we know what is proper to do in this or in that, but the lay person just does not know. He knows that he has filled in some sort of card. It is hard enough to convince him in the first instance that he is entitled to fill in a Legislative Council card without any qualifying period, which again is confusing, because electors will say, "We have filled in an electoral card," without knowing what card they have completed.

Mr. Ross Hutchinson: Wouldn't they still have to fill in another card if this measure were passed?

Mr. JAMIESON: Not necessarily. That is the beauty of a uniform system, because immediately we would come into line with other States, one card does for both rolls. The electoral districts do not have to correspond as long as they have a single habitation there.

Mr. Roberts: The Electoral Office would have to separate them.

Mr. JAMIESON: I think the hon. member should stick to selling shirts and keep away from electoral matters. Some clarification of the overall position is necessary and if members opposite suggest that we ask the Commonwealth to fall into line with us, that is absurd, because if that were done the other five States would be out of line immediately and the position would not be satisfactory to them. I would point out that if the suggestion is that a number of men might be employed in the Greenough electorate with picks and shovels when an election was due, that is ridiculous because one man with a bulldozer now does the work once done by many men with shovels. Any suggestion of that sort must be aimed at the Labour Administration. Things of that sort would have been very much easier to do in 1930 than they would today. This amendment will bring about the necessary uniformity so that people can be correctly enrolled.

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

Ayes	21
Noes	15
Majority for	6

Ayes.	
Mr. Andrew	Mr. Norton
Mr. Brady	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Hawke	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Kelly	Mr. Toms
Mr. Lapham	Mr. May
Mr. Marshall	*(Teller.)*

Noes.	
Mr. Ackland	Mr. W. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. I. Manning
Mr. Hutchinson	*(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Hoar	Mr. Mann
Mr. Tonkin	Mr. Nalder
Mr. Graham	Mr. Oldfield
Mr. Johnson	Mr. Thorn
Mr. Evans	Mr. Wild
Mr. Lawrence	Mr. Bovell

Clause thus passed.

Clause 4—agreed to.

Clause 5—Section 20 amended:

Hon. D. BRAND: For years there has been controversy about this provision and several changes have been made, in regard to where the province rolls should be kept. I think during the time of our Government, the Attorney General appealed to the Committee to enable the Chief Electoral Officer to keep his parent roll at the Chief Electoral Office, so that he might have it under his personal supervision and keep it up to date. Would the Minister explain this clause, which aims at further change?

The MINISTER FOR JUSTICE: Surely we do not want to impede the work of the registrar! This is only a matter of directing the registrar's officers as to what they should do, and it will simply remove a lot of the duplication of correspondence that now takes place on account of two different officers dealing with Assembly and Council enrolments. I think one of the officers in that department must have been dissatisfied as otherwise I do not understand where the hon. member got his information. I think it must have emanated from an aggrieved officer.

Hon. D. BRAND: I can assure the Committee I have received no information from any officer. I recall the debate as to the rights or wrongs of the roll being kept at the headquarters of a province as against it being kept in the Chief Electoral Officer's office under his personal supervision. I am aware of the amendment moved by the present Minister in 1953 to keep district rolls within the province separate, and I know the situation might have been altered. I have discovered that only since placing my amendment on the notice paper with the intention of deleting Clause 5, and so I would like the Minister to explain the clause.

The MINISTER FOR JUSTICE: I have given the reasons for the provision. I think the hon. member took the wrong view of it.

Clause put and passed.

Clauses 6 and 7—agreed to.

Clause 8—Section 42 amended:

Hon. D. BRAND: This is consequential, and for that reason I oppose this clause.

Clause put and passed.

Clause 9—agreed to.

Clause 10—Section 45 amended:

Hon. D. BRAND: This is a long and involved provision and as it is some time since the measure was introduced, I would like the Minister to explain the intention of this clause.

The MINISTER FOR JUSTICE: The clause introduces a new provision into the Act, to give the Chief Electoral Officer authority to impose a penalty for non-enrolment. At present action for that offence may be taken in a court of petty sessions, but the Chief Electoral Officer is not prone to take such action unless there are exceptional circumstances. The amendment will not remove the person's right to have the matter heard in a court of petty sessions but provides for the person to have the option of being dealt with by the Chief Electoral Officer or a court of summary jurisdiction. The Chief Electoral Officer is given authority to deal with persons for non-enrolment instead of taking them to court, and I think it is a sound provision. He already has that power in regard to non-voters and he is now being given it in regard to non-enrolment. If the offender is not satisfied with the treatment he receives, he can have the matter taken to a court of petty sessions.

Hon. D. BRAND: I move an amendment—

> That paragraph (c), line 34, page 6, be struck out.

The subsection sought to be repealed calls upon the registrar of each district concerned to issue a receipt for a claim received—and I think that is a principle we should retain. If an elector applies to be put on a roll, the registrar should issue a receipt by way of a card, because it will justify an elector's claim that although he is not on the roll, he has taken the necessary action to be placed on the roll. Why does the Minister want to delete something which is a safeguard for electors?

The MINISTER FOR JUSTICE: I am not sure of the reason for the repeal, but I do not think the subsection is necessary. The Chief Electoral Officer is competent and well versed in the electoral laws and he would not try to penalise anybody. The issue of receipts causes a lot of work and costs money. Apparently the Chief Electoral Officer does not think it necessary.

Hon. D. Brand: We want an explanation as to why he thinks so.

The MINISTER FOR JUSTICE: I think we can leave it as it is. I will have the position investigated and I give the Leader of the Opposition my word that if there is anything wrong with it, I will have the Bill recommitted.

Hon. D. BRAND. I am not satisfied with the Minister's explanation. I realise that he cannot have all the details in front of him, but it seems that if there is any question of money involved, of hard work or inconvenience to the Electoral Office, it does not matter about the electors. We should safeguard their interests and, after all, as we pass laws forcing people to vote, the Electoral Office should protect them. If a card is issued by way of a receipt and an elector's name is left off the roll through some error, he will be able to avoid being fined.

Mr. Heal: I do not think the Leader of the Opposition need be worried about this because it is covered in the next clause.

The MINISTER FOR JUSTICE: The next clause is sufficient safeguard. However, as I said, I will recommit the Bill if that be necessary, after I have had the position investigated.

Amendment put and negatived.

Clause put and passed.

Clause 11—Section 46 repealed and re-enacted as amended:

The MINISTER FOR JUSTICE: I have several amendments on the notice paper and they are necessary in order to make provision for a claim that has been rejected by the Chief Electoral Officer if a writ for an election is issued before the expiration of a prescribed period for giving notice of an appeal by the claimant. The clause in its present state only provides for enrolment of a claim rejected when notice of appeal has been given and if the appeal has not been heard and determined on the 14th day next preceding the day fixed for an election. It is an omission and tightens up the legislation. I move an amendment—

> That the word "an" in line 32, page 8, be struck out and the words "notice of appeal has been given within the prescribed period but the" inserted in lieu.

Amendment put and passed.

On motions by the Minister for Justice, clause further amended by—

> Striking out the word "on" in line 33, page 8, and inserting the word "by" in lieu,
>
> inserting before the words "the Registrar" in line 37, page 8, the passage—
>
> > or if the Chief Electoral Officer has rejected a claim received by the Registrar before the issue of

the writ and the prescribed period for giving notice of appeal against the rejection has not expired, by the fourteenth day next preceding the day fixed for an election, then in either case.

Clause, as amended, agreed to.

Clause 12—Section 47 repealed:

Hon. A. F. WATTS: I propose to ask the Committee to reject this clause. All the objections listed in the section have to be made before enrolment and at the time when the claim is made to the registrar. An elector or the registrar may object to the claim on the grounds stated in the section. The next clause of the Bill proposes to amend Section 48 to provide for objections to persons enrolled. This is a very different proposition because the right of the elector or of the registrar to object to a claim is abolished and therefore every claim is automatically enrolled.

When the claim is automatically accepted it is difficult to get the name of the elector off the roll and yet it might have been completely out of order at the beginning, had the objection to the claim, as provided in the existing Act, been still available to the elector or the registrar. I would prefer to see the existing power respecting claims to be retained. It is a better time for an objection to be made, not after an enrolment has taken place and the name of the person concerned is on the roll and when, to all intents and purposes, he has become an elector and it is necessary to shift him off the roll. It is a different proposition to having his claim suspended till an objection is made and, if upheld, he is not enrolled at all. I hope the Committee will agree to Clause 12 being struck out.

The MINISTER FOR JUSTICE: I trust the Committee will allow the clause to stand as it is. I think the Leader of the Country Party is looking ahead and considering Clause 13 where provision is made for people being struck off the roll. I would refer members to paragraphs (d) and (e) of Clause 13. Under those provisions objection can be taken to an enrolment and an agent can act before a magistrate instead of the objector having to appear in court. The repeal of Section 47 of the Electoral Act is sought with a view to bringing in the provisions in Clause 13. These are new provisions.

Hon. A. F. Watts: New and not suitable.

The MINISTER FOR JUSTICE: They are new and have been thoroughly investigated.

Hon. D. BRAND: The Leader of the Country Party has emphasised that the basic difference is that an objection can be made in respect of Section 47 to a claim for enrolment but the objection made with respect to Clause 13 is an objection to a name on the roll. That is the vital difference. The Minister has not told us what is intended.

Mr. BOVELL: It has always been customary that the elector should have the right to oppose a claim for enrolment, but the Minister wants to wipe out that right and the elector will have to be enrolled before an objection can be lodged. I cannot understand why the Minister wants to delete Section 47 from the Act. He is confusing the objection to a claim and the objection to being on the roll. A person should have the right to object to somebody making a claim for enrolment and to somebody being on the roll.

Hon. D. Brand: That is the only way to keep it clean.

Mr. BOVELL: We should not wait till he gets on the roll and then have an argument afterwards. In my parliamentary experience I have seen a member winning an election by one vote; it happened in the case of the Minister for Education who was the member for Pilbara at the time. The right of a person to challenge the claim should remain in the Act.

The MINISTER FOR JUSTICE: It is possible that the amendment in the Bill has been included because there is no maturation period of 14 days. Provision is made in the Act that if a claim is received by the registrar within less than 14 days of the issue of a writ, it shall be the duty of the registrar to enrol the claimant. That is possibly one of the reasons why it is sought to delete Section 47, but I will have the matter investigated. It would have been better had the Leader of the Country Party placed his amendment on the notice paper, because we would then have seen what he intended.

Hon. A. F. WATTS: To be quite honest with the Minister, I thought it was there all the time. Unfortunately, I read it as Clause 12 on the notice paper, but I see that it is Clause 13 that it is sought to amend. Under the parent Act there are two occasions when an objection can be made to a person going on the roll. The first is under Section 47 when an objection can be made to a claim; that is, before the applicant is enrolled. Another is under Section 48 when an objection can be raised to his enrolment after he has been enrolled and it has not been discovered before that time that he is eligible for an objection.

The Bill proposes to delete the first of those and leave the objector the right to object only after the name is on the roll. I can see no reason for that. I do not think it is the practice in many places; it certainly has been in its present shape in the Western Australian law for a long time. I can recall numerous objections to enrolments being made as far back as 1930 in circumstances when a large body of men sent down to a place now better known as Rocky Gully were hastily enrolled by one of the candidates about five days after they arrived at the place, and

when objection was promptly taken by another candidate to their claims. I think there were something like 360 of them.

Mr. Bovell: It did not happen only at Rocky Gully.

Hon. A. F. WATTS: I was not one of the candidates. Objection was taken to about 360 of them and, of course, they had not been put on the roll because no roll had been made up at that time. But it took long enough to get 300 odd claims disallowed because they were not qualified to be enrolled —so long indeed that they were on the verge of the elections before a determination was made. If Section 47 is repealed, it will be well after an election before an objection to an enrolment is decided. Let us imagine that no objection could be taken until they were put on the roll. The applicant candidate would find them on the roll at election time and apparently entitled to vote.

The Minister for Justice: The Chief Electoral Officer has the right of action.

Hon. A. F. WATTS: Not under this Bill, because the only right he will have is that any name on the roll may be objected to. Clause 12 must go out of the Bill.

Mr. Ross Hutchinson: It fits in with the one month qualification.

Hon. A. F. WATTS: I will not argue with that, but it seeks to take out something that has stood for a long time for a very good reason, and it should continue to stand in case a similar set of circumstances to those which I have mentioned arose. I oppose the clause.

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

Ayes	22
Noes	16
Majority for	6

Ayes.

Mr. Andrew	Mr. Marshall
Mr. Brady	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Kelly	Mr. Sleeman
Mr. Lapham	Mr. Toms
Mr. Lawrence	Mr. May
	(Teller.)

Noes.

Mr. Ackland	Mr. Hutchinson
Mr. Bovell	Mr. W. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. I. Manning
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Hoar	Mr. Mann
Mr. Tonkin	Mr. Nalder
Mr. Graham	Mr. Oldfield
Mr. Johnson	Mr. Thorn
Mr. Evans	Mr. Wild

Clause thus passed.

Clause 13, Section 48 amended:

Hon. D. BRAND: This clause was rather fully discussed when dealing with Clause 12 and reference was made to objections. On page 10 the clause reads—

> (ea) The objector shall, if he desires to support the objection, appear in person at the hearing of the objection.

I propose to insert after the word "person" the words "or by his duly appointed agent." I do this because it may not always be possible for an objector, even if he did abide by the provisions in this particular section, to attend the hearing. I think we should accept him as being a sincere and honest objector and provide for him to be represented by a duly appointed agent. I move an amendment—

> That after the word "person" in line 11, page 10, the words "or by his duly appointed agent" be inserted.

The MINISTER FOR JUSTICE: I oppose this amendment. I feel if a person objects to someone being on the roll, he should attend to defend his action. It is not right that such a person should have an agent because the individual objected to is put to a great deal of inconvenience if he has to go to court.

Mr. Bovell: What about the person in Derby?

The MINISTER FOR JUSTICE: It does not matter where the court is held; if a person objects he should attend the court in person.

Hon. D. Brand: If he happens to live in Nedlands, he is okay.

The MINISTER FOR JUSTICE: If I objected, I would turn up in person.

Mr. Bovell: One of your electors in Esperance must come to Perth.

THE MINISTER FOR JUSTICE: Not necessarily, but he might have to. I oppose the amendment.

Hon. D. BRAND: Each objection in the past has been accompanied by a deposit of 2s. 6d. which the Minister proposes to increase to 5s. I would not imagine that people would object lightly seeing each objection has to be accompanied by 5s.

The Minister for Mines: There is not much value in 5s. today.

Hon. D. BRAND: The genuine objector should not be required to go a great distance to a court, but in many cases he will have to come to Perth. Country members should have regard to this situation.

Mr. NORTON: I must oppose this amendment for these reasons: It is obligatory on any person, in my opinion, who lodges an objection, to support that objection. Prior to the last general election in this State, an objector at Carnarvon lodged 104 objections. He appeared in the

court as an observer. The magistrate asked him if he was giving evidence and he said that Mr. So-and-so was his agent. He sat in court for the full day and listened to every case, but he never uttered one word in support of his objections.

The Minister for Mines: Who was he?

Mr. NORTON: A taxi driver in Carnarvon. The person who gave evidence knew little about the case. He may have belonged to a political body and been paid to do it. The person who lodges an objection should present that objection and it does not matter whether the court is held in Perth or Carnarvon. The court is held in the district in which the objection is lodged, no matter where it is. We know that from experience.

Mr. BOVELL: It is all very well for the member for Gascoyne to say that the court would be held in the district concerned, but there is nothing in the Act to say that will be the case. If the Minister will have it clearly set out that any objection shall be heard in the Legislative Assembly district in which the objection is made, I will give consideration to allowing the clause to go through as it is. A court may be held in Perth and the member for Gascoyne knows that electors could be summoned to attend.

Mr. Potter: You could not attend in Subiaco because there is no court.

Mr. BOVELL: If the Act clearly provided that the objection was to be held in the electoral district where it applied, I would give some consideration to it but the present position is—and I repeat it for the benefit of the member for Subiaco—that a matter concerning the Gascoyne electorate could be heard in Perth. It should be clearly stated in the Act because the people administering the measure, if it suits their convenience, might have an objection heard anywhere. The only alternative is for the Minister to support the amendment moved by the Leader of the Opposition.

Mr. NORTON: The member for Vasse is right off the target. He is talking about the person who is objected to and not the person who is objecting. The person who is objected to can defend himself by agent or in person, but the objector has to put his case in person.

Hon. D. Brand: What is the use of having it there if the objector cannot be present in person? He must be there in person.

Mr. NORTON: That is what the clause says, that the objector must be there in person, not the elector.

Mr. BOVELL: An objector may have a legitimate objection to someone in the Gascoyne electorate, and officials of the Electoral Department say that the case will be held in Albany or Perth.

The Minister for Justice: No, they cannot do that.

Mr. BOVELL: There is nothing to say that they cannot. The objector may not have the finance to travel any distance. Why not clearly define the position?

Hon. D. Brand: What happens if at the time of the appeal, the objector is ill?

Mr. BOVELL: He is completely wiped off. In view of all the circumstances there is only one thing to do and that is to agree to the amendment.

Mr. JAMIESON: Earlier we had reference to roll-stacking. A person commits himself when he signs a document dealing with qualification. If he is not qualified, then he is illegally enrolled.

Hon. A. F. Watts: And nothing happens to him.

Mr. JAMIESON: It is true nothing happens, but the Electoral Department could take action.

Mr. Norton: It has done so.

Mr. JAMIESON: Yes. It has even taken action against people who have signed cards as witnesses. Objectors are only political stooges in the main who do roll-stacking in reverse. If there is a right of objection, the objector should be present to state his case, and it should be made easy for the one objected to, to prove his case. The Committee should agree to the clause.

Hon. A. F. WATTS: I support the Leader of the Opposition. Gross injustices could easily arise, as the member for Vasse suggested. What happens if the objector is taken seriously ill?

Mr. Norton: The case could be adjourned.

Hon. A. F. WATTS: A lot of use that would be when the election would be over in the meantime! Only about five minutes ago, I was inclined to think that the aspersions cast on the designs of the Minister might be somewhat unfounded, but when I hear him object to an amendment which provides that an objector may be represented by an authorised agent, and the Minister does not suggest any alternative to remedy the obvious difficulty of ill-health, for example, I begin to think there might be something in these aspersions.

This attitude of the Minister's is not even remotely connected with decent methods of procedure. The member for Beeloo said that people who make improper claims are subject to penalties. So they are, theoretically, but in how many instances have persons whose names have been struck off the roll or whose claims have been rejected on account of objections taken in respect to lack of qualification, suffered any penalty? Were any proceedings taken against the 300-odd people at Rocky Gully that I mentioned earlier?

Another aspect, which is most interesting to me and one which the Minister does not appear to appreciate, is that an objection can be taken by a person who would be perfectly justified in saying that improperly qualified persons were on the roll, but who was in no position to give evidence in regard to the matter. In the instance I mentioned, persons had to be called from the paymaster's office, and other places, who had been responsible for the paying of these people, They were the ones who testified that the persons in question were not enrolled; and that can happen in almost any case.

No one should be compelled to sit in court if he cannot give evidence.. In the case in which I was interested, the objector was unable to contribute one word because he had no evidence of a worth-while character to substantiate the objection. So it is preposterous to say that the objector has to be present in person and that if he is not present, his whole objection falls to the ground. He is entitled to appear by an agent. The whole point is that the magistrate should take no action unless someone proves conclusively that the persons are not qualified to be enrolled.

Mr. COURT: On all the arguments put forward, with the exception of that advanced by the Leader of the Country Party, it seems as though the magistrate is falling over himself to strike people off the roll. But after all, the magistrate is sitting there with all the responsibility of his office. Whether the agent or the objector himself comes before him, does not matter, and if the enrolled person chooses to use an agent does not much matter, because the magistrate, as the result of his training and responsibility, will want the case proved. The people who are most likely to be in the wrong are those who are on the roll and are objected to, because people do not object to electors being on the roll just for fun.

Mr. O'Brien: Don't they?

Mr. COURT: Of course not, because they have to go before the magistrate and prove the case.

The Minister for Justice: Don't you think the objector should appear before the magistrate?

Mr. COURT: There are a dozen reasons why he should not have to appear. I feel there is more to this than meets the eye. I cannot see why the Minister is so concerned about the objector not having the right to be represented. I am in favour of the amendment.

Mr. Norton: The objector can always call witnesses.

Mr. COURT: But he would not be there. The case would be dismissed and the enrolment would stand, and it could be a bad enrolment. Under the present system the magistrate has the right to deliberate on the evidence before him and make a careful decision. The member for Gascoyne referred to a number of objections in his own electorate but he has not said whether he thinks the magistrate decided wisely or otherwise, and I am sure he would not be prepared to say the magistrate did not decide correctly.

Mr. Norton: He upheld the majority of the cases.

Mr. COURT: What is the hon. member objecting about? That only proves our point, that the magistrate is a responsible person.

Mr. Norton: Wasting the time of electors, calling them unduly.

Mr. COURT: Nothing of the sort. It is part of our system of law and society. If we make it difficult for people to object in these instances, we will create a bad and suspicious state of affairs.

The MINISTER FOR JUSTICE: A person's franchise is important and it should not be lightly considered. It is ridiculous that an objector can, for political reasons, strike 150 names off the roll and get some agent to appear for him in Perth, Broome or elsewhere. If the franchise is of any consequence, it is only fair that the objector should appear in person. That is the position that obtains in a court of petty sessions.

Mr. Court: But an objector cannot strike anybody off the roll.

The MINISTER FOR JUSTICE: But he should appear in person. Perhaps he might be in collusion with other people. The member for Vasse put up the most sensible suggestion, namely, that the case should be heard within the particular province or electoral district. If I raise an objection, I should appear in person irrespective of the distance I have to travel because a franchise is something that should not be treated lightly.

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

Ayes	15
Noes	21
Majority against	6

Ayes.	
Mr. Bovell	Mr. W. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. I. Manning
Mr. Hutchinson	*(Teller.)*
Noes.	
Mr. Andrew	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Kelly	Mr. Toms
Mr. Lawrence	Mr. May
Mr. Marshall	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Hoar
Mr. Nalder	Mr. Tonkin
Mr. Oldfield	Mr. Graham
Mr. Thorn	Mr. Johnson
Mr. Wild	Mr. Evans
Mr. Ackland	Mr. Lapham

Amendment thus negatived.

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

Ayes	21
Noes	15
Majority for	6

Ayes.

Mr. Andrew	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sleeman
Mr. Kelly	Mr. Toms
Mr. Lawrence	Mr. May
Mr. Marshall	*(Teller.)*

Noes.

Mr. Bovell	Mr. W. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. I. Manning
Mr. Hutchinson	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Hoar	Mr. Mann
Mr. Tonkin	Mr. Nalder
Mr. Graham	Mr. Oldfield
Mr. Johnson	Mr. Thorn
Mr. Evans	Mr. Wild
Mr. Lapham	Mr. Ackland

Clause thus passed.

Clauses 14 to 16—agreed to.

Clause 17—Section 68 amended:

Hon. D. BRAND: I merely seek clarification on what is intended by the words "hour of six in the afternoon" in this clause.

The MINISTER FOR JUSTICE: The amendment fixes the time for the issue of a writ for an election at six o'clock in the afternoon of the day of issue. This means that the names of any persons on the claim cards received up to that time will be enrolled. This follows the Commonwealth provision.

Clause put and passed.

Clause 18—Section 70 amended.

Hon. D. BRAND: I am opposed to this clause. It is intended to substitute the words "thirty days" for the words "forty-five days." It also intends to delete the proviso which refers to the North Province. Could the Minister explain the reason for this amendment?

The MINISTER FOR JUSTICE: This clause seeks to place the Act in the position it was prior to 1948 and reduces the maximum period between the issue of the writ for an election and polling day to thirty days. It also seeks to delete the provision relating to the nomination of candidates for election in the North Province, which states that the period should be not less than 45 days from the date fixed for polling.

Experience has shown that this minimum period for elections in the North Province is unnecessary and, in fact, it has had the effect of fixing the minimum period at 45 days between the issue of the writ and polling day for a general election of the Legislative Council. This amendment merely places the legislation in the same position it was prior to 1948. A period of 30 days is quite long enough these days in view of modern transport and good roads, as has just been suggested to me by the Premier. There is no political nigger in the woodpile in this clause.

Hon. D. BRAND: I am assuming that this provision was approved by Parliament originally to deal with the peculiar position electors of the North Province find themselves in. They would have difficulty in getting to the polling place and therefore they were given extra time in the Act. Although the Premier has suggested to his colleague that we have better means of transport and better roads in these times, I do not think the North Province can be compared with any other province. People in that province are spread over a vast area. The existing provision was inserted in the Act to enable those electors to have sufficient time to record their votes.

The Minister for Justice: The electors do not want it.

Hon. D. BRAND: The amendment to the existing provision is unnecessary. The electors should be allowed the extra time. The Minister has not put up a case in support of the amendment, except to state that the department desires it. I ask the Committee to oppose the clause.

Mr. BOVELL: The Minister has created some doubts in my mind when he says that the position in the North-West will revert to what it was before 1948. The Legislative Assembly elections in respect of North-West seats were held some time after the elections in respect of the other seats.

The Minister for Justice: They will in future be held on the same date for all seats.

Mr. BOVELL: Previous to 1948 the elections in this State, other than for the four North-West Assembly seats, were held together. When the Minister said the position will revert to what it was before 1948, that created some doubt. We may find that in future elections for North-West seats will be held some weeks later.

Mr. NORTON: With the passage of time, motor transport has replaced travel by camel, and today aeroplanes have displaced motorcars. There are far better

mail services. In fact, one would not recognise the existing roads, when compared with the roads of 1948. Great improvements have been made since that time. It is strange for members representing the South-West and the wheat belt to object to this clause, which is desired by the electors of the North-West.

Mr. Bovell: Do the electors of the North-West desire it or do the members?

Mr. NORTON: That makes no difference. They are all electors. All the votes can be collected far more expeditiously than in 1948 with the introduction of improved air mail services.

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

Ayes	20
Noes	14
Majority for	6

Ayes.

Mr. Andrew	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Hawke	Mr. O'Brien
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Jamieson	Mr. Rodoreda
Mr. Kelly	Mr. Sleeman
Mr. Lawrence	Mr. Toms
Mr. Marshall	Mr. May

(Teller.)

Noes.

Mr. Bovell	Mr. W. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. I. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Hoar	Mr. Mann
Mr. Tonkin	Mr. Nalder
Mr. Graham	Mr. Oldfield
Mr. Johnson	Mr. Thorn
Mr. Evans	Mr. Wild
Mr. Lapham	Mr. Ackland
Mr. Hall	Mr. Grayden

Clause thus passed.

Clauses 19 to 21—agreed to.

Clause 22—Section 77A added:

Hon. D. BRAND: I oppose this clause. In view of the fact that the Minister has two or three pages of amendments in his name—

The Minister for Justice: They have been placed on the notice paper to comply with the wishes of members opposite.

Hon. D. BRAND: They are substantial amendments, even if the Minister says they are to meet our wishes. In view of our opposition to the clause in its entirety, the Minister should move his amendments in order that we may understand what improvements are intended.

Mr. BOVELL: The clause is so bad that it should be deleted altogether. Nothing the Minister can introduce will improve it. This clause makes provision for the exercise of much power. It creates an appeal from Caesar to Caesar. It enables the Chief Electoral Officer to hear cases and give a verdict which is final. It makes provision for the party designation to be shown on the ballot papers. The very fact that the Minister has so many amendments in his name, after the Bill has been introduced, is a bad feature.

Mr. Rodoreda: Why is it bad?

Mr. BOVELL: If the hon. member had listened, he would have understood. It creates in the Chief Electoral Officer a Caesar, and allows an appeal from Caesar to Caesar. If the hon. member thinks that is a good principle, it is beyond my understanding. There is the objectionable provision of putting the party designation on the ballot papers.

Mr. Rodoreda: Are you ashamed of your party?

Mr. BOVELL: If the hon. member had listened to my second reading speech, he would have understood my reasons for opposing the clause.

The Minister for Justice: Do you agree that the party designations should appear on the ballot papers?

Mr. BOVELL: Last Thursday, even though I was ill, I waited to participate in the debate and I outlined my objection to the appearance of the party designation. The Minister insults my intelligence by asking me to give reasons as to my objection when I had already given them during the second reading debate.

The MINISTER FOR JUSTICE: Caesar is dead, but as far as this Bill is concerned. I want to pass it from a dead Caesar to a living Caesar because the amendments in my name on the notice paper seek to deprive him of the power in accordance with the wishes of members opposite. No one should be ashamed of his party affiliation. None of us on this side is, and I do not think members opposite are ashamed of their party designations. If they are not, they should facilitate matters to enable the electors to know which party they are voting for.

Under the Bill the Chief Electoral Officer is to be given great powers, but now it is proposed that those powers be taken away from him and given to a magistrate. The electors should know whether they are voting for Country Party, Liberal Party, Labour Party or even Communist Party members. The Chief Parliamentary Draftsman and the Chief Electoral Officer have discussed this provision for some time to enable it to be placed on a proper basis.

I hope that both the Leader of the Opposition and the Leader of the Country Party will agree to the amendments. I left a statement regarding the intention underlying the amendments, which are now on the notice paper, with the Leader of the Country Party. Consequently, I

have now to rely on him for any comments. Seeing that the objectionable part of the clause is to be amended, there will be no appeal from Caesar to Caesar.

Mr. MAY: I do not think the Minister understands the real reason for the objection by the Opposition to the designation of the parties going on the ballot papers. In the last few years the Liberal and Country League has changed its initials so often that there would be chaos in regard to finding out its real name.

Mr. Roberts: That is in the past, but what about the future with the A.L.P., the D.L.P. and so on?

Mr. MAY: The A.L.P. has never changed its name. It is the same colour today as it was 50 years ago.

Mr. Roberts: It is much redder.

Mr. MAY: During that period I would be ashamed to say how many times the Opposition has changed its name. The Opposition is objecting to the designation going on the ballot paper because it would not know from one year to another what the party name would be. I thought I would explain that to the Minister, because I do not think he understands.

Mr. ROSS HUTCHINSON: I oppose the clause.

The Minister for Justice: You do not believe in the designations being on the ballot paper.

Mr. ROSS HUTCHINSON: I do not.

The Minister for Justice: In 1950 it was instigated by the party that you are now sitting with.

Mr. ROSS HUTCHINSON: I do not think any member opposite could justifiably say that any one of us here would oppose the clause because we were ashamed of our party.

Mr. May: What is your reason?

Mr. ROSS HUTCHINSON: One of the principal objections is that the clause reduces the individual to a mere cipher. Some people will tend to forgo their proper civic responsibilities with regard to elections. Instead of examining the candidates, people will tend to say, "The party designation is on the electoral paper, I shall vote for the party."

The Minister for Justice: If they knew the designations, we on this side would get a few more votes.

Mr. ROSS HUTCHINSON: That has no bearing on what I feel. The individual elector has a direct responsibility to learn all the facts about an election so that he knows what parties the candidates represent.

The Minister for Justice: What percentage of your electors would know who is the Premier of Queensland?

Mr. ROSS HUTCHINSON: That has no bearing on this situation.

The Minister for Justice: Do you believe in how-to-vote cards?

Mr. ROSS HUTCHINSON: No, I would like to have a new method there.

Hon. Sir Ross McLarty: I would abolish them.

Mr. ROSS HUTCHINSON: If this provision becomes law, it will tend to make a great percentage of people forget their civic responsibilities in regard to elections. Members opposite will agree that people should know more about the parties, their platforms, their candidates and the people who represent them. We should endeavour to make people more conscious of their civic responsibilities.

Mr. O'BRIEN: This is a simple and valuable amendment which should be included in the Act. For the electorate of Cottesloe we could have two Hutchinsons, an R. Hutchinson and a T. Hutchinson.

Mr. May: Or a She Hutchinson.

Mr. O'BRIEN: The views then of the member for Cottesloe might be different. Then he would say, "Why did I oppose this? I am L.C.L. They would know I am the man for Cottesloe." If we look into this clause, we find it is valuable to us all.

Hon. D. BRAND: The Minister, in his desire to rectify the obnoxious clauses outlined by the member for Vasse, has brought along a couple of pages of amendments, but they deal only with the right of appeal to the Chief Electoral Officer. In the final analysis the appeal is to be to a magistrate. That is some progress, but we are opposed to the clause as a whole. We believe that the principle of having the party designation on the ballot paper is not good. The provision for making available to the Registrar or the Chief Electoral Officer a lot of personal details is not justified.

The Minister for Justice: We want efficiency, and I asked you to put an amendment on the notice paper. I said we would give consideration to it, but you have not done so.

Hon. D. BRAND: We oppose the principle. Why should the Chief Electoral Officer require all the information mentioned in the Bill before he is prepared to register a party? I draw attention to the provisions in the measure. On this account alone we oppose the principle of party designation. Up to now it has not been necessary. There has been no breakdown of our electoral system. The electors have had their say and there have been changes of Government. We should maintain the principle of the individual standing for Parliament; and it is up to the elector, as my colleague has said, to ascertain who a candidate is representing and what he intends to do.

The member for Collie tried to assist the Minister with some explanation; but I should think at this stage of the party's history, he should be the last to talk about changing names and confusing names.

Mr. May: We are not changing our name.

Hon. D. BRAND: The very fact that this requirement is included in the proposed amendments to the Electoral Act makes one very suspicious as to why it is required, bearing in mind the wholesale authority it is intended to give to the Chief Electoral Officer—who is the Government's chief officer in that department —as to whether a party shall or shall not be registered.

I consider that freedom should be allowed to the parties. There should be a general inquiry as to bona fides; but that is all that should be necessary, if we agree to the principle at all. I oppose vigorously the proposal to make such a marked change in the electoral system, because I believe it will achieve nothing except to place far too great an authority in the Chief Electoral Officer and the Electoral Department.

The MINISTER FOR JUSTICE: I have never heard so much vacuum in my life—if one can hear a vacuum! Perhaps I should say "verbosity." It has been a matter of so many words with no meaning to them. So far as this Bill is concerned, the Chief Parliamentary Draftsman has gone into it thoroughly and wants to put the matter on such a basis that nothing will be left undone.

Hon. D. Brand: Are you trying to tell us that the Chief Parliamentary Draftsman provided these amendments?

The MINISTER FOR JUSTICE: Of course.

Hon. D. Brand: Don't be so utterly stupid!

The MINISTER FOR JUSTICE: The hon. member does not know anything about it. His remarks are only empty words.

Hon. D. Brand: Has Cabinet seen this Bill?

The MINISTER FOR JUSTICE: Of course!

Hon. D. Brand: Did Cabinet ask for it to be drawn up in the first place?

The MINISTER FOR JUSTICE: Yes; and took a cue from the hon. member's side of the House. In 1950 the hon. member's side suggested there should be designations.

Hon. D. Brand: Utter rot!

The MINISTER FOR JUSTICE: It is not rot but positive fact. We have taken away from the Chief Electoral Officer the objectionable power. He has not much power left; and in the event of a disagreement, an appeal can be made to a magistrate.

Hon. D. Brand: This is the most outrageous piece of electoral legislation that has been brought to this Chamber.

The MINISTER FOR JUSTICE: I have always given the Leader of the Opposition credit for being reasonably intelligent; but he has not studied this matter thoroughly and he knows what he is talking about. We could perhaps have designations controlled by legislation. Would the hon. member agree to that?

Hon. D. Brand: I certainly would not.

The MINISTER FOR JUSTICE: Why did not the hon. member bring down some suggestion? He has not done so, and yet he criticises legislation submitted in all sincerity. We have had no axe to grind. If we are going to have designations, we must have efficiency.

Mr. Ross Hutchinson: You are sharpening that axe!

Mr. Roberts: Who suggested the amendments in your name on pages 6 and 7 of the notice paper?

The MINISTER FOR JUSTICE: I did, to comply with the request of the Leader of the Opposition, who speaks on behalf of his party.

Hon. D. Brand: Thank you very much!

Mr. Roberts: Then you are opposed to the parliamentary draftsman?

The MINISTER FOR JUSTICE: He drew them up; he is a lawyer and that is his job. That is what he is there for.

Hon. D. Brand: We are concerned with the aims and objectives.

The MINISTER FOR JUSTICE: The hon. member is opposed to the principle, yet it was initiated by friends of his on that side of the House, though probably before he entered Parliament. If we are going to have designations, it should be done properly. If not, let us wipe them out altogether.

Hon. D. Brand: I agree with that.

The MINISTER FOR JUSTICE: We are not ashamed to have our name on the ballot paper, though "Labour" would be better known than any other designation so far as political parties are concerned, because the party has never changed its name.

Hon. D. Brand: There is "Democratic Labour" or "Queensland Labour."

The MINISTER FOR JUSTICE: That is not "Labour." I have been connected with the party since 1908.

Mr. Bovell: Do you mean to say that Labour is not democratic?

The MINISTER FOR JUSTICE: I say it is democratic; but we have not used that word in our party designation. It is only those who have been aggrieved who have used that appellation. I have done my best so far as the designation is concerned. If the Opposition will not agree to the principle, I can do nothing more than oppose anything it puts forward.

The CHAIRMAN: At this stage I would ask the Minister whether he proposes to move the amendments standing in his name on the notice paper.

The MINISTER FOR JUSTICE: Yes.

On motions by the Minister for Justice, the following amendments were agreed to:—

Clause 22.

Page 13—

Delete the passage commencing with the subparagraph designation, "(iii)" in line 1 and ending with the word, "party;" in line 3.

Delete the words, "executive officer and the chief" in lines 18 and 19.

Delete the passage commencing with the subparagraph designation, "(viii)" in line 22 and ending with the word, "declaration;" in lines 33 and 34.

Page 14—

Delete the word, "him" in line 18: Substitute for that word, the words, "a Stipendiary or Resident Magistrate."

Delete the word, "he" in line 19: Substitute for that word, the words, "the Chief Electoral Officer."

Delete the passage commencing with the subparagraph designation, "(i)" in line 32 and ending with the subparagraph designation, "(ii)" in line 39.

Page 15—

Delete the word, "lodged" in line 1: Substitute for that word, the words, "so served."

Delete the words, "deposit and" in line 2.

Delete the word, "are" in line 2: Substitute for that word, the word, "is."

Add after the word, "shall" in line 3, the words, "cause application to be made to a Stipendiary or Resident Magistrate to."

Add after the word, "and" in line 4, the words, "the Magistrate shall appoint the time and place and thereupon the Chief Electoral Officer."

Delete the words, "his intention to hear the objection at" in lines 6 and 7.

Delete the word, "he" in line 7: Substitute for that word, the words, "a Magistrate."

Delete the words, "the Chief Electoral Officer" in lines 11 and 12: Substitute for those words, the words, "a Stipendiary or Resident Magistrate."

Delete the words, "the Chief Electoral Officer" in line 15: Substitute for those words, the words, "a Magistrate."

Delete the passage commencing with the word, "may" in line 16 and ending with the subparagraph designation, "(v)" in line 22.

Add after the word, "subsection" in line 29, the following passage:—

; and

(ii) shall not take into consideration, or permit discussion of, any grounds other than those stated in the notice of objection served under paragraph (d) of this subsection.

Page 16—

Delete the words, "Chief Electoral Officer" in line 6: Substitute for those words, the word, "Magistrate."

Delete the passage, " , and as to the application of the deposit mentioned in paragraph (e) of this subsection," in lines 9 and 10.

Delete the words, "Chief Electoral Officer" in line 13: Substitute for those words, the word "Magistrate."

Delete the passage, "respect of an objection or, as the case may be, the refusal of" in lines 19 and 20: Substitute for that passage, the word, "refusing."

Delete the passage commencing with the word, "Board" in line 22 and ending with the word "brought" in line 29: Substitute for that passage, the words, "Stipendiary or Resident Magistrate."

Add after the word, "by" in line 29, the words, "serving on the Chief Electoral Officer."

Delete the passage commencing with the word, "shall" in line 32 and ending with the word, "registration" in line 37: Substitute for that passage, the words, "by paying the fee prescribed by the regulations."

Page 17—

Delete the passage commencing with the subparagraph designation, "(i)" in line 1 and ending with the subparagraph designation, "(iii)" in line 9.

Delete the word, "Board" in line 9: Substitute for that word, the word, "Magistrate."

Delete the words, "the Board" in line 13: Substitute for those words, the word, "he."

Delete the words, "Board of Review" in line 14: Substitute for those words, the words, "Magistrate in respect of an objection or an appeal under this section."

Delete the passage commencing with the subparagraph designation, "(i)" in line 18 and ending with the word, "Board" in line 32: Substitute for that passage, the passage, "for an election, then notwithstanding any other provision of this section.

(i) the Chief Electoral Officer shall not accept as valid any application made under this section for registration of a party and received by him during the period commencing on the day of the issue of the writ and ending on the day fixed for the return of the writ; or

(ii) if before the day of the issue of the writ the Chief Electoral Officer has received an application so made, but—

the time prescribed by paragraph (d) of this subsection for service of notice of objection, or by paragraph (1) of this subsection for service of notice of appeal, has not expired before that day; or

service of notice of objection or notice of appeal having been effected before that day, the decision of the objection or appeal has not been given before that day;

then on that day by virtue of the issue of the writ the application shall be deemed to be invalid and shall lapse; the notice of objection or appeal shall also be deemed to be invalid and shall lapse; and the hearing and decision of the objection or appeal shall be stayed and shall lapse."

Page 18—

Delete the words, "Board of Review" in line 14: Substitute for those words, the word, "Magistrate."

Add before the word, "prescribed" in lines 32 and 33, the word "fee."

Delete the word, "fee" in line 33.

Delete the words, "shall in each year and" in line 40: Substitute for those words, the word, "may."

Page 19—

Add before the word, "anniversary" in line 1, the words, "expiration of three years from the."

Add after the word, "registration" in line 1, the passage, " , or, as the case may be, from the last preceding renewal of registration,".

Delete the words, "annually as required by" in lines 6 and 7: Substitute for those words, the words, "pursuant to."

Amendments consequential to the foregoing:—

Page 13—

"(iv)" in line 4 becomes "(iii)."
"(v)" in line 8 becomes "(iv)."
"(vi)" in line 29 becomes "(v)."
"(vii)" in line 18 becomes "(vi)."
"(ix)" in line 35 becomes "(vii)."

Page 16—

"(n)" in line 38 becomes "(m)."

Page 17—

"(o)" in line 14 becomes "(n)."
"(p)" in line 17 becomes "(o)."

Page 18—

"(q)" in line 1 becomes "(p)."
"(r)" in line 14 becomes "(q)."
"(q)" in line 18 becomes "(p)."
"(s)" in line 20 becomes "(r)."
"(v)" in line 29 becomes "(v)."
"subparagraphs (vii) and (viii) in line 31 becomes "subparagraph (vi)."
"(t)" in line 39 becomes "(s)."

Page 19—

"(u)" in line 4 becomes "(t)."
"(t)" in line 7 becomes "(s)."
"(v)" in line 15 becomes "(u)."

Clause, as amended, agreed to.

Clauses 23 and 24—agreed to.

Clause 25—Section 86 amended:

Hon. D. BRAND: We oppose this clause also.

Clause put and passed.

Clause 26—Section 90 amended:

Hon. D. BRAND: The intention of this clause is to compel electors of the Legislative Council to vote absentee on polling day as is the case with Legislative Assembly electors. But there is a difference inasmuch as an Assembly elector is compelled to vote whereas an Upper House election is voluntary, and I think we should make it as easy and convenient for those electors as possible. They might reside some distance from the province and it might not be convenient to register votes on the stipulated day. I do not think the section should be amended.

The MINISTER FOR JUSTICE: I oppose those views and I cannot see why the position for Legislative Council electors should not be the same as for Legislative Assembly electors. There should be no differentiation simply because one is voluntary and the other is not.

Clause put and a division taken with the following result:

Ayes	19
Noes	13
Majority for	6

Ayes.

Mr. Brady	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Kelly	Mr. Sleeman
Mr. Lawrence	Mr. Toms
Mr. Marshall	Mr. Andrew
Mr. Norton	*(Teller.)*

Noes.

Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	*(Teller.)*

Clause thus passed.

Clause 27—Section 99A amended:

Hon. D. BRAND: This would be consequential and I oppose the clause.

The MINISTER FOR JUSTICE: I move an amendment—

> That after the word "place" in line 17, page 21, the words "appointed for the Province or District for which the elector is enrolled, or as an absent voter in any polling place" be inserted.

This will be a convenience to electors and only tidies up the clause.

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

Clause 28—Section 107 repealed:

Hon. A. F. WATTS: Will the Minister tell us the reason for this clause? The practice set out in Section 107 has been followed in Commonwealth polling places and it should not be abolished unless there is a sound reason for it. Up to date none has been given.

The MINISTER FOR JUSTICE: My information is that past experience has shown that it is unnecessary to subdivide polling places in alphabetical sequence, and where there are a number of tables in the polling place it is much more convenient for an elector to present himself at any table rather than be limited to one embracing the initial letter of his surname.

Clause put and passed.

Clause 29—agreed to.

Clause 30—Section 113 amended:

Hon. D. BRAND: This is consequential on Clause 22, and owing to the confusion which took place, because of the Minister's impatience about his amendments on that clause, you, Mr. Chairman, put the clause as amended and we missed out on a division. As a result, and because this clause is consequential, we shall take a division on this clause.

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

Ayes	19
Noes	13
Majority for	6

Ayes.

Mr. Brady	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Hawke	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Kelly	Mr. Sleeman
Mr. Lawrence	Mr. Toms
Mr. Marshall	Mr. Andrew
Mr. Norton	*(Teller.)*

Noes.

Mr. Bovell	Sir Ross McLarty
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	*(Teller.)*

Clause thus passed.

Clauses 31 and 32—agreed to.

Clause 33—Section 122 amended:

The MINISTER FOR JUSTICE: I move an amendment—

> That after the word "amended" in line 14, page 22, the words "by adding after the word 'whose' in line one of Subsection (1) the words 'claim has been rejected or whose' and," be inserted.

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

Clauses 34 and 35—agreed to.

Clause 36—Section 156 amended:

Hon. D. BRAND: This clause seeks to substitute 21 days for 42 days, which is the time allowed under the present law for an elector who did not record his vote on that day. I realise that the provision has probably been suggested by the Electoral Department, because it might feel that 42 days is very long and that it holds up departmental work. But 21 days might create hardship for people who are away from home on holidays or who are sick. What explanation has the department to offer to justify this amendment?

The MINISTER FOR JUSTICE: Experience has shown that 21 days is sufficient time for a voter to give reason why he has failed to vote. Most forms are returned within 21 days and a longer period would only hold up the work of the department.

Clause put and passed.

Clause 37—agreed to.

Clause 38—Section 183 amended:

The MINISTER FOR JUSTICE: I move an amendment—

That after the word "amended" in line 5, page 23, the words "by substituting for the word "booth" in line 2 of Subsection (4) the word 'place', and" be inserted.

Amendment put and passed.

The MINISTER FOR JUSTICE: I move an amendment—

That after the word "feet" in line 7, page 23, the words "and by deleting the words 'from the nearest street or way' in lines three and four of Subsection (4)" be added.

This amendment seeks to reduce the distance at which it is considered an offence to influence an elector in his voting from 50 yards to 20 feet. The Commonwealth Act provides 20 feet and I see no reason why we should not adopt that.

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

Clauses 39 and 40—agreed to.

Clause 41—Section 192 amended:

The MINISTER FOR JUSTICE: I move an amendment—

That the following be added to stand as paragraph (c):—

by deleting the words, "from the nearest street or way" in lines four and five.

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

Clauses 42 to 45, Title—agreed to.

Bill reported with amendments.

House adjourned at 10.57 p.m.

Legislative Council

Wednesday, 9th October, 1957.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

Scope of Royal Commissioner's Inquiry.

Hon. G. BENNETTS asked the Minister for Railways:

(1) Is it the intention of the Government to retain the services of Royal Commissioner A. G. Smith, to inquire into railway administration?

(2) If so, will Mr. Smith inspect the power locomotive branch, the railway dining car services at Welshpool and other branches which have been established during the term of the three commissioners?

The MINISTER replied:

The Royal Commission investigating railway matters generally is proceeding.