Legislative Council

Tuesday, 15th October, 1957.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Occupational Therapists.

2, Health Act Amendment.

AUDITOR GENERAL'S REPORT.

The PRESIDENT: I have received from the Auditor General a copy of his report on the Treasurer's statement of the Public Accounts for the financial year ended the 30th June, 1957. It will be laid on the Table of the House.

QUESTIONS.

TAXIS.

Occupational Conditions, Plates, Fares, etc.

Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) How many taxi plates were issued for the following years to—

June, 1950,
" 1951,
" 1952,
June, 1953,
" 1954,
" 1955,
" 1956,
Sept., 1957?

(2) What were the population figures for Perth and the metropolitan area for the above periods?

(3) In 1950-51, were taxi fares in Perth uniform at the rate of 2s. minimum fare and 1s. per mile each way (base to base) and 6s. for each hour detention?

(4) Did the Minister for Local Government in March, 1951, declare a 3s. minimum fare and also 1s. 3d. per mile (depot to depot) and a detention increase from 6s. to 8s. per hour?

(5) During the years from 1950 to 1953, is it observed that the issue of taxi plates was kept down to a number not in excess of 500?

(6) In the years 1954, 1955, 1956, 1957, is it observed that the number of plates issued increased rapidly each year to the present stated figure of 640?

(7) In October, 1956, did the Minister for Transport receive a deputation from the Metropolitan Taxi Owners' Association which requested a fixing of taxi fares at the rate of 2s. flagfall and 2s. a mile with 15s. per hour detention?

(8) Was the outcome of this deputation a fixation of 1s. flagfall?

(9) In view of the fact that most taxis had been operating on 3s. minimum fare, was the striking of 1s. flagfall reasonable?

(10) Is the policy to continue of issuing taxi plates to all and sundry and to almost any person who applies?

(11) Is the Minister aware that in all other States of Australia, the flagfall rate is higher than in Western Australia?

(12) Is the Minister also aware that in Perth and the metropolitan area there is one taxi to approximately every 500 people, whereas in the Eastern States the figure is stated to be one taxi to every 800 people?

(13) Does the Minister consider that a 2s. flagfall would be a more reasonable margin to set both in the interests of stabilising the industry, and to provide for an effect which would give taxi drivers generally a return for their labours consistent with a reasonable number of working hours in each day, rather than being obliged to work long hours, sometimes up to 14, 16 and 18 hours a day?

(14) Does the Minister for Transport appreciate that these long and tiring hours of work are having a detrimental effect upon the health of taxi drivers obliged to work such hours, and as a result the safety of the public using taxis driven by tired and exhausted drivers is greatly impaired?

(15) Could the fact that the Government Tramway Department carried 3,663,104 less passengers, as indicated in its 1956-57 report—and has recommended fare increases to reduce its annual deficit—have anything to do with the fact that people can, in many instances, travel as cheaply by taxi as by Government tramway vehicles?

(16) How many taxi ranks are there in—

(a) City of Perth;
(b) metropolitan area?

(17) How many taxis are able to stand at one time on these ranks?

(18) Does the Minister for Transport consider that there are sufficient stands provided?

(19) Has there been any increase in the number of stands since 1953 in—

(a) City of Perth:
(b) metropolitan area?

(20) If so, what are the increases?

(21) In view of the fact that there are approximately 40 taxi ranks in the metropolitan area, and that approximately 105 taxis can stand at the one time on these ranks, could the Minister for Transport explain what happens to the other 540 taxis that are licensed in Perth when the ranks are full—taking into consideration that many of the 540 taxis mentioned would be employed at the time?

The MINISTER replied:

(1)

1950	397
1951	462
1952	466
1953	491
1954	556
1955	568
1956	572
30.6.57	640
to Sept. 1957	665

(2) Population figures for Perth and metropolitan area:

1950	—	313,000
1951	—	322,000
1952	—	335,000
1953	—	345,000
1954	97,350	354,000
1955	—	365,000
1956	100,000	372,000
1957	—	—

No figures available for Perth 1950, 1951, 1952, 1953, 1955 and 1957.

(3) In 1950-51 two rates were applicable—one for taxis fitted with taxi meters; 2s. for the first ¾ of a mile, for every additional ½ mile, 6d., detention time for every five minutes, 6d. Minimum fare 2s. For those without taxi meters, 4d. for every ½ of a mile or proportion thereof travelled; detention time five minutes 6d. Minimum fare 2s.

(4) In May 1951, the minimum fare was 3s. and 1s. 3d. per mile, and the detention was increased to 8s.

(5) Yes.

(6) See answer to No. (1).

(7) No.

(8) 1s. flagfall was fixed toward the end of last year.

(9) No objections have been lodged with the Minister for Transport.

(10) This is not the present policy, neither is it the intention for the future.

(11) The Minister has been informed that flagfall rates in some parts of Australia are as low as 9d.

(12) The present proportion is one taxi to 560. The figure of the Eastern States is not known.

(13) and (14) It is not flagfall rate which governs the fee, it is the mileage rate, which can be any amount up to 2s. per mile, although the majority are charging only 1s. 6d. a mile.

(15) Question not understood.

(16) (a)—18.
(b)—43.

(17) Approximately 105.

(18) Yes.

(19) (a) Yes.
(b) Yes.

(20) (a) City of Perth eight.
(b) Metropolitan area 29.

(21) As has always been the case, quite a number of taxis work from garages and depots and private homes. In addition, a large percentage of the taxis are equipped with two-way radio, which enables the driver to take engagements whilst travelling to the ranks or depots.

STATISTICAL INFORMATION.

Requirements under Statistics Act.

Hon. G. C. MacKINNON asked the Minister for Railways:

(1) Is he aware that the Government Statistician under authority of the Statistics Act, 1907, on Form K1, is asking business owners such questions as the following:—

Give value for:

(a) water used in workshop only:

(b) lubricating oil used on workshops machines;

and

Part B. You shew 1 x 7HP electric motor and 1 x 2HP electric motor: Could you explain what each is used for?

(2) As these questions were asked of a small country service station, does he consider such questions are bordering on the frivolous?

(3) In view of the undoubted fact that obtaining and checking such relatively useless information does cost time and money, both to the business and to the statistical department, will he see that such detailed information is not requested in future?

The MINISTER replied:

(1) Yes; the Act requires the Government Statistician to collect information from all businesses which come within the category of factories. These range from workshops to the oil refinery.

(2) It is not the practice to request this information from such small businesses, and in this case the request is attributed to a departmental error.

(3) The Government Statistician has been instructed to ensure that his officers, at all times, continue to interpret the requirements of the Act in an intelligent and reasonable manner.

SCHOOL CHILDREN AND CROSS-WALKS.

Protective Manning by Age Pensioners.

Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) Has any inquiry been conducted at any time on a Government level or a departmental level concerning the possibility of invoking the aid of suitable age pensioners in connection with the manning of cross-walks used by school children in journeying to and from school?

(2) If so, what was the result of the inquiry?

(3) Will he lay upon the Table of the House any files dealing with the matter?

The MINISTER replied:

(1) A special committee was appointed by the Minister for Police and Transport in 1955 to confer and report on child safety in Western Australia. The committee comprised Thomas Meagher, K.B. (Chairman); J. M. O'Brien (Acting Commissioner of Police); T. L. Robertson, M.A., Ph.D. (Director of Education in W.A.); H. W. Dettman, M.A. (Chairman of the School Safety Activity Committee of the National Safety Council); N. Sampson, B.A., B.Sc. (President of the Teachers' Union); H. K. Kahan (Secretary of the W.A. Federation of the Parents and Citizens' Association); T. S. Edmondson (Executive Member of the National Safety Council of W.A.); and R. G. Clark (Executive Director of the National Safety Council of W.A.).

(2) The committee recommended—

(a) That the most satisfactory form of supervision of children's cross-walks is by police control.

(b) That the most satisfactory alternative to police supervision of children's cross-walks is a system of pedestrian operated traffic lights.

The committee was in agreement that other alternatives to pedestrian operated traffic lights such as paid adult patrol and elderly citizen volunteers were undesirable.

(3) No. The file is at present in action.

MOTION—MUNICIPAL CORPORATIONS ACT.

To Disallow Uniform General Building (Car Port) By-law.

HON. A. F. GRIFFITH (Suburban) [4.40]: I move—

> That Uniform General Building By-law No. 428A made under the Municipal Corporations Act, 1906-1956, as published in the "Government Gazette" on the 4th October, 1957, and laid on the Table of the House on the 9th October, 1957, be and is hereby disallowed.

I regret the necessity for having to move that this regulation be disallowed. It is my desire that the motion should not be treated in the same meagre manner as has been the case up to date with regard to the move I made in this House some weeks ago in connection with the uniform general building by-laws.

I would like to read to members, from the "Government Gazette," Regulation No. 428A headed "Car Ports," which is as follows:—

> (1) Notwithstanding any other provisions of this section, where a building of Class 1 has been erected on a site before the coming into force of this by-law, a person may, with the permission of the local authority of the district in which the site is located, erect a car port on the site in a position approved by the local authority, notwithstanding that the position is one in which the erection of a garage is not permitted by this by-law.
>
> (2) A car port referred to in subclause (1) of this clause must be flat roofed, screened with fascia without any wall enclosure of any kind and must be supported on steel pipes not more than 3in. in diameter.

I fail to understand the reasoning behind the framing of a by-law of this nature. With all respect to whoever was responsible for its wording, to say it is stupid in the extreme is a complete understatement; and if members take the trouble to examine the verbiage of the regulation for a few minutes, they will see how foolish it is.

Quite apart from the merits of constructing car ports, and bearing in mind that the uniform general building by-laws made no mention of car ports or what a car port is—nor have I seen any description of what a car port is—I have taken a car port to be a building supported sometimes as a part of an already constructed building; a building as part of a planned house on the site; or one not of the construction, but having for one

side of its support the building of the house, the other end being supported by either steel pipes, concrete piers, brick columns or, in some cases, timber.

In this particular case the by-law has laid down that the car port shall be supported on nothing else—it says it must be supported on nothing else—but steel columns, not more than 3in. in diameter.

Hon. J. McI. Thomson: It is an absurdity.

Hon. A. F. GRIFFITH: It takes the matter to the point of absurdity; because at the moment it does not say that a car port cannot be supported on inch pipes, but it does say a car port shall not be supported on more than 3in. pipes. Therefore, if a builder had 4in. piping, or any other size beyond 3in., under this by-law he would be unable to use it, because the by-law lays down stringently that the steel pipes shall not be more than 3in. in diameter.

Hon. G. C. MacKinnon: Does it say how many?

Hon. A. F. GRIFFITH: No.

Hon. G. C. MacKinnon: The pipes could be an inch apart.

Hon. A. F. GRIFFITH: Yes; and it could even be taken to the ridiculous position, if a local authority allowed it, that the car port was supported in the middle and the structure would look as if it were on stilts.

The Minister for Railways: Doesn't a local authority have to approve of the plan?

Hon. A. F. GRIFFITH: That is true. It says—

> a person may, with the permission of the local authority of the district in which the site is located, erect a car port . . . . .

However, a local authority can make its deliberations only on the by-law as it is worded. If I, or any other person, presented a plan to a local authority which provided for the construction of a car port using 18in. brick piers, 6in. x 6in. jarrah timber, or a 6in. concrete column, the local authority would be obliged to say, "These three articles which you have mentioned are not permissible under the by-law; and all you can do is construct the car port on steel pipes."

I have come to regard a car port as a structure which is usually built on to the end or abutting a building as it is erected. There are times when a car port is constructed after the building has been erected, and this regulation applies absolutely to that set of circumstances. It lacks imagination to such an extent that it does not make provision for the man who wants to build a house and, at the same time, construct a car port as part of the architecture of the house.

Hon. E. M. Davies: I do not think it means that at all. It deals with car ports in front of a house.

Hon. A. F. GRIFFITH: I said the very thing the hon. member has pointed out. I was not speaking about the car port being a structure. In some cases a car port is constructed subsequently, and in others it is part of the planned architecture of the building. Sometimes it is constructed with a flat roof; sometimes with a skillion roof; and sometimes with a hip roof. However, this by-law says it must be constructed with a flat roof.

The first thing that comes into my mind is: How will the water run off a flat roof? I take it that this particular structure is intended by the responsible department to be capable of draining off the water. Surely to heaven there is no reason why a man in the course of constructing a building should not be able to extend the hip of the house over the edge in order to form a car port! Surely he can put up an 18in. brick pier or a 12in. brick pier or some other brick pier, or even a timber support! The by-law lays down that he shall not do this other than in the manner specified.

The Government's reason for gazetting this regulation, I am informed, is to enable people who already have houses to add a car port to them. The reasoning behind it is that the by-law will only pertain to those people, and they will apply to the local authority for permission to construct this type of car port. As I said, a car port is different from a garage. A garage has two sides, a back, and doors to it. In order to get in and out of a garage—in a cold, sober state anyway—the doors have to be opened.

A car port, on the other hand, gives only roof protection to a vehicle. When I say that, it is not quite right, because in most cases car ports are built on to an existing structure somewhere, and therefore provide protection from the weather on one side.

Hon. F. R. H. Lavery: Quite a lot are built apart and separate from the house.

Hon. A. F. GRIFFITH: Yes. We are told that this by-law is to apply to people who want to build a car port in the front of their home. This is what the Government thinks of the situation—

> The car port would, in the majority of cases, be in front of the existing dwelling and, consequently, would also be in front of the adjoining dwelling. So as to cause a minimum of interference with visibility of adjoining residents, the committee of reference was of opinion that the supports should be as small as possible and it was for this reason, of course, that steel piping as supports was inserted in the new clause.

We are asked to accept a statement of that nature. So that the view of the person who lives next door may not be obstructed, the structure is to be built with steel pipes, 3in. in diameter.

The Minister for Railways: Did you say the Government made that statement?

Hon. A. F. GRIFFITH: The Government is responsible for it.

The Minister for Railways: It did not make that statement.

Hon. A. F. GRIFFITH: That is the reply to a question asked of the Government, so I take it the Government made the statement. This is the question that was asked—

> Why cannot bricks or in some cases timber be used as a support for a car port?

So it was a Government statement; it emanated from another place.

I suggest that the only time the view of the person next door would not be obstructed would be when the car was not in the car port. The person's view would also be dependent on the height of the roof of the car port; and we must bear in mind that it must be a flat roof. I suppose the person who lives in the house next door is expected to look under or over the roof. If the structure is high enough, then he can look between the top of the car and the roof; or if it is low enough, he can look over the top of the roof and the car. But the by-law does not say how high or how low the roof must be.

I consider this shows a complete lack of imagination, and I fail to understand why this committee will persist in a point of view of this nature. As I have said, so far as I can see, the uniform general building by-laws make no reference to car ports. Car ports, however, conform to modern methods of architecture. Many people think along the lines that a motor-vehicle is something which is out in the elements for, possibly, 14 to 18 hours a day.

All members of this Chamber will agree with me when I say that a member may come here at 10 o'clock in the morning and not leave until 2 o'clock the next morning. That does not happen infrequently. His motor-vehicle would be out in the elements for that period. Then what does he do? He drives it home, opens the garage doors and puts the vehicle in the garage so that for the remaining six or seven hours of the day it is locked comfortably away until he is ready to use it the following morning.

Hon. L. C. Diver: For what is left of the morning.

Hon. A. F. GRIFFITH: In certain parts of the metropolitan area, members—I am sure they have seen as much of this as I have—will find car ports constructed in the manner I have described. Frequently, I agree, they are on steel posts; but just as frequently they are on brick piers, which are a more attractive architectural method of construction. I do not say that the uniform general building by-laws should not have regard for the person who has owned a house for a long time and who wants to put up some structure that he cannot build at the side or rear of his house. Such a person should be allowed to construct something in which to house his motorcar. But to limit the construction of car ports, as the by-law does, to only that section of the community, is very short-sighted.

I hope that the committee responsible for framing the by-law will straight away have another look at it, and will realise just how incomplete it is to meet the purposes to which it should pertain—it badly falls short of what is required—and I trust that the Committee will bring down another regulation which will provide that a man may construct a car port, if the local authority thinks fit; and that the type of architecture he may employ will be such as to give him greater scope than is prescribed by the limitation here. We must bear in mind that steel pipe of this nature has to be imported into Western Australia.

Hon. F. R. H. Lavery: I do not think there is any pipe of that strength made in Western Australia.

Hon. A. F. GRIFFITH: I do not think so. It would all have to be imported. Bearing in mind that we all try to follow to the fullest extent the slogan "Buy W.A. Goods," we find here a state of affairs where we are obliged to buy imported steel pipe of 3in. diameter, or less. The Government was asked whether this would have a detrimental effect upon the local manufacturer and to this question it replied—

> The number of car ports for which permission would be sought would be small and it is not thought that the requirement for the supports to be of steel piping in such cases would be to the detriment of local manufacturers. If any serious detriment is caused the committee will be asked to reconsider the matter.

The committee should reconsider the matter not only from the point of view of the detriment which may be caused to local manufacture; but also, in view of the Government's answer that the number of applications would probably be small, it should give consideration to the overall picture of the type of structure likely to be erected.

Hon. J. McI. Thomson: It would be difficult to assess the number of applications.

Hon. A. F. GRIFFITH: Yes. I am not a builder, but I take an interest in these matters; and from the inquiries I have made of my building friends, and also

those in business, I have found that these people see no reason why a car port should not be constructed on brick piers, or why it should not be of timber of suitable size, or why it should not have concrete columns. They also see no reason why the uniform general building by-laws should lack a provision that in a modern construction a car port can be part of the building itself.

The other day I asked the Minister for Railways a question concerning the Perth City Council building by-laws with respect to the Floreat Park area. I asked him—

> Do the Perth City Council's building by-laws for the Floreat Park area override the uniform general building by-laws regulations?

In answer to that question, he said—

> Yes. By-laws made under Section 42 of the City of Perth Endowment Land Act would override the uniform building by-laws where any conflict arose between the two sets of by-laws.

What sort of ludicrous position do we find ourselves in when we are endeavouring to adopt uniform general building by-laws! So far as the Perth Road Board, the Cottesloe municipality, or any other local authority is concerned, if nothing is done about by-law No. 428A, which I have moved to disallow this afternoon, people in those areas, with houses already constructed, will be able to erect car ports on a number of steel pipes of not more than 3in. in diameter, with flat roofs. But so far as the Floreat Park area is concerned, in the endowment lands section, the City of Perth endowment land by-laws would override the uniform building by-laws where any conflict arose. Therefore in that area a different set of circumstances could prevail, as compared with any other area.

The Minister also told me the other day that consideration was being given to the points that I had raised in this House concerning the uniform general building by-laws, and also the points that Mr. Thomson had raised. But I want to draw the Minister's attention to this fact: These regulations have been in force for about the last three months. Local authorities were inundated with applications to build structures which did not conform to the building by-laws; and by a fortunate stroke of the pen, the Minister for Local Government suspended the operations of the by-laws until either the 15th August or the 15th September. He said that he realised that a great deal of inconvenience was being caused to the public and to the local authorities. I made an inquiry on the 14th August, and I found that the building by-laws were to come into operation the next day; and so I decided to move to disallow those regulations. The same move was made in the Legislative Assembly.

It would have been a fine old state of affairs if the local authorities had been permitted to operate under the new by-laws for a week or so, then the Legislative Council in its wisdom had disallowed the lot because of the conditions that existed. As a result, I suggested to Mr. Nulsen, who was Acting Minister for Local Government, that the operation of these by-laws be suspended until the 15th November. He wisely adopted that suggestion.

Today is the 15th October and we have only one more month to go. Up to date three amendments have been made to the by-laws, and I am at present moving to disallow another by-law. That is all we have seen of the recommendations of the committee; but I hope that these matters will be dealt with very soon because, as I said some weeks ago, I think the majority of the uniform general building by-laws are quite all right, but I think they would have been much better if more thought had been given to the framing of some of them.

As there is only one month to go. I hope the Government will get the committee to speed up its deliberations so that both Houses of Parliament can see exactly where they are going in connection with them. I have moved to disallow this by-law, not because I want to see it removed from the book altogether, but in the hope that the committee will adopt a more long-sighted view in connection with it. Why should a man who has a house already built be permitted to build a car port in front of his house when, at the same time, a man who wants to incorporate a car port in the architecture of a new building, is not permitted to do so? To my mind it is short-thinking on the part of those responsible.

I do not know who is on the committee, and probably they will not like me for the criticisms I have offered. However, I cannot help that. The long and short of it is that the Government's responsibility is to see that more consideration is given to these matters; and I hope the Government will speed up matters so that by the 15th November we will not find ourselves in the position that we are in at the moment.

On motion by Hon. W. R. Hall, debate adjourned.

BILL—INTERPRETATION ACT AMENDMENT (No. 2).

Reports of Committee adopted.

BILL—CHIROPODISTS.

Second Reading.

Debate resumed from the 10th October.

HON. G. E. JEFFERY (Suburban—in reply) [5.10]: I wish to express appreciation to those members who have contributed to the debate; and I think the House

was treated to a comprehensive discussion of the various angles of chiropody, both as regard its history and practice. I would like to compliment Mr. Jones, particularly, who gave us a picture of the circumstances leading up to the introduction of this measure. It was instances such as he gave which induced those practising chiropody to seek some protection from quacks and others who are trying to get on the bandwagon.

I was also very impressed with the remarks of Dr. Hislop when he said that the various ancillary medical services should be grouped together, and should function under one board. I was so impressed with his remarks that I made representations to the Minister for Health; and in reply to those representations I received the following letter, dated the 10th October, 1957:—

> The suggestion made by Dr. Hislop in the debate on the Chiropodists Bill that all these ancillary services from the medical profession be placed under the control of one board has been under consideration by the Government from time to time during the last two or three years.
>
> Such a board would have some advantages, especially in the economic field, over the existing arrangements, and would, if properly constituted, add a co-ordinating element that is at least partly lacking at present.
>
> There are certain difficulties in the way of implementing such a proposal but it is not thought that these would be insuperable. The Government will continue to give the matter careful consideration.

With those comments I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee.

Hon. A. F. Griffith in the Chair; Hon. G. E. Jeffery in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—The Board:

Hon. N. E. BAXTER: I move an amendment—

> That after the word "chiropodist" in line 13, page 3, the following words be inserted:—"selected from a panel of four nominated by the West Australian Association of Chiropodists Incorporated and"

The Bill as it stands provides that three chiropodists appointed by the Governor shall serve on the board. It does not say who shall nominate them, but it would probably be the Minister or the Commissioner of Public Health; they would be unknown to the Governor. I believe that the people who would know most about the training and registration of chiropodists and the practice of chiropody, would be those connected with the association, and they should do the nominating.

The Chiropodists' Association is very anxious to see this legislation passed so that chiropody can be practised in this State in a correct and efficient manner. This provision is similar to one contained in the Occupational Therapists Bill which provides for representatives from those engaged in that calling to be selected from their association, and not appointed on the recommendation of the Public Health Commissioner, or selected from names submitted by the Minister. The chiropodists have an efficient association in this State; it is a corporate body. The amendment will ensure that representatives of the association will be appointed to the board.

Hon. G. E. JEFFERY: I have no objection to the amendment. It achieves exactly what the mover says, and it will improve the operation of the board if the Bill is passed.

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

Clause 7—Funds:

Hon. N. E. BAXTER: I move an amendment—

> That the words "in Western Australia" in line 19, page 4, be struck out.

Looking through the Bill, it appears that the funds of the board are to be used in the furtherance of education and research into chiropody in Western Australia only. It is hardly likely that education will be given other than in Western Australia, but it is rather strange to limit the expenditure of funds on research in Western Australia. The board may desire to seek information from outside Western Australia and to apply funds for that purpose.

Hon. G. E. JEFFERY: I have no objection to the amendment. I agree that it will widen the sphere from which the board can gain knowledge.

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

Clauses 8 to 16, Title—agreed to.

Bill reported with amendments.

BILL—BUSH FIRES ACT AMENDMENT.

Second Reading.

Debate resumed from the 10th October.

HON. A. R. JONES (Midland) [5.21]: The Bill before the House to amend the Bush Fires Act, which was enacted in December, 1954, is the first measure to bring about amendments to that Act. Whilst due consideration was given to the

Act before it was proclaimed, it is now considered, after three years' experience, that amendments are necessary.

The Minister, in moving the second reading, gave us an explanation as to why some of the amendments were desired; but he omitted, in my opinion, to enlighten us on the reason for one or two of the amendments. I would therefore seek his advice and clarification of certain amendments which I shall refer to later on.

The first amendment, to Section 12, is contained in Clause 2. I would like the Minister's explanation of this amendment, because it is provided in Section 12 as follows:—

> The board may, with the approval of the Minister, appoint a person to be a bush fire warden for a defined district in the State.

The amendment, however, provides as follows:—

> Notwithstanding that a person has been so appointed as a bush fire warden for a defined district of the State, the Board with the approval of the Minister may appoint another person as a bush fire warden or other persons as bush fire wardens for the whole or any part of that or any other defined district or districts of the State.

I have studied that provision and I cannot understand why the amendment is necessary. As the Minister made no reference to it in the second reading speech, I shall be grateful if he will give the House an explanation as to why he considers it necessary; I feel it is not required, because the Act already provides that the board may, with the approval of the Minister, appoint a person to be a bush fire warden for a defined district in the State.

If it so happens that a warden has been appointed to a district, and he feels that the district is too large for him to control and supervise, he can apply to the board to have the district subdivided so as to make two districts where only one is now in existence. Under the circumstances another warden could be appointed. There is, however, no necessity for an amendment to the Act in this respect. I would ask the Minister to tell us why this jumble of words—and I call them a jumble of words—should be added to the existing provision in the Act?

The next amendment is to Section 18 of the Act. This amendment is considered by all concerned to be desirable. It seeks to give a local authority very wide powers to deal with any area where extreme circumstances prevail. Not only does it allow the board to issue permits, as explained further on, for burning off clover paddocks so as to achieve better germination and seed after the first rains, etc.; but it also gives the board the opportunity and the power to change the date of the burning season in a district. This provision is necessary, because Western Australia is a very large State, and conditions vary very drastically within 100 to 200 miles. I consider that this amendment should be supported by the House.

Another amendment seeks to relax the present restrictions in irrigation areas. Members who are conversant with irrigation districts will have a better understanding of this provision than I. It is apparent that at certain times of the year some burning off is necessary; it is therefore felt that the local authority concerned should be given the power to control the burning-off periods in irrigation areas.

Another amendment which I also think very desirable adds to the previous precautions with regard to burning off; it seeks to prevent persons from carrying out blasting during prescribed periods, and to regulate the use of gelignite, etc., without first obtaining the permission of the local authority. This amendment is essential because the use of explosives could very easily be the cause of bush fires.

Apparently there is insufficient penalty provided in the Act; and in Clause 27 it is proposed to empower the board to deal with persons who knowingly give false fire alarms to members, employees or agents of the board, or of a local authority. It also gives power to the board, if a conviction is recorded, to collect from the offender expenses incurred as a result of the fire brigade turning out needlessly, or any other expenses incurred by the fire brigade or officer in respect of a false alarm. I think that this penalty is most desirable.

In proposed Section 27C power is given to the authorities to deal with persons who wilfully damage any property; remove any property, such as water tanks, set up by a local authority in a country district; remove fire extinguishers; remove hoses from pumps; or take or damage any property of the board or fire brigade in the district. This provision will enable the board to deal with such offenders, to claim expenses and impose considerable fines. That is a very necessary provision.

A further amendment is to be made to Section 38. This section provides that—

> A local authority may from time to time appoint and employ such persons as it thinks necessary to be its bush fire control officers under and for the purposes of this Act and shall determine the seniority of the bush fire control officers appointed by it.

The section also provides that the local authority may in respect to bush fire control officers appointed under the provisions of the section exercise, so far as they may be applicable, the same powers as it may exercise in respect to its other officers under the provisions of the Acts under which those other officers are appointed.

The amendment will enable the local authority to pass on authority not only to its officers, as is provided in the Act at present, but also to any other person who is a registered member of a bush fire brigade. This enables somebody to be placed in a responsible position if other persons mentioned in the Act are not available at the time, and that is a wise provision.

There has been a query as to what the position would be if men from a fire brigade in one territory entered the area of another local authority and carried out fire brigade work. It seems that no provision for this has been made in the Act; and therefore an amendment is proposed by way of the insertion of a new section, 39A, which provides for an arrangement to be made for one authority to work within the boundaries of another authority and for its officers to take charge if there is no person from the local authority in which the fire occurs, in command at the time of the fire. That also is a necessary amendment.

It is proposed to amend Section 44 of the Act to provide that in the absence of the captain and all other officers, any other member of the bush fire brigade can exercise the powers set out in the section. Apparently previously only the captain and other officers have had that authority, and this is just a further precaution.

There is one provision upon which I would like some information. It is proposed to amend Section 59 by adding the following subsection:—

> (3) A local authority may by written instrument of delegation, delegate authority generally, or in any class of case, or in any particular case, to its secretary, bush fire control officer, or other officer, to consider allegations of offences alleged to have been committed against this Act in the district of the local authority, and if the delegate thinks fit, to institute and carry on proceedings against any person alleged to have committed any of those offences in the district, and may pay out of its funds any costs and expenses incurred in or about the proceedings.

I can quite follow why it is necessary that a local authority should have the right to pay out costs and expenses incurred, but I cannot see any reason for its having to delegate its powers, because it seems to me to be fairly well covered in the Act. Subsection (3) of the section provides that—

> A local authority within whose district an offence against this Act is alleged to have been committed may direct its secretary, bush fire control officer, or other officer to institute and carry on proceedings against the person alleged to have committed the offence, and may pay the costs and expenses incurred in or about the proceedings out of its funds.

I would like the Minister to give me an explanation regarding this matter.

I have had a good look at the Bill; and apart from the questions I have raised, I cannot see any objections to the amendments, which, if incorporated in the Act, would make it a better measure and give wider scope to those people in districts where there are variations of conditions from south to north and west to east. There has been a great restriction in many instances where burning has been necessary but has had to be held up. With the acceptance of these amendments, such cases as have been cropping up in the past few years will be able to be dealt with. I support the second reading.

HON. G. C. MacKINNON (South-West) [5.38]: Mr. Jones has dealt in some detail with the Bill, and has pointed out that in several instances it extends the powers of the local authority with regard to burning outside prescribed times. If burning off were nothing but an evil to legislate against, the problem would be much easier than it is. However, there are many times when burning is very necessary out of the prescribed hours and is associated with the problem of clearing or the eradication of some special weed.

Over the week-end my attention was drawn to what is a localised problem in a particular area of this State. I refer to a weed which needs the application of fire to bring it under control. The name of that weed is Pennisetum macrourum. It is somewhat rare and it might be of interest to members if I passed on some information which I have received concerning it. The information is as follows:—

> The plant was introduced in the Hamel area by Mr. Berthoud who had a small block of land on Sampson's Brook (known as the Hamel experimental farm) about 1900. It has now spread south to Wagerup, about three miles, and about two miles west, and is also appearing one mile north. With the advent of irrigation, seed is carried in the irrigation water. This is the cause of the spread south and west.
>
> C. A. Gardner describes it in his book on grasses as a plant which has been introduced in the Waroona area and has now become a weed.
>
> The Drakesbrook Road Board asked for it to be declared a primary noxious weed in June, 1956.

This is referred to in a copy of the minutes of the road board of that month. In order that I would not have to go to any great length in explaining the appearance of this plant, I took the opportunity of bringing down a sample which may be seen in the members' room.

Hon. H. L. Roche: Has it been declared a noxious weed?

Hon. G. C. MacKINNON: At present the board is going through the machinery of having it declared, and apparently there will not be any difficulty in that regard. If one studies the grass, one will find that it is very akin to pampas grass. If one runs one's hand along it, one is likely to cut one's fingers, because it is coarse and sharp. In its habit of growth it is like kikuyu grass, in that it spreads from the roots and also by seed, and grows in very damp conditions. It thrives at road edges and on the edges of irrigation channels.

With regard to its destruction, the trouble is that the land in which it occurs is extremely wet quite late in the year, and by mid-January the country is being irrigated. So the only time it is possible to deal with this grass is early in January; and the procedure for dealing with it is to spray it with 50-50 dieseline and creosote. It must be left then for a week or so until all the top foliage is dead. Then it is burnt, after which it is sprayed with TCA, apparently the trade name for tricloracetate which is a well-known weedicide.

As the ground is so very damp, it is impossible to treat the weed in this way before the 30th November. It can only be treated during late December and up to early January. It must be dealt with in that short space of time, when the ground is dry after the winter rains, and has not been wet with irrigation water.

It is my intention to frame an amendment with a view to making it possible to deal with specific instances of this kind where a declared noxious weed can be destroyed only under conditions such as I have outlined. This would, of course, apply in the main only to the irrigation areas, where the ground is virtually under water during the winter and then, before it is completely dried out, is again flooded by irrigation.

A gentleman to whom I was talking today pointed out that it is possible that bulrushes may need the same sort of treatment. I can imagine that they could be treated only within this limited period for the reasons I have explained. Growing where they do, there should not be any great element of danger from the spreading of fire because generally the ground surrounding the plants would be wet. Provided a day was chosen on which there was not a very high wind, the risk should be very small indeed.

I think if the amendment that I propose to place on the notice paper contains sufficient precautions, the use of fire should be allowed; and in this case it would have a most beneficial effect. Although this grass as yet has not spread to any great extent, if it does travel as it appears capable of travelling in irrigation areas, it could eventually take over a lot of useful and valuable land. I think the rest of the measure has been adequately dealt with by Mr. Jones. I hope that when the Bill is in Committee my proposed amendment will receive support. I support the second reading.

HON. H. L. ROCHE (South) [5.46]: I will probably disappoint the Minister on this occasion, as I cannot find much wrong with the Bill. I think he has come to expect me to oppose any bush fires legislation introduced into this House, but the measure before us would not appear capable of doing much harm.

While I believe that our bush fires legislation has been most valuable to rural Western Australia, and has enabled those districts that have taken it seriously to build up effective fire-fighting organisations, I have previously expressed in this House considerable concern that we might tend to over-legislate in regard to this function which the people concerned have to discharge for themselves.

The tendency might well be for us, by means of legislation, to so regiment these voluntary organisations which rely absolutely for their effectiveness on the co-operative spirit of the people concerned, as to detract from their usefulness. These people co-operate to protect themselves and their neighbours. I believe that in some districts it has not yet been realised just what benefits can accrue by taking advantage of this legislation and creating an effective bush fire-fighting organisation.

I hope that when replying to the debate the Minister will answer the query raised by Mr. Jones in respect of that provision relating to the appointment of wardens. It seems to me to be a bit ambiguous unless it is designed to make clear legally the power of the board to appoint more than one warden. Another provision of the Bill which I appreciate is that relating to the delegation of authority and providing that if the captain is not there one of the officers can take charge; and that in the absence of an officer, a member of the brigade can take charge.

Some three years ago when the original legislation was before this House I fought for that principle to be included; but the attitude at that time was that this power could be exercised only by the officers of the respective brigades; and that view, which was sustained by the Minister's advisers, disregarded the fact that these brigades are only teams of men who have agreed to get together and work together. Some of them who never become officers in a brigade might know more about the handling of a bush fire than the officers would ever know; and if the whole team are not working together in co-operation, they might just as well go home. There is no need for admirals and field marshalls in this business. It is necessary simply to have someone in authority, and the most successful of the brigade leaders never really exercise that authority.

In a bush fire brigade it is not a question of exercising authority, but simply of having someone to take the lead and make a decision. They seldom act without conferring with their fellow members; and I am pleased to see that this measure departs from what seemed previously to be the attitude of the administration: That someone had to have three stripes before he could exercise any commonsense in the control of a bush fire.

The delegation of authority to which Mr. Jones referred is, I assume, to cover those instances where the district itself has pretty well organised brigades which are now taking practically the whole of the responsibility in connection with fires. The local authority has set up the brigade; and all the brigades have now elected a central committee which, in turn, has appointed a small committee to investigate unauthorised or doubtful fires or other matters.

I imagine that local authorities in the areas concerned are anxious to have legal authority for the complete delegation of their powers in respect of such committee and I presume that is why this provision is contained in the Bill. I trust the Minister will give us further information about the provision dealing with the appointment of wardens. I support the second reading.

On motion by Hon. F. D. Willmott, debate adjourned.

BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

Returned from the Assembly with amendments.

BILLS (4)—FIRST READING.

1, Marketing of Potatoes Act Amendment.

2, Church of England School Lands Act Amendment.

3, Junior Farmers' Movement Act Amendment.

4, Supply (No. 2), £18,000,000.

Received from the Assembly.

BILL—JURIES.

Reports of Committee adopted.

BILL—LICENSING ACT AMENDMENT (No. 1).

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.56] in moving the second reading said: This is yet another Bill which seeks to amend the Licensing Act; and its purpose is to place beyond doubt the fact that passengers travelling in Government railway road buses are entitled to purchase liquor at railway refreshment rooms.

Road buses are an integral part of the Railway Department's passenger service, and their passengers have always shared in all services provided by railway refreshment rooms. The Licensing Court have suggested that any doubt as to whether this is allowable should be resolved by insertion of the necessary provision in the Act. The opportunity is also taken in the Bill to rectify a difficult position. There are two types of railway refreshment room liquor licences. The first is that granted by the Licensing Court to the lessee or occupier of a railway refreshment room. The second type is that issued by the Commissioner of Railways to an officer in his employ and has a currency of one year only.

Section 36 of the principal Act enables a lessee or occupier to sell liquor to bona fide passengers only on the arrival and within half an hour of the arrival or departure of a train. Section 46 (3) deals with licences granted by the Commissioner of Railways and states that, in such cases, liquor can be sold for a reasonable time before and after the arrival or departure of a train between the hours of 9 a.m. and 11 p.m. in Goldfields areas and 9 a.m. and 9 p.m. in other parts of the State.

The term "a reasonable time" has always been interpreted by the department to mean 30 minutes and managers are instructed to observe this period. There is no restriction of sale to passengers only, and therefore any person could obtain liquor during the period it is available. For trains that arrive outside the ordinary hotel licensing hours liquor may be sold only to passengers who have travelled or are to travel at least 20 miles from the station at which is the refreshment room.

The proposal in the Bill is to make the conditions similar for both types of license. This would enable the sale of liquor on the arrival of a train and for half an hour before and after the arrival and departure. There would be no restriction as to who obtained the liquor. It has been found that the present restriction which prohibits passengers having a drink with friends, is hard to police and in fact it has never been strictly enforced. The restriction has tended to make it difficult to lease refreshment rooms.

The third proposal in the Bill seeks to give the Licensing Court authority to approve a selected site in a land subdivision agreed to by the Town Planning Board as a prospective hotel site. Large subdivisions approved by the Town Planning Board have to be laid out in the most modern manner, and in a number of cases, these make provision for shopping, hotel sites, etc. This applies to the State Housing Commission as well as to private subdividers. It can occur and in fact has occurred that after development on a new subdivision has taken place a general publican's license has been granted by the

Licensing Court for a site just outside the subdivision, but too close to warrant an application for a license for the site planned in the subdivision.

The State Housing Commission has discussed this problem with the Licensing Court which agrees that a subdividor, Government or otherwise, of a large area of land, should be able to apply to the court for approval of a "site." Such an approval would allow the owner of the land to apply later for a provisional certificate when the development of the area was sufficient. At present the Act does not enable the issue of a "site" approval. The absence of such a provision has made it difficult for the State Housing Commission and private owners of land to dispose of lots allocated for hotel purposes.

The Bill gives the court power to issue site certificates in subdivisions approved by the Town Planning Board before or after the coming into operation of the Bill, if approved by Parliament. The court, in issuing a site certificate, has to consider whether the future development of the area would be likely to warrant the ultimate issue of a hotel licence. If a site certificate is issued, no other site certificate will be granted for a site within such a distance as the court specifies. The court may vary this distance from time to time of its own volition or on the application of some other person.

The certificate will give the owner of the site the right to object to the granting, renewal, transfer or removal of any provisional certificate or licence in the licensing district in which the site is situated. The owner of the site will be required to apply for a provisional certificate within a period not exceeding two years after the issue of the site certificate as is specified by the Licensing Court. This period can be extended for not more than two years at a time at the discretion of the court.

Under the Bill a site certificate can be applied for by the Crown or any Crown instrumentality or the State Housing Commission, but this does not affect the owner of any other site from applying for a certificate. It would be necessary for the Crown, as owner of a site, to apply for a certificate, so that it could assure intending purchasers of the court's approval.

As I have stated, under that final proposed amendment, with present-day planning provision will be made for various business sites—including hotel sites—and it will apply not only to the State Housing Commission, but also to any other large owner of land which may be a future hotel site; that is, if this Bill is agreed to by Parliament.

Hon. Sir Charles Latham: Does this mean that the State Housing Commission will be able to open a hotel?

The MINISTER FOR RAILWAYS: No; the State Housing Commission has no intention of opening or conducting any hotels. It will merely sell its land for hotel sites.

Hon. A. F. Griffith: What would the proclaiming of such a site do to the value of the land?

The MINISTER FOR RAILWAYS: It would increase the value of the land; there is no doubt about that. Wherever a hotel site is granted in any district, the value of the land surrounding it rises in value.

Hon. Sir Charles Latham: It is the same with starting-price betting shops.

The MINISTER FOR RAILWAYS: Yes; that applies to any monopoly, or where protection is given to any industry.

Hon. Sir Charles Latham: Is that an industry?

The MINISTER FOR RAILWAYS: Yes, I should think that the conducting of hotels would constitute an industry.

Hon. Sir Charles Latham: I was speaking about starting-price betting shops.

The MINISTER FOR RAILWAYS: I have no comment to make on those.

Hon. A. F. Griffith: This could apply to starting-price betting shops, too.

The MINISTER FOR RAILWAYS: The hon. member can move for leave to introduce a Bill for that purpose if he so desires.

Hon. A. F. Griffith: I have no intention of doing so.

The MINISTER FOR RAILWAYS: I think the Bill covers the three provisions required. I move—

That the Bill be now read a second time.

On motion by Hon. R. C. Mattiske, debate adjourned.

BILL—COMPANIES ACT AMENDMENT.

Second Reading.

HON. W. F. WILLESEE (North) [6.5] in moving the second reading said: This Bill is the result of recommendations by the Registrar of Companies, together with certain amendments agreed to in another place. As members are probably aware, the Registrar of Companies is Mr. G. Boylson, who is also the Master of the Supreme Court.

I think it can be agreed that company law in this State is on a sound basis and has met requirements in an adequate manner. There can be no doubt that a satisfactory company law is essential for success and proper administration within the business sphere of the community. From time to time, however, it becomes advisable to amend such legislation.

The first proposal in the Bill deals with the payment of fees and it is proposed that in future the amount of fees shall be fixed by regulation. The majority of the

fees chargeable are detailed in the Tenth Schedule to the Act, and Section 409 (2) (b) provides that while regulations may be made to alter or add to the scales, none of the existing fees shall be increased by regulation. The increasing of fees by Act of Parliament can be a lengthy and cumbersome procedure, and it is considered the object can be more efficiently achieved by regulations.

The Bill seeks to rectify an anomaly in Section 71 (3) (a) which provides that the intention of a company to apply to the court for a reduction in share capital must be advertised in a daily newspaper twice at intervals of one week within seven days after the passing by the company of a resolution for reduction in capital. It is obvious that this provision is absurd and it has been the subject of judicial comment.

The proposal in the Bill is that the first of the two advertisements shall appear *within seven days after the passing* of the resolution.

Section 184 (3) (a) (i) of the Act specifies certain persons who, except by the express leave of the court, are disqualified from being appointed or from acting as liquidators of companies. These persons include anyone who, at the time of or within two years of the commencement of the winding up of the company was a director, officer or employee of the company, or who was a partner of or employed by an officer, director, or employee of the company. This provision which does not apply to a member's voluntary winding up was agreed to by Parliament as recently as 1953, and therefore must be regarded as representing the Legislature's recent views on the subject. However, it conflicts with Section 284 (1) which states a director or promoter may be appointed liquidator so long as a majority in number and value of the creditors so decide.

It appears this particular provision must have been overlooked when the 1953 amendments were before Parliament, and the proposal in the Bill is that Section 284 (1) be repealed and that Section 184 (3) (a) (i) be amended to disqualify a promoter from acting as liquidator except with the approval of the court. It is considered most necessary that the principle forbidding the appointment to a fiduciary position of persons with an interest in the company should not be departed from except with the leave of the court.

The next amendment deals with preferential payments in the distribution of the assets of a company being wound up. In the winding up of a company arrears of wages or salary not exceeding £50, which have accrued during four months prior to the commencing of the winding up, are preferential payments in the liquidation.

The original proposal in the Bill was to increase this limit of £50 to £150 to be in accord with present-day conditions, and to include as a preferential payment all holiday pay due to an employee. There is a similar provision in the Companies Act of the United Kingdom. It was considered in another place that there should also be a limit to the amount of holiday pay in order to assist in deterring employees from accumulating leave. As a result, a maximum of £150 has also been applied to this payment.

The next amendment was requested by the State Registrar of the Institute of Chartered Accountants in Australia and is designed to correct an anomaly. Section 334 of the Act requires a private company registered as a foreign company in this State to file its balance sheet with the Registrar of Companies in Western Australia if it is required, under the Act of the country or State in which it is incorporated, to file its balance sheet with the Registrar of Companies of that State.

The Companies Acts of Queensland and Victoria require a private company to file its balance sheet with the Registrar of Companies, but it can be filed in a sealed envelope. The information it contains is not available to the public, therefore, except on the order of a judge. There is no provision in our Act for filing in a sealed envelope, and the position arises that information not available in the State in which the company is incorporated can be obtained in Western Australia.

Proprietary companies incorporated in Western Australia are not required to file their balance sheets and, consequently, these documents are not available for inspection by the public.

The Bill, therefore, seeks to exempt any foreign company, which by the law of the country or State of its incorporation is not required to file its balance sheet in such a manner that it is open to or available for public inspection.

Part XII of the Act, which includes Sections 362 to 365, deals with the appointments of receivers and managers of the property of companies. These sections make it incumbent on a receiver, every six months after his appointment, to file with the registrar an abstract of his receipts and payments as receiver. The Act, however, does not require him to advise the registrar of his appointment as receiver. So that the registrar may be in a position to supervise the duties of receivers, the Bill provides that each receiver shall advise the company and the registrar forthwith of his appointment.

Within 14 days of the receipt by the company of this advice, or such longer period as may be allowed, the company must submit to the receiver a statement of affairs. Within two months after the receipt of the statement the receiver shall send a copy of it, together with his comments, to the registrar and the company, and, where necessary, to the court.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. F. WILLESEE: Before tea, I was about to say that the provisions to which I have referred are based on those in the English Act and are designed to achieve better administration. Section 47 (6) of the Act provides that where the prospectus of a local company refers to any mining lease or other mining tenement, or to a mining option, the prospectus must also contain particulars of a certificate from the Mines Department providing details of such mining interest or option. The Bill seeks to make a similar requirement applicable to prospectuses of foreign companies which refer to mining tenements, etc., in this State.

The next amendment deals with what are called unit trusts. Unit trust companies offer to the public an investment which is practically indistinguishable from shares in a company. The basic principle is simple; a block of investments—usually parcels of shares in public companies of high standing—is vested in trustees under a trust deed which divides the beneficial ownership into a number of parts normally described as units or sub-units, and the public is invited to buy these. The "trustee" under such a scheme is usually an insurance company, bank or an established trustee.

If the portfolio of underlying investments is fixed and certain or only variable subject to very rigid conditions, the trust is described as a fixed trust. The first panel of investments is generally described as one unit and the aliquot shares that are sold to the public are described as sub-units. The managers may then add to the trust by vesting in the trustees from time to time one or more additional units similarly constituted and divided into the same number of sub-units.

In the case of the flexible trust the portfolio of investments cannot be divided into rigidly constituted units, but the trust fund, whatever its constitution from time to time, is divided into shares which are themselves described as units.

Both fixed and flexible trusts have the advantage, so far as the investor is concerned, of simplicity and of spreading the risk over a wide range of investments. For this reason they appeal particularly to investors who have only small sums to invest and who accordingly would be unable to secure the advantage of a spread investment by a direct purchase of shares.

The fixed trust has the further advantage that the investor knows exactly what he is getting; he knows he is getting a share of the beneficial interest in a fixed block of investments. This, however, has the disadvantage that the manager cannot meet changing market conditions by adroit switches of the underlying securities.

The flexible trust avoids the last disadvantage but, as a necessary consequence, causes the investor to be dependent upon the financial integrity and skill of the managers. The managers or promoters of the trust scheme act as the selling agents for the units or sub-units and usually they exercise all voting powers conferred by the shares held.

Hon. H. K. Watson: The managers exercise powers conferred by the shares and not the trust.

Hon. W. F. WILLESEE: That is so. The danger to investors inherent in schemes of this kind attracted attention in England and accordingly a committee of inquiry was appointed in 1936 to investigate whether special legislative safeguards were required. The committee's report led to certain provisions in the Prevention of Fraud (Investments) Act, 1939, under which public unit trusts must comply with certain conditions and become authorised unit trust schemes subject to approval as such by the Board of Trade.

To become an authorised unit trust scheme they have to satisfy the board that the managers are a British company, that the trustees are financially sound and independent of the managers, and that the trust deed provides for the various matters specified in the Schedule to the Act. In this State the scheme operated by Australian Fixed Trusts (W.A.) Pty. Ltd. is a fixed trust. Sub-units in a fixed, or a flexible, unit trust are not shares or interests in a company and do not come within the definition of shares as contained in Part XIII of the principal Act, which contains provisions restricting the sale and offers for sale of shares and debentures. It is necessary, however, that there should be similar restrictions in connection with the sale of interests in unit trusts.

The proposals in the Bill are based mainly on the Victorian Companies Act, 1955, and include provisions from the Prevention of Fraud (Investments) Act, 1939, of England, which was passed to deal with certain abuses arising in the management of unit trust schemes. Generally speaking, the Bill provides that no person other than a company or its agent, can offer to the public interests in unit trusts. If a foreign company enters the field they have to comply with the provisions in the Act dealing with foreign companies.

Any company or its agent which offers unit trust interests to the public is required to issue a statement in writing which, for all purposes, shall be regarded as a prospectus and shall be subject, with appropriate adaptations, to the law relating to prospectuses. The Bill precludes the hawking of trust units from house to house, and among other things provides that any unit scheme shall only be permitted if provision is made for the appointment of a trustee to hold the shares on behalf of the investing public. This is similar to the provision in the Victorian Act.

The trust deeds entered into by reputable unit trust companies all contain provisions relating to the matters set out,

and so a similar provision in the Bill to that in the English Prevention of Fraud (Investments) Act of 1939, seeks to enable the Governor, by regulation, to prescribe covenants and provisions relating to certain matters which a deed shall contain and provide for. This will ensure that all unit trust companies will comply with the practice carried out by the reputable companies.

The Minister is given the power to exempt any person or company from all or part of the unit trust provisions in the Bill, and to revoke an exemption at any time. Such an exemption is considered necessary because of the possibility of hardship to a reputable unit trust company incorporated in another State which had complied with all the provisions of that State's legislation, but where the legislation may not be exactly similar to that proposed in this Bill. If the Minister considered the public to be protected sufficiently he could exempt the company from the operation of any part of this State's requirements which, in the circumstances, may be unnecessary or unduly onerous.

Section 406 of the Act provides that the registrar may cancel the registration of any auditor or liquidator who, he is satisfied, has not faithfully carried out his duties, or has not observed all requirements imposed on him by any statute or regulation or is not a fit and proper person to remain registered. The only penalty which the registrar can inflict on an offending auditor or liquidator is to cancel his registration. Such a punishment could tend to be harsh in certain circumstances. Some of the complaints dealt with by the registrar, though calling for firm disciplinary action, hardly warrant the cancellation of the offender's registration. The only courses open to the registrar, however, are to cancel the registration or let the offender off.

To meet this situation the Bill seeks to give the registrar power to cancel, suspend or fine an offender. A suspension would be for not more than two years, and the fine could not exceed £100. An offender may be fined as well as suspended or have his registration cancelled. The last proposal in the Bill is to double all penalties, with the exception of those under £5 which are increased to £5, and that relating to specific requirements in relation to prospectuses. In such a case it is proposed to increase the penalty from £200 to £250.

Hon. H. K. Watson: Would you increase the penalties under the Industrial Arbitration Act in the same proportions?

Hon. W. F. WILLESEE: I have my own views on that. This Bill deals solely with the case of companies to be dealt with by registrars in this State and refers to a particular provision in the Companies Act. The present penalties are on a pre-1939 basis and considered by the registrar to be seriously inadequate under present-day conditions. It is not proposed to alter existing continuing penalties, where they are in addition to fines. I commend the Bill to the House, and I trust it will receive favourable consideration. I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—BETTING CONTROL ACT CONTINUANCE.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [7.45] in moving the second reading said: This Bill is to continue the Betting Control Act for the reason that the legislation is due to expire on the 31st December next. The Bill contains only one clause, and has for its purpose the making of the Act a permanent one. Section 35 of the Act, which is to be amended, reads as follows:—

> The provisions of this Act shall continue in operation until the thirty-first day of December, One thousand nine hundred and fifty seven, and no longer.

The Bill proposes to substitute for the words "and no longer" the words "on which day this Act shall cease to be a temporary Act, and shall become and be a permanent Act." The object of the Bill is as stated; but members know it is quite within their province, at any time, to bring down Bills to amend any Act.

Hon. Sir Charles Latham: Not all Acts.

The MINISTER FOR RAILWAYS: Not money or taxation Acts.

Hon. Sir Charles Latham: Isn't this a taxation measure?

The MINISTER FOR RAILWAYS: No.

Hon. Sir Charles Latham: It is a revenue-producer.

The MINISTER FOR RAILWAYS: Any individual member is quite competent and able to bring down amending legislation in respect of the Betting Control Act at any time he may think fit. Therefore, if the Bill is agreed to, and the Act is not subject to a term, it does not mean that it could not be terminated, amended, or restricted by the authority of Parliament.

Hon. A. F. Griffith: Do you think it would get through another place?

The MINISTER FOR RAILWAYS: I do not know whether it would or not, but if the legislation proved to be bad and unwarranted, it certainly would.

Hon. Sir Charles Latham: I think we had better keep control.

The MINISTER FOR RAILWAYS: The history of the legislation is well-known to all members. It was introduced as an experiment to overcome a very unsavoury and unsatisfactory state of affairs which had existed in this State for as long as I can remember. I do not know how long before.

There is no need for me to remind members that it was a common occurrence each week for a number of persons to be prosecuted in the police courts for obstructing the traffic. We know very well their offence really was illegal betting. All Governments followed that procedure, and this Government ultimately attempted to overcome that state of affairs. It had been attempted before by previous Governments without success.

The action taken by this Government was successful as it was supported by both Houses of Parliament. In this Chamber some members who supported the Bill did so with the object of watching the results very carefully; and having assessed the results, will no doubt tell us what they think of the operations of the law since it was passed. On the whole, the legislation has been more successful, perhaps, than was anticipated.

Hon. Sir Charles Latham: Financially.

The MINISTER FOR RAILWAYS: It has been much more morally successful than had been anticipated. Perhaps that is the phrase I should have used. That is proved beyond doubt; because, as I have said, it was a regular occurrence for people to be prosecuted in the police courts throughout the State. It was not the same people every week; but periodically the same persons would be prosecuted, taken before the court and fined large amounts in the aggregate.

Hon. J. Murray: A rotten system!

The MINISTER FOR RAILWAYS: They were prosecuted for something which they did not do—obstruct the traffic.

Hon. Sir Charles Latham: It is a reflection on all Governments.

The MINISTER FOR RAILWAYS: Whether it is a reflection or not, it is what took place and cannot be denied. However, that unsavoury position has been overcome today and betting has been brought under control; and all the features of betting in alley-ways, in hotels, people betting with no substance behind them, and betting with juveniles and inebriates, and so on has all been abolished.

Hon. Sir Charles Latham: Can you tell us the revenue for last year?

The MINISTER FOR RAILWAYS: I will later on. Whereas there used to be a large number of prosecutions prior to the Betting Control Act being passed by Parliament, the latest figures in a report show that the prosecutions for the various charges or convictions under various headings relating to betting have been very few. From memory, in the first year of the Act's operation there were something like 280 or 290 convictions against persons for various offences in connection with the conduct of their premises; prohibited persons attempting to remain on premises or bet on premises. Last year's figures show that only 41 convictions took place in connection with betting.

The charges and convictions were as follows:—One charge of betting on the premises other than those which were licensed and one conviction. For betting with juveniles there were two charges and one conviction. For juveniles being on the premises and betting, there were 35 charges and 34 convictions. For placing bets with juveniles, there were 6 charges and 6 convictions. For betting on unregistered premises, there was one charge and one conviction. These make a total of 43 charges and 41 convictions. Two charges were dismissed, and they related to betting with juveniles. The total fines amounted to £141 and costs in connection with all cases amounted to £15 18s. 3d.

When we look at the penalties in connection with betting for the financial year 1956-57, and when we remember the huge sums of money—thousands of pounds—which were paid in fines and costs for off-course betting or illegal betting—

Hon. J. Murray: That was only a revenue-producer for the police.

The MINISTER FOR RAILWAYS: It went on for 25 years, irrespective of what Government was in power. I agree with the hon. member that it was a very unsavoury way of raising revenue. Therefore, there has been a remarkable improvement in the moral aspect of betting, which is now legal, as compared with the time before this legislation, when it was illegal. Whether it was off-course or on-course betting, it was still illegal. However, betting was allowed to proceed, and the imposition placed upon it was the regular procedure of arresting people, prosecuting and fining them. The improvement which has taken place is something about which this Parliament can be very proud.

It has certainly brought about a state of affairs in connection with betting which is to the credit of all concerned. There have been visitors from the Eastern States who have made special trips to Western Australia to investigate the betting laws and premises as well as the conduct of betting generally, and they have, without exception, all agreed that it is of a very high and satisfactory standard.

I take it that Sir Charles Latham wishes to have information in regard to revenue received from fees each year. Revenue from fees for registered premises, bookmakers on and off course, transfers and duplications and duplicate licences amounted to a total of £36,993 10s. That amount has been paid by a few less bookmakers than operated the previous year. From the original registrations there has been a slight decrease which amounted to two, three or four. Therefore, instead of the—I do not know whether to call

it an industry or profession—business of betting expanding, as was thought could happen, it has stabilised itself.

Hon. Sir Charles Latham: This is money collected from the registered bookmakers; it is not the amount of tax paid.

The MINISTER FOR RAILWAYS: Tax is another matter. I was quoting from the annual report and the amount of tax gathered is not shown.

Hon. Sir Charles Latham: You have not the figures.

The MINISTER FOR RAILWAYS: They can be obtained if the hon. member desires. I shall ask for them and make the information available when replying to the debate. The important question that members have to consider in connection with this matter is whether the State is in a much better position morally as a result of legalising betting than it was three years ago when there was no control of betting either on course or off course.

It is all very well for us to say there was control on course, but the only control of betting on course was that the personnel licensed to bet on course had to pay a fee and be approved by the racing club committees. There was no control over the betting with the bookmakers on the course. Today restrictions apply to bookmakers both on course and off course because of the age limits placed in the Act and because of the policing of the Act.

In connection with the policing of the Act, it is pleasing to note that the Betting Control Board is satisfied with the assistance the Western Australian Police Force has rendered in organising the control of off-course betting in a general way. Through its vigilance the number of offences have been restricted so that there have been very few convictions—42 in all —in 12 months.

This goes to show, as I said earlier, that the operations of the Act have been most successful; and there is not the slightest doubt that from all angles a continuance of the legislation will mean that betting will be kept under the strict vigilance and control which is a credit to all those who are authorised to police the Act. I move—

> That the Bill be now read a second time.

On motion by Hon. J. Murray, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT (No. 1).

Second Reading.

HON. F. J. S. WISE (North) [8.3] in moving the second reading said: The amendments in the Bill are mainly designed to permit of smoother administrative practices; and some attempts are made to approach uniformity with Commonwealth laws in connection with enrolment. The other amendments relate to elections and candidates for elections.

I shall endeavour to describe the principal amendments in the Bill; and at the outset I would say that rarely is it the case that amendments to the Electoral Act can be said to be introduced without some political bias. But this measure is non-political in character; and, indeed, contains only one provision which has previously been introduced. This provision was included in a Bill which dealt with an alteration to the franchise and which was introduced by the present Government.

Taking the important clauses, it is proposed to amend Section 17 of the parent Act and restore the provision of one month as a residential qualification in lieu of the three months that has obtained for some years. The conflict in the minds of electors, when applying for enrolment today, needs little explanation; particularly in connection with the two State Houses, as well as the position of an elector applying for enrolment for the Commonwealth House of Representatives and the Senate.

The existing disparity must cause confusion in the minds of electors; and there are many cases occurring, which the Electoral Department has noted, where an elector on changing his place of residence applies for Commonwealth enrolment and also for enrolment for the Legislative Council of the State, which registration takes place forthwith. But he has to wait three months at present, even if he has changed his address permanently, before he can obtain enrolment for the Legislative Assembly.

Many electors fill in all the cards at the time of the change of residence; but, as the law stands now, they fill in the claim for the Legislative Assembly quite illegally. Whilst at the time they are qualified to apply for registration both in conformity with the Commonwealth law and with the State law for the Legislative Council, they are not qualified to apply to be enrolled for the Legislative Assembly. So, when an elector is supplied with cards for Commonwealth enrolment, he anticipates his right, in many cases, to be enrolled for the State, and he becomes confused at his ineligibility to be enrolled as an elector for the Legislative Assembly.

The position in all other States, except Queensland, is that they use the Commonwealth rolls for State elections. In Victoria the Commonwealth rolls are used for the Legislative Council elections.

Hon. A. F. Griffith: Do not the boundaries there—?

Hon. F. J. S. WISE: The boundaries needed considerable review; and in our case they would require considerable

adjustment. In South Australia the districts and subdistricts have been so arranged that direct excerpts from the Commonwealth rolls are used in a combined roll for the Legislative Council. So, while it would still be impossible for us to use a uniform roll in this State, this move is a step in that direction, and it will assist administratively as well as helping the electors; and for the time being it is a move towards uniformity.

The main obstacle at the moment is the difference in the residential qualification. From time to time there has been in this Chamber and also in the Legislative Assembly considerable stress laid on the fact that New Zealand requires a three-month residential qualification before enrolment is possible for the lower House. I can see no reason why we should cite New Zealand as being something that any Australian State should follow in this connection. If one must go outside of Australia to choose an example, it can be said that in Canada enrolment is forthwith on application.

So this attempt towards uniformity with the Commonwealth is taken strictly on its merits, and it is something quite important and something with no ulterior motive in spite of what might be suggested or alleged. It is simply a trend towards the better control of rolls, and it is an attempt to ensure that one month is a sufficient qualification in the case of both State and Commonwealth.

The Bill also introduces a principle similar to one contained in a section of the Commonwealth Act in regard to penalties because it authorises the Chief Electoral Officer to impose penalties for non-enrolment for the Legislative Assembly. At the present time the only action that can be taken for non-enrolment is through the Police Court. In the case of failure to vote, the law already provides that the Chief Electoral Officer may take action of his own volition and impose a penalty. It is reasonable that the Chief Electoral Officer should have that authority, which obtains in other States and in the Commonwealth, to follow the same course and impose a penalty in respect of non-enrolment. The person concerned would have exactly the same opportunity as he has now to have the decision of the Chief Electoral Officer tested or dealt with by summary jurisdiction if he so desired. The penalty is not a very big one, being limited to a maximum of 10s. for a first offence and to a sum not exceeding £2 for any subsequent offences.

The Bill seeks to repeal Sections 43 and 46 of the present law and enact a new Section 46. At present a claim which is filled in for enrolment, is required to stand aside, provisionally, for 14 days, prior to the enrolment. The clause in the Bill seeks to cancel this arrangement and provide for the enrolment to be effected forthwith. So, if the claim is in order, the person filling in the claim card will be enrolled immediately on receipt of the card. If the registrar is not satisfied that the claimant is entitled to be enrolled, he must then refer the claim to the Chief Electoral Officer for his decision, and if he rejects the claim, the claimant has the right of appeal to a magistrate.

I point out, however, that the removal of the maturation period does not remove the right that exists at present of objection to enrolment. One of the great difficulties in connection with objections to enrolments awaiting maturation, I am advised by the Chief Electoral Officer, is in the event of an approaching election, because there is the difficulty associated with the printing and handling of the rolls. As I have mentioned, there will be no objection to a system of objecting to enrolments, because all enrolments will be available to any authorised person just as they are today; but what is suggested in the Bill will greatly facilitate the preparation of the rolls.

Hon. A. F. Griffith: Will one be able to get on to the roll right up to the issue of the writ?

Hon. F. J. S. WISE: Yes.

Hon. A. F. Griffith: Won't that have the effect of delaying the printing of the rolls even more than now?

Hon. F. J. S. WISE: No. I asked the Chief Electoral Officer for clarity on that point, and he impressed this position: That if there are challenges to enrolments, right up to the printing of the rolls, and indeed afterwards in the case raised by the hon. member, the lists of those not eligible after challenge will be sent to the various returning officers, and assistant returning officers and such persons if validly objected to will still be unable to vote.

It will be noticed that with the removal of the period of 14 days for maturation claims, Section 47 of the principal Act is unnecessary and is therefore repealed by the Bill. There is also a provision in regard to objections; and notice of the place and time of hearing of an objection, when lodged by an elector, must be sent to both the objector and the elector. Such objection will be sent to both of them by registered post; and the objector, and not his agent, must appear at the hearing if he desires to support the objection.

At present there is considerable dissatisfaction and confusion in objections being lodged by an agent, often a person far removed from the district concerned and not even knowing the person or the circumstances involved.

There is a provision in the Bill for every writ for an election to be deemed to be issued at 6 o'clock on the afternoon of the day on which it is issued. This means

that rolls would close at 6 p.m. on the day of the issue of the writ, instead of as at present, and as the Act is worded, at the commencement of the next day. The commencement of a day is a minute after midnight; and in addition to considerable expense being involved in the present system, it is quite unnecessary, in all the circumstances. The proposed system will facilitate office handling of the matter, as well as be a convenience to everyone concerned.

Hon. Sir Charles Latham: That was done by manipulation of the Labour Party in years gone by.

Hon. F. J. S. WISE: I mentioned initially that I am endeavouring to state a case for this Bill in an entirely non-political manner.

Hon. Sir Charles Latham: You are doing very well.

Hon. F. J. S. WISE: I am not concerned as to who initiated the present system or systems; indeed, I shall shortly come to an amendment which has been advocated by the Country Party throughout the years. Up to now it has never been listened to or put into effect; but I hope that it will be on this occasion.

This Bill seeks to amend Sections 70, 71 and 72 of the parent Act in regard to the minimum and maximum periods between the issue of the writ, the close of nominations, the polling day and the return of the writ, and is a reversion to the periods which obtained some years ago. It is felt, and I agree very strongly with the contention, that there is no necessity for the existing special provisions for nomination day for the North Province to be not less than 35 days before the day fixed for polling.

The present practice in regard to North Province elections, is that there must be 35 days between the issue of the writ, nomination day and the day fixed for polling. In the horse and buggy days, and because of the infrequency of mails, and the difficulty of getting the mail back to the polling booth, there might have been some merit in the present system. But there is no reason for it now; and having taken part in very many elections in the North Province, I am certain that it would be better if the provision which previously existed were brought into practice once more.

I previously mentioned that there is an amendment in the Bill which the Country Party suggested in letters to the Chief Electoral Officer—I refer to the amendment dealing with the provision for the party designation of a candidate to be shown against his name on the ballot paper.

In order that this can be effected, a party must first be registered, and the requirements for registration are set out in the Bill. The Chief Electoral Officer is the registration officer, and is empowered to hear any objections against the registration of a party. Any person, or body of persons, dissatisfied with the decision of the Chief Electoral Officer, either with respect to an objection or refusal of a registration, may appeal to a board of review, consisting of a representative nominated by the appellant, and a representative nominated by the respondent, with the Chief Electoral Officer as chairman.

Hon. R. C. Mattiske: That would mean two votes to one.

Hon. F. J. S. WISE: No, it is a case of the title of a party being registered; and there is provision in the Bill for 20 persons—that being the number required—to belong to an effective political party before it can be registered as a party. In the case of persons who are not the elect of their party, in so far as nominations of candidates is concerned, they will appear on the ballot paper as independents. That provision is also in the Bill. A person will be required to fill in his nomination form as the accredited and authorised candidate for his party.

Hon. A. F. Griffith: Can the Chief Electoral Officer refuse to register a party?

Hon. F. J. S. WISE: He can under certain circumstances only. Although there appears to be a lot of verbiage in the appropriate clause, the draftsman has gone out of his way to make it clear regarding what can be done and what cannot be done. I was about to mention the case of a party wishing to nominate and endorse two candidates. There will be no difficulty in such cases. On the other hand, if a party wishes to endorse one candidate, and another person in that party wishes to stand, his name will appear on the ballot paper as an independent candidate.

Hon. J. G. Hislop: What about independent Liberals and independent Labour people? Will they be able to be listed as "Liberal" and "Labour"?

Hon. F. J. S. WISE: Not unless the party is registered; it must be supported by the number required in the Bill. If a person wishes to stand as an independent Liberal, so far as the ballot paper is concerned I would say that his name would appear as an independent. That is how the Bill is worded.

Hon. J. G. Hislop: A party must have 20 supporters.

Hon. F. J. S. WISE: Yes. There is also a provision in the Bill under which an elector will not be permitted to vote for a province election if he is more than seven miles from that province on the day of the election. The present provision was introduced in recent years to enable a person if he was more than seven miles from the

province in which his qualifications existed, to vote by post. This applies particularly in respect of the North Province. It is considered that an elector for a province should not have any better facilities on the day of an election than an elector voting for the Legislative Assembly, who can record a postal vote only if he is more than seven miles from a polling place open in the State on polling day.

There is a further provision in the Bill to allow an elector to vote at any polling place open on the day of an election, either as an ordinary voter or as an absentee voter, as the case may be. At present an elector, before being permitted to record an absent vote, must make a declaration that he is not, and will not be, within the district for which he is entitled to vote during the hours of polling.

That causes considerable confusion in the minds of many electors and occasions some hardship to people who may be passing through an electorate, for which they are entitled to vote, but at a time when it is inconvenient for them to exercise their votes. Yet, later in the day, while in a district where there are many polling booths open, they are unable to vote. Provided a person is out of reach of his own district polling booth at any hour during which a polling booth is open for polling, he will be able under the Bill to vote at such polling booth, even though it is only 10 or 12 miles outside his own electorate.

There has been a lot of confusion in recent years where State elections have closely followed Federal elections. People who had voted at a booth for the Federal election would turn up at the same booth only to find that they were not in their own district. This provision will facilitate voting by electors in such cases.

The Bill also removes from the Act the sections relating to the limitation of a candidate's expenses, and the lodgment of returns in connection with expenses incurred. The present operation of the law in this regard is unsatisfactory because there are many valid expenses incurred by candidates which cannot be claimed; and at the same time any person or groups of persons who may wish to spend large sums of money can do so through their party activities, and in such a way that it would be most difficult to apportion detailed sums to individual candidates.

After many years' experience the Chief Electoral Officer says that the sections of the present Act, in this connection are difficult to enforce, and unsatisfactory in their implementation; and that there is no need to have them in the Act at all. They have very little effect in controlling the expenditure of a candidate who conducts a campaign. There are very many things that cannot be checked and great difficulty has been experienced in obtaining correct returns from candidates.

Items such as advertising and printing, particularly when they are arranged by a party, render it almost impossible to present a correct picture for each candidate. I might add there is no such provision in the other States of Australia for the lodgment of returns covering electoral expenses. I am not sure that applies to all the States, but I do know that it applies in most of the States.

This Bill also seeks to reduce the distance within which canvassing near the entrance to a polling booth is prohibited, from 50 yards to 20 feet. This again is identical with the provision in the Commonwealth law; it will be much easier of interpretation and use than the present provision.

Hon. L. C. Diver: It is realistic.

Hon. F. J. S. WISE: For my part, where cards are being handed out to guide electors, I cannot see any objection to their being distributed very close to the entrance of the polling booth.

There are several other minor clauses in this Bill, none of which is of very great importance. Several of them have been introduced to tidy up the Act from the administrative point of view. There is one which refers to the witnessing of signatures on claim cards. It provides that a person who witnesses a claim card should be in no different a position from the person who witnesses any document; that is, the witness is really verifying the signature, and holds no responsibility in regard to what the claimant has averred, or the statement to which such person attaches his signature. It is simply a case of witnessing a signature, rather than placing the onus on the witness for the authenticity of the contents of the claim card.

I present this Bill for the consideration of members. There are many provisions which will be of advantage in the interpretation of the law; and which will, as I said initially, tend towards uniformity with the Commonwealth law. Other provisions in the Bill have already aroused the interest of people in other States. I refer mainly to the provision relating to the endorsement on the ballot paper of the political party to which the candidate is attached. Several inquiries have come from other States to view the provisions that have been introduced in this Bill. I move—

> That the Bill be now read a second time.

On motion by Hon. A. F. Griffith, debate adjourned.

BILL—LOCAL GOVERNMENT.

Recommittal.

On motion by the Minister for Railways, Bill recommitted for the further consideration of Clauses 6, 9, 20A, 20B, 28, 33, 34, 38, 42, 71, 99, 107, 109, 133, 158, 170, 196, 209, 213, 231, 239, 281, 282, 283, 289, 290, 291, 354, 368, 369, 371, 395, 428, 473, 474, 504, 514, 523, 524, 525, 527, 528B, 530, 533, 535, 548, 600, 615, 619, 620, 621, 625, 634, 635 and new Clause 627.

In Committee.

Hon. W. R. Hall in the Chair; Hon. J. D. Teahan in charge of the Bill.

Clause 6—Interpretation:

Hon. L. C. DIVER: I move an amendment—

> That the definition of "minimum penalty" in lines 12 to 18, page 11, be struck out.

This term appears further on in the Bill, in reference to building by-laws. The inclusion of the definition will deprive the court of power to treat cases on their merits, even in respect of technical breaches of building by-laws. I consider it very objectionable in these circumstances to include a minimum penalty, and I ask the Committee to agree to the deletion of a minimum penalty in regard to the whole Bill. The prerequisite is to eliminate the definition of "minimum penalty" in this clause.

Courts should be given the discretion to decide the minimum penalty, because they have to fix the penalty on the facts submitted. If a minimum is agreed to, the law predetermines the minimum to be inflicted; and in future there will be a possibility of magistrates saying to a defendant, "I have to impose the minimum penalty as provided in the Act for the offence, which otherwise I would have regarded as a technical breach. Parliament has stipulated a minimum penalty, and I have to impose it."

Hon. J. D. TEAHAN: I believe in the provision of a minimum penalty where it is considered necessary, as in this case. Only by debate on the subject in question in Parliament, can the conception of the severity of an offence be understood. A minimum penalty would preclude the possibility of judges or magistrates allowing their sympathy to colour the penalties to be imposed. On all the occasions that I have served on the bench, I have ascertained whether there was a minimum before deciding on the penalty. I think it plays its part, and would therefore ask the Committee to retain the definition.

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

Clause 9—Municipalities:

Hon. R. C. MATTISKE: I move an amendment—

> That the word "April" in line 34, page 18, be struck out and the word "May" inserted in lieu.

I have received advice from the City of Perth which states that under the Bill it would be quite impossible for its administrative officers to prepare rolls and carry out the provisions of the Bill regarding elections. It contends that an additional month would be required. I have discussed the matter also with Mr. White, of the Local Government Department, and I understand that he has no serious objection to the amendment. He can see how a large local authority like the City of Perth could be affected and that the request is very reasonable. I might add that this is the first instance in the Bill where the alteration is necessary; and if the amendment is accepted, I would request that in all future cases where it is necessary in the Bill, "May" be substituted for "April".

Hon. J. D. TEAHAN: I am surprised at Mr. Mattiske's statement that the Local Government office, through Mr. White, does not care whether the amendment is accepted or not. These are the comments of the office, to which Mr. White put his signature—

> The amendment should be opposed. It refers only to the first election after the Act comes into force and is therefore unnecessary because an order could be made under Clause 677 if it were found the period was insufficient to prepare the necessary rolls.

This is only the first election; and if in a subsequent election more time were required, it could be claimed, as will be noticed from a reading of Clause 677.

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

Ayes	13
Noes	9
Majority for	4

Ayes.	
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. A. F. Griffith
Hon. G. MacKinnon	*(Teller.)*

Noes.	
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. F. Hutchison
Hon. H. C. Strickland	*(Teller.)*

Pairs.	
Ayes.	Noes.
Hon. J. Cunningham	Hon. G. Bennetts
Hon. F. D. Willmott	Hon. J. J. Garrigan
Hon. C. H. Simpson	Hon. G. Fraser

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

New Clause 20:

Hon. R. C. MATTISKE: I move an amendment—

> That all words after the word "servant" in line 26 of Subclause (1) be struck out and the words "be given first consideration for employment by the new or other municipality" inserted in lieu.

The effect of the amendment would be that where two local authorities amalgamated, it would not be obligatory on the new municipality to engage all the existing employees and on their existing forms of employment; but the first consideration for employment would be given to those existing employees. I have considered this new clause at length, and have referred it to experts in the city whose business is to deal with wages and conditions; and they can see in the new clause the taking away from the Arbitration Court of one of its functions.

At present every person engaged in local government work throughout the State is covered by an appropriate award; and in the fixing of that award, due provision has been made for all the usual conditions of employment. I therefore consider it quite superfluous for this Parliament to provide that in addition to the conditions of employment established by the court there shall be some further concession granted to employees in the case of amalgamations.

Some of the conditions set out in the new clause are very radical. There is a provision that any employee having at least one year's service must be employed by the new municipality, and at his previous rate of pay; and if any person so transferred resigns his position with the council, it is obligatory on that council to pay him a gratuity of four weeks' salary for each week of service. The conditions set out are far more liberal than necessary; and I repeat what I stated when the clause was first considered by the Committee—that in local government the members of the various municipalities as a general rule take a very lenient view towards the officers engaged. I feel that in the case of any amalgamation that lenient attitude will continue to be taken and no hardship will be suffered by any employee.

As an example of leniency, I would point out that recently the engineer of the Perth Road Board retired through reaching the retring age; and in the appointing of a new officer, the board went to a great deal of trouble to find some niche into which the retiring employee could be placed for a further year or two, because it not only appreciated his domestic conditions but also had a full appreciation of the value that he could still be to the local authority for some years to come.

There is another instance, in which an officer was forced, on account of an accident, to retire, and the board made a gratuitous payment to him. It was not obligatory for the board to do so, but it did take that course; and after the auditors had drawn attention to certain irregularities, the board obtained the backing of the Minister for such payment.

I think that in broad terms all local authorities take a very lenient view; and if this clause is retained as at present, it could have a detrimental effect in the consideration of awards made by the Arbitration Court.

Hon. W. F. WILLESEE: Mr. Mattiske suggests consideration should be given to old employees when amalgamations take place. I am sure municipalities would extend that consideration, but it does not necessarily mean providing employment. There must be protection included in the Act in the case of amalgamations. The hon. member suggested that the clause could establish a precedent whereby there could be approaches to the Arbitration Court in fields other than that of local government, but I cannot agree to that. It has not been so in New South Wales where this provision has been in the Act for years.

I do not see how this would come within the province of the Arbitration Court. How could that court make a decision on a contingency that might happen in a year or 12 years' time, or not at all? I think this new clause and Clause 20B are reasonable. They will apply only to the injured person, in rare instances. I think members will agree that everything possible will be done to absorb staff when an amalgamation takes place. Surely this Committee endorses the decision it made on this question some weeks ago!

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

Ayes	11
Noes	11
A tie	0

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. J. Murray
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. A. F. Griffith
Hon. G. C. MacKinnon	*(Teller.)*

Noes.

Hon. L. C. Diver	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. E. M. Davies
Hon. H. L. Roche	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. C. H. Simpson	Hon. G. Fraser
Hon. F. D. Willmott	Hon. J. J. Garrigan
Hon. J. Cunningham	Hon. G. Bennetts

The CHAIRMAN: The voting being equal, the question passes in the negative.

Amendment thus negatived.

New clause put and passed.

New Clause 20B—agreed to.

Clause 28—Manner of taking the poll:
Hon. R. C. MATTISKE: I move an amendment—

> That all words from and including the word "and" in line 21, page 37, down to and including the word "taken" in line 37, be struck out.

This amendment is consequential on a previous amendment concerns the qualification of electors.

Hon. J. D. TEAHAN: I hope the Committee will not agree to the amendment as it would mean that although every ratepayer in a given area of a municipality might be in favour of that area being severed from the municipality and created a new municipality, their wishes might be defeated; because in the remainder of the district there could be enough people to outvote them, and to force them to remain against their will. It must be remembered that the Governor is not bound to act on petitions, so that the interests of a district as a whole will not be prejudiced by a minority having the democratic right to express its opinion by ballot. Also, the retention of this provision is made all the more desirable because of Clause 12.

Amendment put and negatived.

Clause put and passed.

Clause 33—Qualification of mayor, president and councillors:

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "months" in line 20, page 39, the word "immediately" be inserted.

The purpose of the amendment is quite apparent; it is to clarify the position.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

> That the words "an elector" in line 22, page 39, be struck out and the words "a ratepayer" inserted in lieu.

During the previous debate on this clause emphasis was placed on the necessity to give greater consideration to the ratepayer. The amendment, therefore, will be consistent with the wishes of the members of the Committee.

Hon. J. D. TEAHAN: This amendment is more important than it might appear on the surface and should receive careful consideration. It is true that it slipped through when we were previously considering this clause in Committee. The ratepayer is the person who pays the rate and the elector is the person whose name appears on the roll. If we confine the nomination of officers to ratepayers we can eliminate a number of people who are important to a municipality or a road board.

I know of one person who owns 60 or 80 houses in a municipality, and the 80 men and their wives who occupy those houses do not count during an election or the holding of a referendum; it is only the ratepayer who is given any consideration. Therefore, I hope the Committee will leave the words "an elector" in the clause.

The MINISTER FOR RAILWAYS: It would be a retrograde step to agree to this amendment, because we would be going back 100 years. Under existing legislation the occupier is eligible and has always been so. If we place further restrictions on the franchise we are going to retrace our steps a long way. Previously, Mr. Mattiske was successful in having the clause include the words "residential qualifications" instead of merely the word "qualifications." Therefore this could mean that a councillor could be residing in one part of the State and yet he would be able to qualify for municipal office in another part. I hope the Committee will not agree to the amendment.

If I remember rightly, Mr. Mattiske said that he was enlarging the franchise to some extent by inserting a provision in the Bill that a wife could be a ratepayer. Provided she were living in the premises she would be eligible to become enrolled as an elector. If he is going to give out something with one hand and take it back with the other, he is not being very consistent, because the husband could be the owner and his spouse could be the occupier. I hope, therefore, that the Committee will not agree to the amendment.

Hon. L. A. LOGAN: I must agree with the Minister on this occasion. In the Municipal Corporations Act the qualifications of a mayor or a councillor are that he must be a natural born subject of the King and an owner or occupier of ratable land. I do not think we should depart from that principle. If the amendment were carried, only a ratepayer would be able to stand for the office of mayor, president or councillor.

Hon. R. C. MATTISKE: The Minister credited me with having introduced a previous amendment varying the residential qualifications of an elector. It was not my amendment, but it was a very suitable one introduced by Sir Charles Latham.

Amendment put and negatived.

Hon. L. C. DIVER: I would like to draw attention to paragraph (c) (ii).

The CHAIRMAN: That has already been deleted.

Hon. L. C. DIVER: In that case I have nothing more to say.

Clause, as previously amended, put and passed.

Clause 34—Disqualification:

Hon. G. C. MacKINNON: I move an amendment—

> That after the word "party," in line 10, page 40, the following paragraph be inserted:—
>
> (f) is a person convicted of and under or awaiting sentence for an electoral offence as set out in this Act under Division 5, Section 136 to Section 154, inclusive.

This clause relates to those offences that disqualify a man from holding an office to which he is elected. There are also electoral offences in another clause of the Bill which carry certain penalties. As the measure stands a man could break the law, win an election, and still hold office. My amendment seeks to disqualify a man who has committed an offence from holding office. At the moment he can pay his £5 fine and still hold office, and thus be given an advantage over the man who has not committed an offence.

The MINISTER FOR RAILWAYS: I would like to be clearer on this. I should imagine the electoral offences are not very serious. Under the amendment, if a man committed a minor electoral offence and were convicted by the court and punished he would be disqualified no matter how minor the offences might have been. Would Mr. MacKinnon tell me if I am right?

Hon. G. C. MacKINNON: The intention was not actually that, but it could possibly be so. If it is a breach that demands a conviction in the same way as it would if the man were awaiting a sentence, no matter how small the crime, the same argument that the Minister put up would apply. It might be a case of stealing a penny stick from a lolly shop, or it might be a technical breach. However small the conviction for that crime, it would disqualify the man for life, and I see no reason why it should not apply to electoral offences. Many of these offences are not lightly regarded, as the penalties will show. Some of the penalties are higher than those in the Criminal Code and must be considered serious.

The MINISTER FOR RAILWAYS: I would draw attention to Clause 141 (a) which would be affected by this. A person could be disqualified for life for putting out a publication or an advertisement. Although there are heavy penalties for electoral offences, the offence might not be committed by the candidate but by somebody helping him. Yet the candidate would be penalised.

Hon. G. C. MacKINNON: We must guard the man who is careful. Two people might contest an election and one of them might stick to the Act and be careful and be defeated by six or so votes; whereas the man who was careless and committed a small breach could pick up sufficient votes and still hold the seat after so doing. That is unjust. If these things are not serious, why are they in the Bill? If they are not serious, the Minister should move for their deletion. If a man contravenes the law governing an election, he should not contest the next election.

The MINISTER FOR RAILWAYS: The hon. member is not considering the candidate's friend but only the candidate. As I have said, his friend might do something which would disqualify the candidate for life, and yet at the same time believe that he was helping him.

Hon. J. G. HISLOP: Would it not make it easier if we deleted Clauses 136 to 154 and confined it simply to the electoral offences listed in Clause 145?

The MINISTER FOR RAILWAYS: I think those clauses are necessary. I am afraid that this is a dragnet provision and it may take in others.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 38—Longest possible term of office:

Hon. R. C. MATTISKE: I move an amendment—

> That the words "or paragraph (d) of subsection (4)," lines 14 and 15, page 45, be struck out.

This amendment is consequential upon one previously carried by the Committee. There is now no such thing as "paragraph (d) of subsection (4)."

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

Clause 42—Eligibility for registration as an elector:

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "provided" in line 4 of new paragraph (c) of Subclause (1), page 50, the following be inserted:—
>
> that the owner and occupier shall not be separately registered as electors in respect of the same ratable land with the exception.

This is the first of a series of amendments which I have on the notice paper to bring the qualifications of electors in the Bill into line with those obtaining in the Municipal Corporations Act and the Road Districts Act.

Hon. L. A. LOGAN: Members will find this in Votes and Proceedings No. 16, page 67, at the bottom of the first column.

The MINISTER FOR RAILWAYS: If an occupier is to be an elector at all, surely we are not going to place a restriction on

the value of a property he occupies. A farm which is valuable today could be valueless in the future, depending on prices received for products. Surely we are not going to penalise somebody who is suffering from droughts or bad markets.

Hon. R. C. Mattiske: You are speaking to the wrong amendment.

The MINISTER FOR RAILWAYS: Perhaps the hon. member would explain it further.

Hon. R. C. MATTISKE: I thought I was quite clear when I said that the Committee, when previously considering the qualifications of electors, agreed to an amendment which was moved by Sir Charles Latham, but which did not go the full distance, to make the provisions in the Bill consistent with those of the Municipal Corporations Act and the Road Districts Act. The series of amendments standing in my name on the notice paper simply provide what is already in existing legislation and will bring this Bill into line in regard to the qualifications of owners and occupiers. There is no need for any lengthy explanation of the amendments, as they are self-explanatory. This is purely a refinement of the basic amendment which Sir Charles Latham was successful in getting approved by the Committee during the Committee stage.

Hon. L. C. DIVER: I would like Mr. Mattiske to enlighten me in regard to this matter. If a farmer, through ill-health, leases his farm, as occupier, to someone in other quarters on the property, and the former is paying rates and taxes, licensing his motor-vehicles and exercising the functions of proprietor, may I take it that that person will be debarred from being registered as an elector?

Hon. R. C. MATTISKE: Section 49 of the Municipal Corporations Act states—

> Provided that the owner and occupier shall not be separately registered as electors in respect of the same ratable land.

Section 33 of the Road Districts Act states—

> Provided that the owner and occupier shall not both be registered as electors in respect of the same ratable land.

My amendment is simply to bring that provision into the relevant clause of the Bill before us.

Hon. Sir Charles Latham: That was my intention when I moved my amendment.

Hon. R. C. MATTISKE: It is quite clear that we cannot have both the owner and occupier separately registered in respect of the same ratable land as provided in both existing Acts.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

> That after new paragraph (c) of Subclause (1), page 50, the following proviso be inserted:—
>
> > Provided also that the owner of any ratable land shall be entitled to be registered as an elector in respect of such land in preference to the occupier.

Under the Municipal Corporations Act the opposite is the case. I have discussed this amendment with representatives of various local authorities, including the Perth City Council, which would probably be the authority most concerned; and it agrees that the wording of this clause is not as it should be and the proposed amendment is by far the more reasonable one. Members will recall that in all of the debates in the Committee stage, it was stated very frequently that the owner of a property should have more say than has been the case up to the present.

Under the Municipal Corporations Act, the provision, if interpreted strictly, would mean that the owner of the property would automatically be on the roll by virtue of the fact that the roll is compiled from the rate book; but if the occupier applied for and was given enrolment, then the name of the owner would be struck off. To my way of thinking that is entirely wrong.

Hon. J. D. Teahan: In the Act preference is given to the occupier.

Hon. R. C. MATTISKE: Under the Municipal Corporations Act, that is the case. Therefore, I feel it is wrong that the owner of the property should be the one deprived of a vote by the occupier going along and getting the owner's name removed from the roll. I hope members will give this matter serious consideration.

The MINISTER FOR RAILWAYS: I cannot agree that in all cases the owner should be the only one to be enrolled and have a vote. Occupiers pay an enormous amount of rent in some cases, and provision for the rates is included in the rent. I remember provision being included in the rents and tenancies legislation to enable a proportion of increased rates to be added to the rent. This was at the time when there were restrictions. I oppose the amendment.

Hon. J. D. TEAHAN: I also oppose the amendment. To give the owner perference would be wrong. Take the question of hotels. In many instances the owner is an absentee and is only interested in the rents he receives, whereas the licensee is interested in the district. If the district goes forward so does his business. He should be entitled to be enrolled rather than that preference should be given to the absentee owner. The person who has a business in a district is interested in that district and wants to see better roads,

footpaths and sporting facilities. These people stand for election as councillors. I have in mind two hotel licensees—they were only paying rent—who stood for the council of their district. If this provision were inserted they would not have that right. I hope the Committee will not accept the amendment.

Hon. L. C. DIVER: This is a contentious provision and it shows the cleavage of opinion between the city and the country. Many country local authorities are penalised simply because of the power wielded by the non-resident owner. This has been a stumbling block in the progress of country areas. I hope Mr. Mattiske will not persist with his amendment. The majority of local authorities in the country are not desirous of such a procedure as is proposed by the amendment.

Hon. R. C. MATTISKE: I do intend to persist with the amendment because it is important. Mr. Teahan cited an instance concerning a hotelkeeper, but dozens could be quoted in reverse. The whole principle of the owner having certain rights was thrashed out on more than one occasion in the Committee stage, and the members of the Committee were definitely agreed that the owner should have a far greater say. I have discussed this with representatives of various local authorities and they agree entirely that the amendment is reasonable and would be quite fair to both the owner and the occupier.

Hon. W. F. WILLESEE: I cannot see any virtue in the amendment. What would happen to all the State housing properties throughout Western Australia? Does this mean that the occupiers would not get a vote? I do not think they would because the State Housing Commission would be the owner.

Hon. L. A. Logan: That would not apply.

Hon. W. F. WILLESEE: It is a possibility.

Hon. Sir Charles Latham: The State State Housing Commission could not have the right to vote for every house that it owns.

Hon. W. F. WILLESEE: What about a trustee?

Hon. Sir Charles Latham: He has only a limited number of votes.

Hon. W. F. WILLESEE: He could vote for as many properties as he controlled.

Hon. J. D. Teahan: It is not so much the question of his voting powers as the disfranchising of those living in the houses.

Hon. W. F. WILLESEE: The owner has always had the right under an owner's poll but the occupier has always had the right to dispossess him from the right of being on an electoral roll, because he could claim a vote for a property if he were paying rent for it. This turns the principle right round and leaves the owner with the right of the owner's poll. I feel there are not many municipalities in the State that would support the provision.

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

Ayes	9
Noes	13
Majority against	4

Ayes.

Hon. A. F. Griffith	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. A. R. Jones
Hon. R. C. Mattiske	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. F. Hutchison
Hon. L. A. Logan	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. C. H. Simpson	Hon. G. Fraser
Hon. F. D. Willmott	Hon. J. J. Garrigan
Hon. J. Cunningham	Hon. G. Bennetts

Amendment thus negatived.

Hon. R. C. MATTISKE: I move an amendment—

That after the word "ward" in line 31, page 50, the following new subclauses be added:—

Joint owners or occupiers.

(3) (a) When more persons than one are jointly owners or occupiers of ratable land, each of such persons not exceeding two shall, for the purpose of the last preceding section, be deemed to be an owner or occupier of land of the ratable value of one-half the ratable value of the whole land.

(b) Such persons, if more than two, may, by writing under their hands delivered on or before the first day of February in any year to the town clerk, appoint two of their number to be registered in respect of such land; and if no persons are so appointed, those whose names come first in alphabetical order shall be registered.

Power to corporations to nominate a person to be placed on the roll.

(4) (a) When a corporation or joint stock company is the owner or occupier of ratable land, such corporation or joint stock company may, by letter delivered on or before the first day of February in any year to the town clerk, appoint a person to be registered in the place of such corporation or joint stock company; and such person may vote on behalf of the corporation or joint stock company.

(b) In default of any such appointment being made, the manager, secretary, or attorney of any corporation or joint stock company may be registered.

These provisions have been extracted from the Municipal Corporations Act, and I think they are also to be found in the Road Districts Act. As the amendment is printed on the notice paper it includes the word "September" in line 4 of paragraph (b) of Subclause (3) and line 6 of paragraph (a) of Subclause (4). This is because under the Municipal Corporations Act the elections are nearly always held in November. In order to provide a similar period between the registration and the election day, I have now substituted the word "February" in each case.

The MINISTER FOR RAILWAYS: If this is carried, would it be possible to go back to the bottom of proposed Subclause 4 (a)?

The CHAIRMAN: Only on further recommittal.

Amendment put and passed.

The MINISTER FOR RAILWAYS: Is it possible now to go back to the bottom of proposed Subclause 4 (a)?

The CHAIRMAN: No, not unless the Bill is further recommitted.

Clause, as further amended, put and passed.

Sitting suspended from 10.17 to 10.42 p.m.

Clause 71—When office of deputy mayor and of deputy president to be filled by election by council:

Hon. R. C. MATTISKE: I move an amendment—

That the figure "(1)" in line 2 of the new proviso to subclause (4) be struck out and the figure "(4)" inserted in lieu.

When the original amendment to this Clause was approved by the Committee, several other proposed amendments to other Clauses were related to it. Those other amendments were not proceeded with, with the result that the amendment made to this clause does not make sense. Three amendments to this clause are required to clarify the position.

Amendment put and passed.

On motions by Hon. R. C. Mattiske, the following amendments were agreed to:—

That the word "this" in line 3 of the new proviso to Subclause (4) be struck out and the word "ten" be inserted after the word "section."

That the figures "(2), (3) and (4)" in line 5 of the new proviso to Subclause (4) be struck out and the figures "(1), (2) and (3)" inserted in lieu.

Clause, as further amended, put and passed.

Clause 99—Ballot papers:

Hon. R. C. MATTISKE: On behalf of Mr. Davies, with whom I have discussed this matter, I move an amendment—

That Subclause (6) in lines 15 to 21, page 79, be struck out.

There is a duplication of this in Clause 107.

Hon. J. D. TEAHAN: The provisions in the Bill are the same as those in the Municipal Corporations Act. That is, the ballot papers are initialled on the back by the returning officer, or his initials are imprinted thereon. The ballot papers are issued to each of the returning officers; and those officers, before handing them out, initial them at the top. That is a double check. The comments of the department are as follows:—

The provision of the subclause is to ensure that elections cannot be rigged by the use of unauthorised ballot papers. The returning officer is therefore obliged to mark each paper with his initials either by writing these or having them affixed with a stamp so that the ballot papers actually issued to each polling booth may be authenticated.

Provision is made in Clause 107 (4) (b) for the presiding officer also to initial the ballot papers when they are issued so that there is a double check. These provisions are identical with those at present operating in municipalities under the provisions of Section 97 and therefore there is no reason why the amendment should be carried.

Hon. E. M. DAVIES: Mr. Teahan has indicated to the Committee that there is a duplication. It appears to me, and to quite a number of those engaged in local government, that there is no need for this provision. It would not be an actual physical impossibility for a returning officer to initial many thousands of papers, but a considerable amount of time would be occupied. If he is not disposed to do it he will authorise his name to be stamped on the papers. I cannot see that that is necessary, because the presiding officer initials the ballot paper.

It has been stated that the provision is in the old Act; but in many cases nobody ever bothers about it, because the presiding officer is the one who issues the ballot paper, except in a booth, where the returning officer does it. As the presiding officer ascertains by asking questions whether a prospective voter is entitled to vote and then initials the ballot paper, why is it necessary for the returning officer to have his name printed or his initials stamped on thousands of papers?

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

Clause 107—Issue of ballot papers for voting in person:

Hon. R. C. MATTISKE: I move an amendment—

That paragraphs (c) and (d), in lines 35 to 37, page 83, be struck out.

This is consequential on an amendment made to Clause 32 concerning the qualification of electors. In the initial provision, a residential qualification was necessary; but that having been deleted, it is quite unnecessary for the presiding officer to ask the candidate questions concerning residential qualifications.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

That paragraph (e) in lines 1 to 3, page 84, be struck out.

This is similar to the alteration just made.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

That the words "one ballot paper" in line 22, page 84, be struck out and the words "such ballot papers to which he is entitled under Section 77" inserted in lieu.

This is necessary because in the Bill as it originally stood there was provision for single voting only; but the Committee changed back to multiple voting, and it is necessary to alter the wording of this clause to make it consistent with the amendments to Clauses 77 and 78.

Amendment put and passed.

On motions by Hon. R. C. Mattiske, clause further consequentially amended by—

Striking out the word "the" last occurring in line 25, page 84, and inserting the word "each" in lieu.

inserting after the word "paper" in line 33, page 84, the words "or ballot papers as the case may be."

inserting after the word "paper" in line 36, page 84, the words "or ballot papers as the case may be."

Clause, as amended, put and passed.

Clause 109—Voting in absence:

Hon. L. A. LOGAN: I move an amendment—

That the words "one hundred" in line 40, page 90, be struck out with a view to inserting another word.

The clause provides that an elector more than 20 miles from a polling booth may make application for an absentee vote to be registered so that in forthcoming elections an absentee vote will be forwarded to him by the returning officer to the same address without his applying on each occasion. If the application were granted he might vote at only one election, and after seven or eight years might leave the district; and if within 14 days he did not notify the returning officer of the change of address, he would be liable to a penalty of £100, which in those circumstances would be fantastic.

Amendment (to strike out words) put and passed.

Hon. L. A. LOGAN: I move an amendment—

That the word "five" be inserted in lieu of the words struck out.

The MINISTER FOR RAILWAYS: The penalty provided is the maximum; and I think it should be at least £25, at the discretion of the magistrate.

Hon. L. A. LOGAN: The offences in many cases would be so trivial that even £5 would be too much.

The MINISTER FOR RAILWAYS: I move—

That the amendment be amended by inserting before the word "five" the word "twenty."

Amendment on amendment put and negatived.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That paragraph (c) in lines 18 to 23, page 91, be struck out.

This paragraph would render the person who witnessed the signature liable to a penalty. The person witnessing the signature would have no way of knowing whether the statements in the application or declaration were true or not.

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

Hon. J. D. TEAHAN: I move an amendment—

That the words "mentioned in the Scale at the end of this subsection," in lines 28 and 29, page 108, be struck out.

This is to correct an error made in another place.

Amendment put and passed.

Hon. R. C. MATTISKE: The amendment which I have on the notice paper was placed there without the knowledge that Mr. Teahan intended to move the amendment which has just been agreed to. In the circumstances I do not intend to proceed with my amendment.

Clause, as amended, put and passed.

Clause 158—Terms and conditions of appointment:

Hon. W. F. WILLESEE: On looking at the clause as it now stands, after being amended by Mr. Mattiske, I do not think

any good purpose would be served by my persisting with my further amendment; and in the circumstances I do not intend to move it.

Clause 170—Ratepayers' meetings:

Hon. R. C. MATTISKE: I move an amendment—

> That the word "ratepayer" in line 24, page 127, be struck out and the word "councillor" inserted in lieu.

This subclause provides that at a ratepayers' meeting, if the mayor or deputy mayor be not present, a ratepayer chosen by the ratepayers present shall preside. I maintain that that would not be in the best interests either of the rapayers or the municipality; and I think it would be far preferable to have a councillor in the chair, for it would be necessary for him to acquaint the meeting of certain information which would be in his knowledge, by virtue of the fact that he was a councillor of the municipality. I do not see how a ratepayer could properly control a meeting.

Hon. J. D. TEAHAN: I oppose the amendment because the ratepayers present at a meeting should be entitled to choose their own chairman, if the mayor or the president, or the deputies of those officials, are not in attendance.

Hon. J. G. Hislop: They could still choose a councillor.

Hon. J. D. TEAHAN: In that case the words "but if there is no councillor present the ratepayers present may choose a ratepayer to preside" should be added, so that in the event of there being no councillor present the meeting would not be prevented from continuing.

Hon. L. A. LOGAN: I think the present provision in the Bill would be making a farce of a meeting called by the president or mayor. If for some reason the mayor or deputy mayor, and the council, decided to walk out, it would be a farce to allow the meeting to continue. After all, it is a meeting convened by the mayor or president; and if the ratepayers decide that they want to have a meeting afterwards, it is up to them to call a meeting of their own.

Hon. Sir Charles Latham: Suppose it was a meeting convened after a petition?

The Minister for Railways: What about Subclause (3)?

Hon. L. A. LOGAN: It is still a meeting convened by the mayor or president.

The MINISTER FOR RAILWAYS I think the mover of the amendment agrees that it is possible that the chairman or president may not be present, and the object of his amendment is to have a councillor there. If a councillor is present he takes the chair. It is quite possible that if the mayor or president is not present there might not even be a councillor at the meeting. For instance, a special meeting could be boycotted by the local authority. Surely it would be lawful to elect a ratepayer to conduct a meeting.

Hon. L. C. Diver: Have you ever heard of a ratepayers' meeting being boycotted by a local authority?

The MINISTER FOR RAILWAYS: It could be.

Hon. Sir Charles Latham: It would be an unusual occurrence, but it could occur.

The MINISTER FOR RAILWAYS: As I have just explained, the mover desires to provide that where a mayor or president convenes a ratepayers' meeting at the request of the ratepayers; and neither of those two officers attends but a councillor is present, then he should take the chair. Unless the councillor was deputising for either the mayor or the president, I cannot see any justification for his presiding at the meeting. Therefore, I oppose the amendment.

Hon. J. G. HISLOP: This is rather difficult; because it means that if the mayor and deputy mayor are not present at a ratepayers' meeting, the ratepayers cannot elect a councillor. Would it not be better to have the last line read, "The ratepayers present shall appoint a chairman"? That would give those present the right to appoint either a ratepayer or a councillor.

Hon. R. C. MATTISKE: We need to proceed carefully on this amendment. Recently, I was present at a meeting of the ratepayers of the Perth Road Board. This meeting was definitely organised by a certain section of the Osborne ward. It was stacked and definitely hostile towards the two representatives of that ward, and quite unjustly; and had it not been for the fact that the chairman of the board was presiding at that meeting, and there was a full attendance of board members, the meeting could have become most unruly. Had it not been possible for that meeting to elect one of its ratepayers as chairman, there would have been a fine old how-d'ye-do!

Hon. Sir Charles Latham: What effect would it have had?

Hon. R. C. MATTISKE: It would have brought about the very thing about which Sir Charles has spoken in this Chamber. That meeting was reported at great length in one of our daily newspapers, and some of the reporters had the temerity to ring up two of the ward members and ask what explanations they had for the accusations levelled against them.

If the clause stands as printed it will be possible for such an injustice to recur; but in a far greater degree, because the ratepayers would have their own meeting entirely and would have one of their

members in the chair. It would be better, therefore, for all concerned that such a meeting be abandoned if the mayor or deputy mayor should not be present and action taken to ensure that they be present at a future meeting. In the past, however, I have never heard of a meeting being abandoned.

Hon. Sir CHARLES LATHAM: I cannot understand what effect a ratepayers' meeting would have. It is not a statutory meeting as this could only be called by the board itself. Whilst I agree with Mr. Mattiske in regard to the action of the Press, I cannot see what effect a ratepayers' meeting would have except that they would be able to give vent to their feelings.

Hon. L. C. DIVER: I propose to move an amendment that all words after the word "preside" be struck out.

The CHAIRMAN: There is an amendment before the chair which goes down as far as line 24.

Hon. L. C. DIVER: I will have to move my amendment on further recommittal of the Bill.

The MINISTER FOR RAILWAYS: This provision is in both the Municipal Corporations Act and the Road Districts Act. It provides that ratepayers can have a special meeting if they so desire. If that right is waived they cannot constitutionally hold a meeting.

Hon. Sir Charles Latham: What effect would it have?

The MINISTER FOR RAILWAYS: They have a legal constitutional right to hold a meeting.

Hon. Sir Charles Latham: They could carry a resolution.

The MINISTER FOR RAILWAYS: I always thought that the principle spoken of rather highly in this Chamber was that the man who pays the piper calls the tune. Under the amendment we will take away the right of the ratepayers to hold constitutional meetings.

Hon. L. C. Diver: We will not.

The MINISTER FOR RAILWAYS: That is the proposition, and members will see that it is so if they read the clause carefully. There is nothing wrong with the clause, and I hope the amendment will not be agreed to.

Hon. R. C. MATTISKE: I am prepared to make the amendment read that if the mayor or president is absent, a councillor chosen by the ratepayers shall preside; and then add that if there be no councillor present, a ratepayer chosen by the ratepayers present shall preside. A meeting without a councillor would be a farce but in deference to the views of the Minister I make that suggestion.

Hon. L. A. LOGAN: The Municipal Corporations Act provides that a mayor if present shall preside at all meetings of the council, and of the ratepayers; that at a meeting of the councillors one of the councillors chosen shall preside; and at a meeting of ratepayers one of the councillors present; or, if there be no councillor present, one of the ratepayers present chosen by the ratepayers shall preside. We are dealing with two different types of meetings and trying to apply one set of conditions. This will lead to confusion.

If the mayor or president walked out and there was no deputy president, the ratepayers could elect their own chairman. At least once every financial year there would be a general ratepayers' meeting, and the next one would be held for a specific purpose. The mayor or president or his deputy should be the one to chair that meeting.

The MINISTER FOR RAILWAYS: There is no difficulty, because if the mayor is present he shall preside; if his deputy is there, he shall preside. Where neither is present, then the ratepayer elected at the meeting shall preside. If there is a councillor present, I think he will be sufficiently interested; and it is logical to assume that he will be elected. I do not know what the position would be if the councillor refused to preside.

Hon. R. C. Mattiske: Then the ratepayer would preside.

The MINISTER FOR RAILWAYS: I think it would be better to say if a councillor is available rather than use the word "present."

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

Ayes	9
Noes	11
Majority against	2

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. J. Murray
Hon. L. A. Logan	*(Teller.)*

Noes.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. H. K. Watson
Hon. G. E. Jeffery	Hon. W. F. Willesee
Hon. Sir Chas. Latham	Hon. F. R. H. Lavery
Hon. G. MacKinnon	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. C. H. Simpson	Hon. G. Fraser
Hon. F. D. Willmott	Hon. J. J. Garrigan
Hon. J. Cunningham	Hon. G. Bennetts
Hon. A. R. Jones	Hon. F. J. S. Wise

Amendment thus negatived.

Progress reported.

BILL—METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST.

To Inquire by Joint Select Committee—Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to refer the Metropolitan (Perth) Passenger Transport Trust Bill to a select committee of four members, and had instructed the select committee to inquire—

(1) Whether it is desirable to have one statutory authority to operate metropolitan street passenger transport services; if so, whether the Bill satisfactorily achieves this purpose, or what type of authority would be best for the purpose, and under what conditions it should operate; and

(2) Whether there are more desirable alternatives;

and requesting the Council to appoint a select committee with the same number of members with power to confer with the committee of the Legislative Assembly.

House adjourned at 11.43 p.m.

Legislative Assembly

Tuesday, 15th October, 1957.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

1, Occupational Therapists.

2, Health Act Amendment.