Mr. OWEN: The Western Australian Fruitgrowers' Association has been asking for some time for legislation to be introduced to give effect to the desire by the orchardist to obtain what trees he requires.

Mr. J. Hegney: It may be popular in Queensland.

The Minister for Lands: What about having a yarn afterwards?

Mr. OWEN: The Minister has a copy of the Queensland legislation and the clauses that I suggest should be amended will still serve the purpose. However, it loses the full force of the requirements until the two main States that are propagating the trees fall into line. From information I have received, it does not appear that that will be in the immediate future. However, Queensland has set the example which will no doubt be followed by this State and it is to be hoped that all the other States will come into line. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Interpretation:

Mr. OWEN: I move an amendment—

> That after the word 'plants," in the definition of "nurseryman" the words "for the purpose of sale" be added.

Quite a number of growers propagate their own trees and as far as I can see this clause does not seek to deal with them at all. If that definition were altered to include the words "for the purpose of sale" it would overcome that difficulty.

The MINISTER FOR LANDS: I hope the Committee will not agree to this amendment. Surely the hon. member will agree that whether a person propagates trees for his own use or not, they should be subject to inspection to ensure they are free of disease. This clause has been well thought out by the agricultural committee. Why should a man be allowed to propagate trees which are diseased and plant them on his own property? They should all be subject to inspection. If he is conducting a nursery, then he should be registered as a nurseryman. The member for Darling Range has put forward the practical side, but I have been growing all my life.

Hon. A. R. G. Hawke: You are quite a big boy now!

The MINISTER FOR LANDS: I realise the necessity for the trees grown by a man himself to be subject to inspection the same as are those grown by anyone else.

Mr. OWEN: The clause mentions "registered" later and also "registered nurseries," but I still maintain that if a backyard orchardist desires to propagate his own trees, there is no need for any interference. However, in order to allow this matter to be given a little more thought, I suggest that progress be reported.

Progress reported.

House adjourned at 11.10 p.m.

Legislative Council.

Wednesday, 25th October, 1950.

CONTENTS.

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

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Acts Amendment (Increase in Number of Ministers of the Crown) Bill.

QUESTION.

PUBLIC TRUST OFFICE.

As to Revenue and Expenditure.

Hon. H. K. WATSON asked the Minister for Transport:

(1) What was the total revenue derived by the Public Trust Office during each of the years ended the 30th June, 1949, and the 30th June, 1950?

(2) What was the total expenditure incurred in administering such office during each of such periods?

The MINISTER replied:

(1) Revenue—

	£	s.	d.
Year ended 30/6/49	16,728	16	10
Year ended 30/6/50	17,773	13	8

(2) Expenditure—

Year ended 30/6/49—			
Salaries	22,193	5	1
Incidentals	1,558	6	2
Other administration costs	2,942	11	7
	£26,694	2	10
Year ended 30/6/50—			
Salaries	24,593	9	4
Incidentals	1,095	0	5
Other administration costs	3,272	0	5
	£28,960	10	2

STANDING ORDERS—REPORT OF COMMITTEE.

In Committee.

Resumed from the previous day. Hon. J. A. Dimmitt in the Chair.

Standing Order No. 31 (partly considered):

Recommendation put and passed.

Standing Order No. 31a. Delete this Standing Order and substitute the following:—

> At the commencement of each session the Council shall elect a panel of three members, who shall act as Deputy Chairmen of Committees whenever requested by the President or Chairman of Committees.

Standing Order No. 32. Insert after "Chairman of Committees" the words "or in his absence a Deputy Chairman of Committees."

Standing Order No. 34. Substitute the word "elect" for the word "appoint" in the second line.

Standing Order No. 54. Insert marginal note "Vide S.O. 260."

Standing Order No. 63. (i) Substitute "the" for "their" in the first line. (ii) Add at the end "The mover of any Order of the Day may move after notice that such Order of the Day shall be changed to another position on the Notice Paper."

Standing Order No. 110. Delete all words after "debated."

Standing Order No. 145. Delete all words after "adjourned" in the fifth line and substitute "the Council shall proceed with the Orders of the Day."

Standing Order No. 163. Before the word "present" insert "the Clerk shall."

The foregoing recommendations were agreed to.

Standing Order No. 254. Delete all words after "Council" in line 4:

Hon. A. L. LOTON: In view of the amendments already adopted, my interpretation of this amendment is that the Chairman or Deputy Chairman will assume the responsibilities of the President in the event of disorder occurring in Committee. This, I consider, will be taking from the President a duty that he has been elected to perform. At present, in the event of disorder occurring in Committee, the Chairman or Deputy Chairman must report to the President and then the Council deals with the matter whereas, under the proposed amendment, the Chairman will deal with the offender. In my opinion, the matter should be reported to the Council, which should then decide upon the action to be taken.

Hon. G. FRASER: I think the hon. member is wrong in his interpretation. The proposed amendment will not take from the President any power at all, but it will permit of the Chairman of Committees or Deputy Chairman maintaining order while in the Chair. Under the existing Standing Order, if disorder occurs during the Committee stage, the Chairman must leave the Chair and report to the House. The words proposed to be struck out are—

> but disorder in Committee may only be censured by the Council on receiving a report from the Chairman.

Whether in the House or in Committee, the same body of members has to deal with the matter, and I think it as well to be able to deal with such disorder in Committee rather than in the full House. The occupant of the Chair in Committee is handicapped if disorder occurs, and the amendment is designed to overcome the difficulty.

Hon. A. L. LOTON: Can Mr. Fraser state the number of times disorder has occurred in Committee, necessitating the Chairman's leaving the Chair and reporting to the House?

Hon. G. FRASER: I do not know that that has occurred at all in the 22 years I have been a member, but it does not follow that it may not occur in the next 22 years. Whether it has occurred or not is beside the question.

Hon. H. C. STRICKLAND: The deletion of these words would mean that if the Chairman had to take action hastily, he could do so, and in all probability he would take drastic action, whereas if the words remained as at present, there would be time for consideration.

Hon. N. E. BAXTER: I think it would be wrong to take out these words. Standing Order No. 258 provides—

> If any sudden disorder shall arise in Committee, the President shall resume the Chair.

If we delete these words, no report will be made by the Chairman to the President. I would like an explanation of this.

Hon. H. S. W. PARKER: It was thought by the Standing Orders Committee that the Chairman should be in a position to call a member to order. If he does not call him to order, only the House can deal with him. It was considered that by deleting these words the Chairman would have a little more authority than he has at present. The Chairman could not accept a motion for the suspension of a member, but would have to call in the President.

Hon. L. A. LOGAN: How are we to reconcile Standing Order 254 with Standing Order 258? I think it would be wise to leave Standing Order 254 as it is.

Hon. H. S. W. Parker: The words we propose to strike out are really redundant.

Hon. L. A. LOGAN: I would like to know what would be the procedure for naming a member.

The CHAIRMAN: The Chairman would have no right to name a member.

Hon. L. A. LOGAN: The Chairman would make a report to the President, which is the procedure at the moment. If these words were deleted, the Chairman would not be able to make a report. The President would simply resume the Chair.

Hon. G. Fraser: He does that whether a report is made, or not.

Hon. H. S. W. Parker: That is what happens at present.

Hon. L. A. LOGAN: Why make the alteration? This has stood the test of time; we should leave it alone.

Hon. G. FRASER: There is still nothing to prevent the Chairman of Committees from making a report when he leaves the Chair. The alteration only attempts to give the Chairman of Committees a little more power in dealing with a disorder, instead of having to leave the Chair and report to the House, and so on. This would give the Chairman of Committees an opportunity to restore order. If he could not do that, he would immediately leave the Chair and report to the President.

Recommendation put and passed.

Standing Order No. 258. Delete the word "sudden."

Standing Order No. 268. Delete all words from and including "other" in the first line down to and including "Chair" in the last line.

Standing Order No. 270. (i) After the word "nominated" insert "firstly".

(ii) Delete all words after "Mover" and substitute "further nominations may be submitted by other members in which case the Select Committee shall be elected".

Standing Order No. 299. (i) Delete all words from and including "payment" down to and including "Additional."

(ii) Delete the words "in certain cases".

Standing Order No. 323. Delete this Standing Order and substitute "Upon such motion any member may make further nominations; in which case the Managers for the Council shall be elected".

The foregoing recommendations were agreed to.

The CHAIRMAN: I shall break the recommendation dealing with Standing Order No. 332 into two parts. The first part is—

Standing Order No. 332. (i) After the word "such" in the third line insert the word "nominated".

Recommendation put and passed.

The CHAIRMAN: The second part of the recommendation is—

(ii) Delete the words "the Mover" in eighth line and substitute "a Member appointed by the President".

Hon. A. L. LOTON: I fail to see why there should be any alteration in the event of a member's calling for a ballot. The same custom could prevail in the future as has prevailed in the past, which is that the person who calls for the ballot shall act in conjunction with the clerk as scrutineer. The reason given by the Standing Orders Committee for this alteration is that an interested party should not be a scrutineer. Well, I suppose that every hon. member is an interested party in these matters. I fail to see why a person who calls for a ballot should not, in the future, as in the past, act as a scrutineer. There could not be any rigging of ballots and every hon. member who has recorded a vote must be an interested party.

Hon. G. FRASER: The reason why this amendment was made is because frequently a member who calls for a ballot does not want to act as a scrutineer; but as the Standing Order now stands he must be. If this amendment be agreed to it will not stop the mover from being appointed as a scrutineer. The appointment is left to the President and he can appoint the mover or some other hon. member. On some occasions the person who calls for a ballot would be glad for somebody else to take the job of scrutineer, particularly if he is most interested in a particular appointment.

Recommendation put and passed.

Recommendations reported without amendment and the report adopted.

BILLS (2)—FIRST READING.

1, Licensing Act Amendment (Hon. H. Hearn in charge).

2, Stamp Act Amendment.
Received from the Assembly.

BILL—TRANSFER OF LAND ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [5.5]: I am pleased with the reception given to this Bill by members. As both Mr. Parker and Mr. Watson have stated, the purpose of the Bill is to consolidate the present Act, and as the Act which is now out of print requires to be reprinted, advantage has been taken of that necessity to try to bring the Act right up to date and to remove some anomalies which have tended to hamper its administration, and which have little or no value.

Regarding Mr. Watson's remarks in relation to Clause 16, which refers to Section 68 of the Act, this clause is one of three clauses drafted by a sub-committee of the Law Society and included in the measure at the request of that body. Only in Victoria, and in Western Australia and Tasmania which followed the Victorian Act, is "the interest of any tenant" paramount. In other jurisdictions, New South Wales, Queensland, South Australia and New Zealand, protection without registration is given only to short term leases, i.e., three years or less. In South Australia it is only one year.

The effectiveness of a registration title system depends largely on keeping the exceptions to registration at a minimum. The ideal system would require all interests in land to be registered so that a proposing purchaser could entirely rely on what he finds by search of the register book. However, this is neither practicable nor necessary, but those interests which are entitled to priority without registration should be such as do not constitute any serious defect in title. Leases can be for very long terms. There are building leases in Perth up to terms of 99 years. In England mortgages are often taken by way of lease for terms up to 3,000 years.

The amendment of Section 68 to cover the interest of any tenant in respect of tenant rights only, i.e., any leasehold interest or a tenancy in the land, as suggested by Mr. Watson, would leave the position almost as bad as it is now. A person might buy land on the faith of a registered title and then find that it is subject to a long term lease which would virtually deprive him of ownership. The clause is designed not only to overcome the result of court decisions that gave protection to a tenant with an option of purchase contained in his lease, but also to limit the protection given to tenant interests to a lease of five years unless the lease is registered or a caveat lodged.

In the proposed amendment to Section 68 the term of five years was selected as being a reasonable period for a lease without registration. The inconvenience caused to lessees by having to register or lodge caveats in respect of longer leases, and the minor difficulties in connection with identification of premises sufficient to achieve that protection will not be frequent and are felt to be far outweighed by the considerable improvement which this amendment will bring about to our title registration system as a whole, by giving greater certainty to the registered title.

It is not altogether correct to say that if a lease for a period of five years or more is not registered then that lease is of no benefit to the tenant. Protection can be obtained by the tenant lodging a caveat. The only real objection that a tenant could have to registering a lease would arise in the case of a lease of portion of a property, for example a suite of offices in a city building. The objection to registration in such a case would arise from the necessity of obtaining a survey in order to define with sufficient accuracy the portion of the building to be the subject of the lease. In such circumstances the tenant could protect his interest by lodging a caveat and the Commissioner of Titles undertakes that the caveat would be accepted if a sufficient general description of the leased land was contained in the caveat—for instance, a reference to the floor and room numbers.

Hon. H. K. Watson: That is an assurance to this House—that the Commissioner of Titles will act in such cases.

The MINISTER FOR TRANSPORT: That is so. When it is appreciated that the tenant can take the alternative step of registering his lease, or in cases where a survey would make this course expensive, of lodging a caveat, it would seem that there can be no real objection to the clause. It is submitted, with respect, that the argument that because a person has not had to register a five year lease for a period of 50 years past it would be unfair to require him to do so now, is not a real objection to the clause. Such an objection applies generally to any alteration in the law which cannot remain static because change may work some hardship on a person who, through inadvertence, remains unaware of the change.

I now come to the amendment on the notice paper, which I propose to have reinserted in the Bill. This provision, with the exception of proposed Subsection (8), was originally in the Bill but was deleted in the Legislative Assembly, the members of that place being of the opinion that it would be unfair that any interested person who

should oppose an application for the removal or modification of a restrictive covenant, might be saddled with costs, which might or might not be considerable. To overcome this objection, Subsection (8) has been added. This subsection provides that the costs of any application to the court or a judge, under this section, shall be awarded against the applicant in any event. The applicant, of course, is the person who desires the removal or modification of the restrictive covenant.

The whole object of the clause is to enable the Supreme Court, or a judge, to order the removal or modification of a restrictive covenant, if satisfied that the restriction is no longer necessary or desirable, and that its continuance would serve no useful purpose. The provision would be used only in cases where it is not practicable to obtain the consent of all interested parties to the removal of the restriction. Similar legislation, without the equivalent of Subsection (8), has been in force in Victoria and New South Wales for some considerable time.

It can be argued that if a person desires to be freed of a restriction which limits his use of land, he should be prepared to pay the costs of a judicial inquiry, and that any person who has the benefit of the restriction should be permitted to go to the court without incurring expense, to put forward his viewpoint. In other words, the person asking the court to reverse an existing state of affairs, should be prepared to pay all costs of the application, including the costs of any interested party who opposes the application, whether such opposition is on reasonable grounds or not.

The opposite argument would be that the discretion of the court to award costs should not be interfered with. Persons desirous of utilising the provisions of the section might be precluded from approaching the court or compelled to withdraw their applications if they are placed in the position of having to pay the costs of objectors, who might be encouraged to bring forward objections which are without merit. I trust that this explanation of the proposed clause will make the position clear to the House and that members will accept the Bill as submitted.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 33—agreed to.

Clause 34—Division IIIA, Sections 129A and 129B added:

The MINISTER FOR TRANSPORT: I move an amendment—

That after new Section 129B the following new section be inserted:—

129C. (1) Where land under this Act is subject to any restriction arising under covenant or otherwise as to the user thereof or the right of building thereon, the court or a Judge may from time to time on the application of any person interested in the land by order wholly or partially discharge or modify the restriction upon being satisfied—

(a) that by reason of changes in the character of the property or the neighbourhood or other circumstances of the case which the court or a Judge may deem material the restriction ought to be deemed to have been abandoned or to be obsolete or that the continued existence thereof would impede the reasonable user of the land without securing practical benefits to other persons or (as the case may be) would unless modified so impede such user; or

(b) that the persons of full age and capacity for the time being or from time to time entitled to the benefit of the restriction whether in respect of estates in fee simple or any lesser estates or interests in the land to which the benefit of the restriction is annexed have agreed to the same being discharged or modified or by their acts or omissions may reasonably be considered to have waived the benefit of the restriction wholly or in part; or

(c) that the proposed discharge or modification will not substantially injure the persons entitled to the benefit of the restriction.

(2) When any proceedings by suit or otherwise are instituted to enforce a restrictive covenant affecting land under this Act any person against whom the proceedings are instituted may in such proceedings apply to the court or a Judge for an order under this section.

(3) The court or a Judge may on the application of any person interested make an order declaring—

(a) whether or not in any particular case any land under this Act is affected by a restriction imposed by any instrument; or

(b) what upon the true construction of any instrument purporting to impose a restriction is the nature and extent of the restriction and whether the same is enforceable and if so by whom; or

(c) whether or not any restrictive covenant ought to be removed as an encumbrance from the register.

(4) Notice of any application under this section shall, if the court or a Judge so directs, be given to the council of the municipality or the board of the road district in which the land is situated and to such other persons and in such manner whether by advertisement or otherwise as the court or a Judge either generally or in a particular instance may order.

(5) An order under this section shall when registered as hereinafter provided be binding on all persons whether of full age or capacity or not then interested or thereafter becoming interested in enforcing any restriction which is thereby discharged modified or dealt with and whether such persons are parties to the proceedings or have been served with notice or not.

(6) This section applies to restrictions whether subsisting at the commencement of this section or imposed thereafter.

(7) The Registrar shall on the prescribed application make all necessary amendments and entries in the register book for giving effect to such order in respect of all certificates of title specified therein.

(8) The costs of and incidental to an application made pursuant to the provisions of this section to the court or a Judge shall be awarded against the applicant in any event.

Hon. H. S. W. PARKER: I intend to move that the amendment be amended in proposed Subsection (8) by inserting after the word "shall" in line 4 the word "not" and by striking out in the last line the word "applicant" with a view to inserting the words "defendant or respondent" in lieu.

The CHAIRMAN: Would it not be better to strike out the whole subsection and re-insert it in an amended form?

Hon. H. S. W. PARKER: I do not know that I am entitled to strike out words and then to put them back again.

Hon. G. FRASER: The Committee has been given no reasons for the Minister's amendment, nor yet for the further amendment that Mr. Parker has indicated. If the Minister would give reasons for the insertion of his proposed new section, members would be in a better position to judge whether it should be agreed to in its present form or with the further amendment indicated by Mr. Parker. I freely acknowledge that the English language is a wonderful thing, but what is all this about?

The CHAIRMAN: The Minister could speak on the suggested amendment to his proposed amendment and state his case then.

The MINISTER FOR TRANSPORT: Mr. Parker discussed this matter with me and personally I can see no difference in actual meaning between what he suggests and what I propose. My proposed new section is stated in positive terms, while Mr. Parker's amendment would state it in negative terms.

Hon. H. S. W. Parker: That is not altogether the point.

The MINISTER FOR TRANSPORT I admit that, but to me the meaning is substantially the same.

Hon. G. Fraser: But what does it mean?

The MINISTER FOR TRANSPORT: The amendment deals with restrictive covenants and I covered the point completely in my reply to the second reading debate. As was indicated during the course of the discussion, there are occasions when the terms of the original lease will have some adverse effect in connection with any covenants that may be entered into by reason of that restrictive clause in the original lease. Mr. Parker gave an example. He pointed out that in the original title it might be possible that land was sold only on condition that buildings erected thereon were of brick. It could happen that in the district concerned conditions might have retrogressed and the continuance of such a restriction would be stupid and unnecessary. The removal of that restriction by way of an application to the court would permit any tenant, if he so desired, to be within the law if he erected another sort of building on that land. The whole point at issue in Subsection (8) is whether the onus of paying the cost should be borne by the person who makes the application for the removal of the restriction or, as Mr. Parker wants, to provide that the onus of payment of costs shall not be on the one who is defending the action.

Hon. H. S. W. PARKER: The amendment I suggest is to meet the objection raised in another place. The proposed new section is essential. It was drawn by the Commissioner of Titles. In fact, nearly the whole of the Bill was drawn by him and approved by the Law Society, with certain further amendments. The proposed new section was in the original Bill. It was struck out in another place on the ground that a person might defend his right to have this restrictive covenant on the land maintained, and it was thought that by attending to his right he might be mulct in a lot of legal expense. It is essential that the section be inserted. A person can apply to a judge for the striking out of this restrictive covenant from the title deeds, but only if the judge thinks fit will that be done. It usually means, when the persons who put the restrictive covenant on originally have long since been deceased, and it is difficult to trace their heirs and executors, that the judge will

decide that notices should be served on various people, such as the local authorities and the town planner, and so on. They will look at the notice and say, "We are not interested. Let the thing go. It has no effect and it has long since been useless."

Subsection (8) of the proposed new section is, to my mind, extremely dangerous, because I think a judge would say to the applicants, "Serve these people. I know they will not have any interest but they cannot say they are not concerned." It may be that some of those people are nervous and will go to a solicitor about it. Some solicitors are anxious to make a handsome living, and they will say, "Very well. It will cost you nothing. Let me have a go at it. I will go to the court and consent," and the applicant has to pay the cost of that attendance.

The effect of my proposed amendment on the amendment is that the judge can say to an applicant, if he has made an application which is palpably wrong and unfair, and it is defended, "I cannot grant your application and you will pay the costs of the defendant." But the judge will not be able to say, if my amendment is carried, that the defendant shall, under any circumstances, have to pay the applicant's costs. That is to say, if the applicant has a very good case and the defendant wrongly puts him to a lot of expense by defending the action, even then the judge cannot say to the defendant that he must pay the applicant's costs, as he would under normal conditions. I understand the amendment I suggest will meet with the approval of members in another place, though I cannot give that assurance. I will give an assurance that if it does not meet with their approval I will not press it. However, I think it is a safeguard against some legal practitioners who may be anxious to have their names appear in the court list, under any circumstances.

The CHAIRMAN: I think the hon. member had better move his amendment on the amendment in two sections.

Hon. H. S. W. PARKER: I move—

> That the amendment be amended by inserting after the word "shall" in line 4 of Subsection (8) the word "not."

Hon. H. C. STRICKLAND: I could not quite follow Mr. Parker when he said that unscrupulous lawyers—

Hon. H. S. W. Parker: There is no such thing as an unscrupulous lawyer!

Hon. H. C. STRICKLAND: Well, a lawyer with bad habits, or with questionable habits! I cannot understand what the hon. member meant by his reference to such a lawyer wishing to take a case before the court. Would not that person be an appellant?

Hon. H. S. W. Parker: No, a defendant. He would be defending.

Hon. H. C. STRICKLAND: Would it not be a misdemeanour for a lawyer to say, "It will not cost you anything?" Would he not be the appellant, or did the hon. member refer to a lawyer taking up the defence of a case?

Hon. H. S. W. Parker: Yes.

The MINISTER FOR TRANSPORT: I am inclined to accept Mr. Parker's explanation. I still think that if costs have to be paid, it does not matter very much whether we say a certain party shall pay those costs or that the other party shall not pay them. I do not agree that the provision as it stands is dangerous. The hon. member said that if it were amended to its original form in another place he would be prepared to accept it. I think the effect would be substantially the same. I accept his assurance that the subsection, as he proposes to amend it, contains certain safeguards, and I will not oppose his amendment.

Hon. G. FRASER: We ought to know whether we are going to make the second alteration proposed by Mr. Parker, because it is useless to make the first without agreeing to the second.

Hon. H. S. W. Parker: It will be consequential.

Hon. G. FRASER: No. I would like some information regarding the words "defendant or respondent" which the hon. member proposes to insert. Who would be the defendant and who would be the respondent?

Hon. W. J. Mann: What is the difference?

Hon. G. FRASER: I want to know why the extra word "respondent" is to be inserted.

Hon. H. S. W. PARKER: The trend of the law at present is to call one side the plaintiff and the other the defendant. Here the word used is "applicant" and the correct word to use for the other side in that instance would be "respondent." It is only a question of terms. A defendant is a respondent, and a respondent is a defendant. This is only an abundant precaution.

Amendment on amendment put and passed.

Hon. H. S. W. PARKER: I move—

> That the amendment, as amended, be further amended by striking out the word "applicant" in line 5 of Subsection (8) and inserting the words "defendant or respondent" in lieu.

Amendment on amendment put and passed; amendment, as amended, agreed to.

Clause, as amended, put and passed.

Clauses 35 to 75, Schedule, Title—agreed to.

Bill reported with an amendment.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [5.50]: In replying to the comments of hon. members in regard to this particular measure, I want first of all to reiterate the points that I made when presenting the Bill to the House. It set out to accomplish five specific things. Firstly to encourage home buyers, and particularly workers, to purchase their own homes; secondly, to make the benefits of the original Workers Homes Act available to the extent and in accordance with the purposes and intentions of that Act; thirdly, to give the Commission discretionary powers to extend the limit from £1,500 to £2,000, to meet the increased cost of building; fourthly, to define the term "worker" by increasing the amount of permissible income from £500 to £750; and, fifthly, to enable more equitable treatment to be accorded to local authorities in respect of the payment of rates.

I will deal first with some of the points raised by Mr. Watson. In regard to payment of rates, Mr. Watson made a point that on land acquired many years ago there would be a large difference between the ratable values at date of acquisition and at present. There would be only a few isolated instances and the case stated by Mr. Watson would be an extreme case. The answer is that the Bill seeks to give the local authorities something they would not have had previously, and generally the difference would not be great. In fixing the amount payable Parliament had in mind that the local authorities should not be losers on the acquisition of land by the State Housing Commission but, on the other hand, that there would be an increase in value because of the activities of the Commission in the district, until homes were built by the Commission on the land when, of course, they would contract current rates.

For instance, the mere fact of the Housing Commission building a considerable number of homes in a certain area and having roads put in, water mains installed and electric light supplied, would unquestionably have the effect of increasing land values, but as the increase would be value accorded by the Commission itself, it did not appear equitable that the Commission should be penalised by having to pay increased rates on land where the increased values had been directly due to the activities of the Commission itself. When the houses were occupied they would, of course, be subject to the valuations and the ratings as assessed by the local authority. It should be remembered that the portion of the section which Mr. Watson seeks to amend was in the original Act of 1946 and has been effective since then.

It was claimed by Mr. Watson that a deposit of 10 per cent. should be demanded where the applicant desires to have a home built. It can be stated that the State Housing Commission does not propose to enter into the business of building workers' homes on a grand scale. There is an urgent need in the community for houses, particularly for those in the lower income groups. It is desired to encourage people to possess their own homes and the building of houses for purchase is preferable to the rental scheme.

The work of the Commission has undoubtedly been intensified by the general demand for homes owing to the wartime lag and particularly during the past three years due to the big migration intake, and I would remind members that the intake of migrants over the past three years has been over 50,000. As it is expected to continue this intake at the rate of 15,000 a year, it is hardly likely that the work of the Housing Commission will be materially reduced for some time to come.

The Commission has not withheld from the market materials for its own programme. On the contrary, it has imported from abroad large quantities of materials so that local materials could be made available to the private permit holder. The Government has imported many thousand tons of cement, large quantities of asbestos sheets, water piping and galvanised iron, all in an effort to help the industry generally.

The hon. member also made a comparison with the war service homes project which is fixed at a minimum of 10 per cent. deposit, but the two cannot be compared. The war service homes scheme caters for all classes of applicants whereas the State Housing Act is designed for assistance to the lower income groups. It is pointed out that in the freehold provisions of the Act the Commission has discretion in the fixing of the amounts of deposit and this is necessary to meet special cases. Each case is treated on its merits. In the part of the Act dealing with these leasehold properties the minimum deposit has been fixed at £5. Many areas have been built up with homes erected on this low deposit, without loss to the Commission, for instance at Floreat Park, Inglewood and Daglish. This provision has been in the Act for many years and it is just as necessary—even more necessary—today as it was originally.

It is submitted that the hon. member's amendment on the notice paper is out of order and not related to the amending Bill in any way, and introduces new matter. It is contrary to the intention of the State Housing Act which is to provide houses for workers, on small deposits. At present the Commission exercises discretionary powers in regard to advances for the purchase and erection of homes and each is treated on its merits.

Hon. H. K. Watson: Can the Minister give members any idea of the manner in which it exercises that discretion?

The MINISTER FOR TRANSPORT: It takes into account the standing of the applicant, his character and whether or not he is in a permanent job. As a rule, the concession is more readily granted to the man with a big family, because experience has proved that where there are a number of wage-earners in the family it is, generally speaking, a better risk than is the man on his own or with a very small family. That has been the experience of the Commission.

Hon. H. K. Watson: What about the percentage in respect of the deposit?

The MINISTER FOR TRANSPORT: It has been operating on £5 deposit or more. If a man can pay more he is encouraged to do so. People are not encouraged to go the limit in getting a house which may eventually be beyond their means. Applicants are encouraged to take small houses, where such are suitable, rather than larger dwellings that they might not be able to pay for. An arbitrary fixing of the deposit would create hardship and exclude assistance to those who, while not being able to provide a 10 per cent. deposit, could nevertheless make arrangements to pay by increased instalments. The adoption of the proposed amendment would threaten the whole plan which has been provided for workers.

With regard to the proposed amendment to allow the maximum limit to be £2,000 instead of £1,500, I point out that this is merely the reflection of the increased cost of housebuilding. It is not the intention or the practice of the Commission to encourage applicants to build at the maximum figure, the trend being in the direction of providing cheaper houses where these are suitable. It does happen, however, that in the case of people with big families it is very necessary to be able to build a house sufficiently large for their requirements, and it may be pointed out that in the case of large families very often a number of wage earners makes the proposition a good risk from a housing point of view. In view of the recent award by the Federal court to increase the basic wage, it is certain that this will, before long, be reflected in higher building costs and it is necessary for the State Housing Commission to have this increased margin in order to carry out its work efficiently, with the exercising of discretion where such discretion is warranted.

The principle of paying rates to the local authorities is really something in the nature of an expression of consideration, because, as members are aware, ordinary Crown land is not ratable and I can only repeat that it would not be equitable for the Commission to be responsible for increased rating because of revaluation of vacant land, where such increase in values had been brought about by the Commission's own activities. When houses are built and occupied the occupants would become ratable and rightly so, on the current rates applying in the district or area by a local authority. I trust that members will support the Bill as presented.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1 to 3—agreed to.

Clause 4—Section 22 amended:

Hon. G. FRASER: I move an amendment—

That paragraph (a) be struck out.

Following on the lines on which I spoke during the second reading, it appears to me, if we take out the word "subdivided" in Section 22 of the Act, that rates will be paid by the State Housing Commission on vacant land. We know that quite a lot of such land will be held by the Commission for many years. I quoted an instance at Fremantle where an area of vacant land has been held since the end of the 1914-18 war—approximately 25 or 26 years ago.

Hon. N. E. Baxter: Is it subdivided?

Hon. G. FRASER: No, not to my knowledge.

Hon. H. S. W. Parker: Was that land held for the building of houses?

Hon. G. FRASER: Yes, and it was purely a large block of vacant land. There would be no expenditure by the local authority as to that land except in regard to the construction and maintenance of the Preston Point Road which passes it, and that was not built merely because of that land but to connect one district with another. If rates were paid on this block, they would amount to a tremendous sum over the years.

Hon. E. H. Gray: Not very much.

Hon. G. FRASER: Mr. Gray says it would not be much, but if we totalled up the rates on a number of blocks over several years, it would amount to a tidy sum.

Hon. E. H. Gray: Not in comparison with the value of the land.

Hon. G. FRASER: That is another point, but I am dealing with the question of rating now and I want to assist the local authorities as much as I can. When the land is subdivided and the council is called upon to provide facilities for that area, it would then be entitled to its rates but I do not think it is so entitled when it provides nothing at all. If the word

"subdivided" were deleted from this section, the Commission will then become liable for rates. Apart from doing the right thing by the local authorities, I also want to be fair to those people who will be buying the blocks. The State Housing Commission is buying much land to ensure that it will have sufficient to carry on its operations for a considerable period and it therefore has sufficient foresight to obtain it wherever possible. There is also another big slice held by the Housing Commission—

Hon. L. Craig: Do you think that the Housing Commission should be able to buy land which had previously been liable for rates and then, because the Commission takes land over, there will be no rates payable?

Hon. G. FRASER: I do not know what the previous position was. I suppose rates were paid on the land previously, but no costs have been incurred by the local authorities in providing facilities for that land.

Hon. L. Craig: It has collected rates in the past, but now it has been deprived of them because the land is purchased by the Commission.

Hon. G. FRASER: That may be so. In those days it was probably just a large slice of land held by, say, T. M. Burke & Co.

Hon. H. K. Watson: That company would have to pay rates.

Hon. G. FRASER: I suppose it would, but they would be paid on a valuation of the land as a whole.

Hon. H. K. Watson: But when T. M. Burke & Co. subdivided the land it would have to pay rates accordingly.

Hon. G. FRASER: I suppose it would, and I would be agreeable to the State Housing Commission paying the appropriate rates when it subdivides its area in the next 20 years or so.

Hon. H. Hearn: Twenty years! Do you think it will be going as long as that?

Hon. G. FRASER: Yes, I think so.

Hon. H. Hearn: In the new socialist State!

Hon. G. FRASER: I do not care which State it is in, in the socialist or fascist State, but it will still be going ahead with its operations.

Hon. A. L. Loton: You are only speaking of large blocks, but what about the small ones that are already subdivided?

Hon. G. FRASER: I have no objection as to them, I am only referring to large areas of land which are not subdivided. If my amendment is carried, it merely means that the word "subdivided" is left in the section.

Hon. H. S. W. Parker: Read the section of the Act concerned.

Hon. G. FRASER: It is a long section but the relevant portion reads—

> Notwithstanding any provision to the contrary in any Act, the Commission in respect of vacant subdivided ratable land . . .

The Minister's amending Bill will delete that word, "subdivided."

Hon. H. K. Watson: Even then, it will not be ratable for a period of two years.

Hon. G. FRASER: That is so, but what is two years in 20 years?

Hon. L. Craig: One in 10.

Hon. G. FRASER: I do not think there should be any great objection by local authorities to the State Housing Commission holding land, and I think it is quite fair and reasonable that where land is not subdivided no rates should be paid. I might say that I do not expect even 100 per cent. support from my own colleagues on this amendment.

Hon. A. R. JONES: After listening to the Minister's reply and the points raised by Mr. Fraser when speaking to his amendment, I feel there are quite a number of us not quite clear on the points at issue. I suggest that the Minister report progress until the next sitting to give members a chance to make themselves clear on the matter. We have to be fair to the local authorities.

The Minister for Transport: You could raise those points as you go along.

Hon. A. R. JONES: I also want to be fair to the State Housing Commission. If the Commission has attractive land at Fremantle, I have no doubt that it has similar land in other places. It should not be called upon to pay full rates on the land until its subdivision of the full area is effected, and then only pay a reasonable amount for rates.

Hon. E. H. GRAY: There is a split in the Labour Party apparently because I must oppose my colleague's amendment. Mr. Fraser mentioned the block at East Fremantle which is a classic example. That land was taken up many years ago. I know the block well because it is practically at my back door. The value of that land has risen tremendously only because of a bus service passing it. This was provided by the Fremantle Tramways Board. That service, however, is not paying and consequently the ratepayers have to meet the loss incurred on that and similar services. The people living in South Fremantle and Beaconsfield are paying out their money and the State Housing Commission is paying nothing. I oppose the amendment and support Mr. Watson's remarks, because the principle of penalising local authorities by reason of the State Housing Commission not paying its rates

for land held by it is wrong. The rates on these vacant lots in the municipality are comparatively light.

Hon. R. M. Forrest: It all depends where they are.

Hon. E. H. GRAY: There is a difference in rating on vacant lots in the municipalities of Perth and Fremantle. Rates are higher on unimproved values. The local authorities are greatly concerned about this loss of revenue following the acquisition of land by the State Housing Commission. Long before this amending legislation was introduced I was always of the opinion that local authorities should be encouraged in their work because they are taking part in the government of the country, and they should not be penalised because of the activities of the State Housing Commission. I am glad Mr. Fraser mentioned this particular location. It is an ideal site and the values there have increased as a result of the action of the Fremantle Tramways Board. It is only reasonable that the holders of vacant, as well as subdivided, land should pay rates in the same way as ordinary people do.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. L. A. LOGAN: I agree to a certain extent that local authorities should be entitled to collect rates on some of this property but it should be classed in two distinct categories, that is, land held for workers' homes as distinct from that held for Commonwealth-State rental homes. The reason is that a man holding a worker's home would not be in the same position to pay for it as would a man in a Commonwealth-State rental home. In the case of the rental home a man pays one-fifth of his income.

The Minister for Transport: Under the Commonwealth-State rental home scheme he can signify his intention to buy the property.

Hon. L. A. LOGAN: But under the workers' home he is not in a position financially to buy.

Hon. H. K. Watson: On a salary of £750 a year!

Hon. G. Fraser: That is only a maximum.

Hon. L. A. LOGAN: I want to avoid the building up of costs which will eventually be passed on to the worker.

The MINISTER FOR TRANSPORT: I think there is some misapprehension in regard to the intention of the State Housing Commission. The Commission is trying to ease the conditions for local authorities so that they will get some revenue now which they did not get before. I have already pointed out that until the State Housing Act was passed Crown lands were not ratable. They were exempt for two years, but when land was subdivided a contribution was made towards the rates of the local authorities under certain conditions, one of which was that as they created a value through their activities their claims should continue at the old rate, and they should not be imposted with a higher rate on the increased value of land which they had created.

I give as an example the Manning estate. Before the Housing Commission went there the rate was 5s. an acre. Now it is 30s. a quarter acre block and the Commission claims that it is not equitable for it to pay more than the actual rate of 5s. an acre which obtained before this Act was introduced. In regard to Mr. Logan's comment, anyone who has a State rental home can signify his intention to purchase that home, and he is encouraged to do so as it induces a sense of responsibility in the tenant if he has his own home. In the case of a worker applying for a workers' home, his qualifications as a good risk are carefully taken into account. He is asked for the largest deposit he can pay but if his character and background warrant it a lower deposit would be accepted. There is a case in point where a man with a big family was not able to save the money necessary for the deposit, who was allowed to go into a home on a deposit of £5. He was considered a good risk because of his character and the fact that his children, who were wage earners, were able to contribute towards the instalments.

Hon. G. FRASER: I move this amendment only to avoid a large debt piling up on land being purchased by the Housing Commission for future requirements. It may be 20 years before it is required and before it is subdivided. If the Bill goes through as it is there will be a debt piling up on the unsubdivided land over the years.

Hon. E. H. Gray: Why should not they pay it?

Hon. G. FRASER: Because no facilities are being given by the local authorities. It is purely vacant land.

The Minister for Transport: Do you not think it is a case of certain local authorities who, because of the building programme, have benefited considerably and are now looking for an extra benefit which they never dreamed of getting?

Hon. G. FRASER: That is so. I mentioned the question of land at East Fremantle, and I am not sure that it has not been subdivided in the last year or two. I mention it again not to get exemption from rates, but merely as an example of what could happen. It was purchased I believe before the 1914-18 war in the early stages of the Workers' Compensation Act. If rates had been paid on that for all those years we can imagine the debt that would have piled up. Quite a large area of commonage in the Fremantle area was granted by the municipal council to the State Housing Commission to build

Commonwealth-State rental homes. Further commonage land has also been granted. The council has received no rates on that commonage land, and if the Bill goes through as it is they will receive rates on land which is still unsubdivided. I think we will safeguard the position by taking out the word "subdivided."'

Hon. A. R. JONES: I am now satisfied that the Bill is doing justice both to the local authority and the State Housing Commission. I have ascertained from the Minister in another place that when the State Housing Commission resumes land it is exempt from rates for the first two years, and after that it is liable to rates which applied at the time of the resumption. So it will be reasonable to assume that even though portion of the land was subdivided there would not be a higher rate on the portion unsubdivided. I think both the local authority and the State Housing Commission are being looked after.

Amendment put and negatived.

Hon. H. K. WATSON: I move an amendment—

> That a new paragraph be inserted as follows:—
>
> (c) Deleting all the words after the word "authority" in line 6 down to and including the word "Commission" in line 10.

The reason for the amendment is to put ratable land owned by the Commission on the same basis as ratable land owned by any other ratepayer in the district. The Minister has indicated that the amount involved would not be very great and I feel that it would remove anomalies and do justice.

Hon. H. S. W. Parker: How would Section 22 then read?

Hon. H. K. WATSON: It would read—

> Notwithstanding any provision to the contrary in any Act, the Commission in respect of vacant ratable land acquired within the district of a local authority shall make annual payment out of the fund to such local authority: Provided that in no case shall payment be made by the Commission until such land has been held vacant by the Commission for a period of at least two years.

This would mean that the rate that would be paid would be the same as that paid by an individual next door on a block of precisely the same value.

The MINISTER FOR TRANSPORT: I disapprove of the amendment. In fact I think it would leave things in the air as the amount is not stipulated. To make it read intelligibly, some rate should be specified such as an amount equivalent to the current rate. As I have already stated, I oppose the amendment because it will be asking the Commission, which has created the extra value, to pay increased rates whereas, before that value was created, it was paying a rate that the local authority considered equitable. Why, in the Manning Park estate, where 1,100 houses are being built and increasing the value of properties for which the original rating was 5s. per acre, should the Commission be called upon to pay £6 per acre because of additional value that would not have been created but for the building programme?

Hon. A. R. JONES: When the Commission takes over an allotment, it pays the existing rate. If a small property were sufficient for the building of one or two homes, it would not be long vacant and there should be no risk of any great amount accumulating over the years. The Bill takes care of that and I think there is nothing to fear from it.

The Minister for Transport: Once houses have been built and occupied, they become subject to the full current rate.

Hon. L. A. Logan: If the rate has increased from 5s. to £6, I can understand tenants having to pay £2 5s. a week, as they are doing today.

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

Clause 5—Sections 26 (1), 31 (2) (b), 40 (1) (b), 47 (2) and 49 (2) (b) amended:

Hon. H. K. WATSON: I oppose the clause for reasons given on the second reading. The existing provision for an advance up to £1,500 is adequate for the cases for which the Workers' Homes Board was designed. If we make the maximum permissible advance £2,000 with a deposit as low as £5, we shall have the Workers' Homes Board becoming the football of party politics at election time. We are here as custodians of the State's finances. The money to be advanced will be borrowed on the security of the State and will have to be repaid.

I would not mind if I were convinced that the cases to which the provision would apply would be the exception rather than the rule. The Minister has said that although £2,000 is to be provided as a maximum, it is not intended that that amount shall necessarily be advanced, but experience has demonstrated that the maximum almost invariably becomes the minimum. If we make the advance £2,000, it will not be long before such advances are being made and they would be altogether out of proportion having regard to the particular class of people being catered for.

Hon. H. HEARN: I could have sympathised with the amendment were it not for a realisation that, during the coming year, we shall have to face up to entirely different industrial conditions. I believe that, under the Federal basic wage increase, costs will rise quite £200 per home,

and we should not set down a figure to which it is impossible to work. Therefore I cannot agree with Mr. Watson's suggestion.

Hon. G. FRASER: I hope Mr. Watson's suggestion will not be carried, though I would be happy to support him if it were possible to build a house for less than £1,500. The Housing Commission desires the increase because it will not be able to build a house for less than that amount. Mr. Watson said that the maximum becomes the minimum. That, however, has not been proved in the past, so far as the Workers' Homes Board is concerned. I said last evening that when the maximum advance, pre-war, under the Workers' Homes Act was £800, the homes were then being built for £400 to £500.

Hon. L. Craig: They are much better finished today.

Hon. G. FRASER: There has been an advance in the finish of the interiors, but the buildings are of exactly the same type. When building ceased in the early war years, the maximum cost was about £650. Some workers' homes have been built since the war, and I think the last ones were close to £1,500.

Hon. J. M. Thomson: All contracts are subject to a rise and fall clause.

Hon. G. FRASER: That is so. The Housing Commission does not want to build a home for £2,000 if it can build it for £1,400. The greater the cost of a home, the less chance a worker has of owning it. I deplore that the cost is rising as it is, but I am prepared to face the facts. If, as suggested, we leave the position as it is and make the worker supply the difference—£200 in this instance—we shall be getting away from the original intention of the Act, which was for the Government to build homes for people who could not make other arrangements.

Hon. H. Hearn: Now it is building them for everyone.

Hon. G. FRASER: The person who can supply £200 deposit has an opportunity to make private arrangements to build a home. It is not right to say that a person simply has to apply to the Housing Commission and it will build a home for him. I do not doubt that if the Commission received an application from the hon. member he would not get a house built, because it would take into consideration the fact that he could make private arrangements. Ex-servicemen will take advantage of the Act because, under the war service homes scheme, they have to provide a deposit, which is not required with respect to workers' homes. I was surprised to hear the Minister repeat this evening that a 10 per cent. deposit was required.

The Minister for Transport: I did not say that.

Hon. G. FRASER: I thought the Minister did. It is 5 per cent. up to £1,750, and it rises by 1 per cent. for every £50, which brings it to 10 per cent. at £2,000. As the Minister said, when a person's application is granted by the Commission, a deposit is asked of him according to his financial position. I have known of deposits of £25 and £50 being accepted, and the Minister instanced one as low as £5. I want to see that elastic provision retained.

Hon. H. C. STRICKLAND: The sum of £2,000 is by no means too much for houses in country areas. In the North we get but a small house for £2,000. I think it would be a formidable task for a wage-earner to buy a small house, in which he could not accommodate children who might be able to help him with his commitments, for £2,000.

Hon. A. R. JONES: It seems that the rise is mainly because of basic wage increases. Could not we consider a proposition whereby the amount of £1,500 should remain, subject to a proportionate rise or fall with basic wage variations?

Hon. H. Hearn: Is not that left to the discretion of the State Housing Commission?

The MINISTER FOR TRANSPORT: We must remember that the £2,000 increase from £1,500 is a reflection of the increased costs. The point is that £2,000 is the maximum which the Housing Commission, in its discretion, would permit. The Commission is anxious to persuade intending purchasers to accept a house at as low a price as possible. It is building some homes today, at a cost of about £1,100, that are suitable for small families. It will not encourage a man to buy a house which he has little prospect of paying for. The point made by Mr. Fraser, that this is a workers' homes scheme, is a good one. We want to adhere to the original purpose of the Act.

Hon. H. K. WATSON: In considering my approach to the clause, I was guided largely by the remarks of the Minister for Housing made within the last couple of weeks, when he said that within a short time he expected to build war service homes at a cost of £1,400 to £1,500. If that statement is correct, I still cannot see the necessity for the alteration here.

Clause put and passed.

New clause:

Hon. H. K. WATSON: I move—

That a new clause be added as follows:—

6. Section forty of the principal Act is amended by adding the following words at the end of the proviso to paragraph (b) of subsection (1):—"or exceed ninety per centum of the valuation made by or on behalf of the Commission of the property in respect of which the loan is made."

As I explained the other night, this will bring Section 40 into line with Section 60 of the Act which governs war service homes, where a 10 per cent. deposit is required. When houses cost between £400 and £800, and salaries were in the vicinity of £400, a deposit of £5 was required, but one could reasonably expect a deposit equal to at least 10 per cent. in these days. That is only a sound sensible business proposition.

The MINISTER FOR TRANSPORT: I must oppose this amendment. The Workers' Homes Act was passed with the idea of providing for those men who were obviously in need of homes and were unable to take advantage of other methods of finance. We would be getting away from the spirit and intention of the Act if we agreed to this proposal. Those who are in a position to pay 10 per cent. as a deposit can, in many cases, make the necessary arrangements through other channels. The Workers' Homes Board and the State Housing Commission have done a good job in providing homes in necessitous cases, and we should leave it to the Commission to use its discretion to obtain the maximum deposit that an individual can afford.

Hon. L. CRAIG: The amendment will nullify the previous amendment which lifts the maximum advance to £2,000. If these words are added it will mean that a man can get an unlimited amount and that is entirely different from the intention of the Act. The amendment does not say that the 90 per cent. shall only be on £2,000 and it will break down the complete intention of the principal Act. I would not like to see anybody get a house unless he could provide 10 per cent.

Hon. E. H. Gray: That would shut out a lot of good people.

Hon. L. CRAIG: The original intention of the Act was to build houses—small cheap type houses—for £400 or £500 and they were for workers who were unable, perhaps because of large families, to put up any deposit. By making the figure £2,000 we are bringing them into the class of the Commonwealth-State rental homes and we will have houses of equal quality to those built under that agreement. That was not the intention of the original Act and houses built under that Act have always been small and somewhat inferior to those built generally.

Hon. E. H. Gray: No.

Hon. L. CRAIG: I think they were. The amendment will not help in any way and will defeat the previous amendment. Therefore, I must oppose it.

Hon. G. FRASER: I do not intend to support the proposal but I want to correct Mr. Watson about a statement which I made last night. I said that the Workers' Homes Board was at one stage a business proposition and from that statement he has assumed some other meaning. I said that it was building homes only for people in permanent jobs and would not consider an application from a casual employee. At no stage did I give the idea that as a business proposition it was demanding 10 per cent. from its clients.

Hon. H. K. Watson: I misunderstood you

Hon. G. FRASER: I must oppose the new clause.

New clause put and negatived.

Title—agreed to.

Bill reported with an amendment.

BILL—ELECTORAL ACT AMENDMENT

Second Reading—Defeated.

HON. H. C. STRICKLAND (North) [8.25] in moving the second reading said: This is a Bill to amend the Electoral Act and it contains six amendments the first of which is to amend Section 45, Subsection (2) of the principal Act. The amendment concerns those whose occupations require them to move around frequently in a district. It will have no effect upon Council province rolls. Section 45, Subsection (2) of the principal Act makes it compulsory for an elector to notify his change of address within 21 days. In the case of drovers, contractors, kangaroo hunters or anybody else living in the far away electorates, or large electorates, it means that they cannot possibly comply with this section. Some of them have no homes at all; their outfits are their homes and they cannot possibly keep within the law by notifying the registrar every 21 days when they move their outfits.

The next amendment is to Section 70 and this, like the first amendment, does not concern Legislative Council rolls. It refers, in the main, to the date to be fixed for nomination day. The Act was amended in 1948 so that nomination day for the North Province, and the North-West districts should close no less than 35 days before polling day. In effect, this meant that the campaign opened not only for those districts but also for the whole State. It meant a long drawn-out campaign. The Premier admits that this is so and he agrees that this amendment is desirable. Section 70 of the principal Act states—

> The date fixed for the nomination of candidates shall not be less than seven nor more than forty-five days from the date of the writ.
>
> Provided that the date fixed for the nomination of candidates for any election in the North Province or in any district situated therein shall be not less than thirty-five days before the date fixed for the polling.

That proviso was added by an amending Bill in 1948. The object of the amendment is to delete the words "or in any district situated therein." That will mean that the North-West Assembly districts will fall into line with all the others. It is not intended to remove the thirty-five days provision from the North Province. I believe that the reason for the amendment in 1948 was because of the huge area involved in that province. It requires thirty-five days or more for a member to travel around that province on an election campaign.

The next amendment—the third one—refers to Section 78 of the principal Act. That section deals with nomination forms. As members know, a candidate is required to state the name of his political party. Although the reference to the political designation of the candidate appears on the form, it is not mentioned in the Act.

Hon. H. S. W. Parker: It is not right for it to be on the form.

Hon. N. E. Baxter: It was on the form I used.

Hon. H. C. STRICKLAND: And it was on the form I signed when I nominated. Whether it is done under some regulation or other, I do not know. The Bill seeks to include the requisite provision in the Act, and the alteration to Section 78 will involve a further consequential amendment, which I will deal with later on. The next amendment refers to Subsection (1) of Section 99A. That section was inserted in the principal Act in 1948 to make provision for absentee voting. There was an oversight, however, because it made provision for general elections, but not for by-elections. The amendment is necessary so that the absentee voting provisions shall apply to all elections.

Another amendment deals with Section 113 which has reference to ballot papers. It is proposed that the political party to which the candidate belongs shall be stated on the ballot paper. The object is to assist voters who do not bother very much about elections. They may know the candidate for whom they desire to vote, or they may know the party that they desire to support. We know that many people are little interested in politics, but they need some guidance. I would mention the Guildford-Midland by-election that took place a little while ago. There were seven candidates, including a communist. Members will agree that if a communist were to stand against any one of them, they would like that man well marked.

Hon. H. Hearn: Or to get Dr. Evatt to defend him.

Hon. L. Craig: A communist might describe himself as a Labour candidate and secure party votes to which he was not entitled. That is the danger of that sort of thing.

Hon. H. C. STRICKLAND: I agree that there is that possibility, but I think the position is well covered. I cannot see how any candidate could, so to speak, ring himself in.

Hon. L. Craig: Of course he could.

Hon. H. C. STRICKLAND: If someone stated that he had been endorsed by the L.C.L.—

Hon. H. S. W. Parker: But he has not to state he is an endorsed candidate.

Hon. H. C. STRICKLAND: He has to state his party.

Hon. H. S. W. Parker: The Bill merely provides for the party name and does not refer to the endorsement of the candidate by the party.

Hon. H. C. STRICKLAND: A candidate could say he belonged to no party.

Hon. H. S. W. Parker: What is an Independent? To what party does he belong?

Hon. H. C. STRICKLAND: He is an Independent. What difference does it make?

Hon. H. S. W. Parker: The Act says you must belong to a party.

Hon. H. C. STRICKLAND: That is why we want to include this provision in the Act so that we can deal with the communists once they are on the run when the Act recently before the Commonwealth Parliament is put into operation.

Hon. H. S. W. Parker: The communists will call themselves Labourites then.

Hon. H. C. STRICKLAND: They are likely to call themselves anything at all. Our object should be to see that they do not get away with it and delude the electors. That is the object of the amendment. Anyone going to the poll should have some indication as to how they should vote. Take the position of absentees.

Hon. H. Hearn: How about your "how to vote" cards? They are plentiful.

Hon. H. C. STRICKLAND: The L.C.L. had a big card, but mine was a very small one. I suppose that is the gauge of the pocket. I will instance the position regarding absentee or postal voting. How are the electors to know which candidate is which? The postal vote officer is not allowed to tell. I know there were 200 absentee votes cast in my election and someone down here must have been doing a lot of canvassing. They could have affected the voting, but they did not.

Hon. W. J. Mann: That is not much of a compliment to the electors.

Hon. H. C. STRICKLAND: The reason why many electors go to the poll is that voting is compulsory. They want to save the fine of £2.

Hon. J. A. Dimmitt: That is the best argument for doing away with compulsory voting.

Hon. H. C. STRICKLAND: Do we want people to vote blindly? It is all very well for members to ridicule this matter. Who amongst us is ashamed to put his party designation on the ballot papers?

Hon. H. S. W. Parker: We would be ashamed to have some that we do not want.

Hon. H. C. STRICKLAND: This amendment will protect that situation because anyone making a false declaration will be liable to a fine or imprisonment for a maximum of 12 months. I will relate to members my experience in Wyndham eight or ten days before the last general election. It will be recollected that there was no contest in the Kimberley electorate, the sitting member having been re-elected unopposed. In the circumstances there was no booth available for absentee voting. At the Wyndham Meat Works there were 10 or 12 specialist workers engaged on maintenance operations. They were all from the metropolitan area and they came to me to ascertain how they could cast their votes. I said I did not know but promised to look up a postal officer for them. I found one and asked him if he would take the men's votes. He agreed to do so. When they came along and wanted to know who the different candidates represented, the postal vote officer could not tell them. He had received no indication from the Electoral Department. He had received only the surnames and not the party designations.

Hon. H. S. W. Parker: They were not very interested, were they?

Hon. G. Fraser: Does the hon. member desire them to be kept in ignorance?

Hon. H. S. W. Parker: I do not. I want them to learn.

Hon. H. C. STRICKLAND: These men did not know how to vote. I did not know myself. They came from metropolitan districts and I had no idea of the party designations of all the candidates. I went to the local newsagent and was able to find a back number of "The West Australian" that contained a list of the nominations with the party designations. If I had not been able to find that paper, those men would not have been able to vote intelligently.

Hon. L. Craig: They knew the party for which they wanted to vote.

Hon. H. C. STRICKLAND: They knew the men they wanted to vote for, but did not know how to cast their preference votes. The inclusion of the amendment embodied in the Bill will make it much simpler for everyone concerned on election day. We make it compulsory for people to vote, yet we do not make the position easy for them. That does not seem the correct way of doing things.

Hon. W. J. Mann: But we expect people to take some interest in the elections.

Hon. H. K. Watson: Do you not think that electors voted for you because you are Mr. Strickland?

Hon. H. C. STRICKLAND: Probably.

Hon. L. Craig: A few, perhaps.

Hon. H. C. STRICKLAND: I agree, but do not people vote for the L.C.L. and not for the man?

Hon. L. Craig: No.

Hon. H. C. STRICKLAND: The final amendment deals with the newspapers in relation to publications of news items on polling day.

Hon. H. Hearn: You have taken this from New South Wales, surely.

Hon. H. C. STRICKLAND: No, it is a local matter. The amendment is confined to publication of matter on the day before the election.

Hon. H. Hearn: What is the objection?

Hon. H. C. STRICKLAND: A candidate must cease his campaigning at midnight on the night before the election, but the Press can carry on its work till the next day. It can publish comments and criticism and advertisements that can be so worded as to have some influence upon the electors.

Hon. H. Hearn: What is the objection to that?

Hon. G. Fraser: If candidates are not allowed to do it, why should the newspapers be privileged?

Hon. H. C. STRICKLAND: My objection is this: Who should have the last say—the Press or the candidate?

Hon. G. Fraser: That is the point.

Hon. N. E. Baxter: What about your "how to vote" cards on election day?

Hon. H. C. STRICKLAND: We can cut them out; it will save money.

Hon. H. Hearn: You want an austerity election.

Hon. E. M. Davies: That will be the day for some people.

Hon. H. C. STRICKLAND: As the Act stands at present, the candidate must cease his campaigning at midnight before the election but the Press is able to publish its criticisms and advertisements which are designed to affect the election, and the candidate has no chance of rebutting any of the statements published.

Hon. N. E. Baxter: Many people look at the papers to know how to vote.

Hon. H. C. STRICKLAND: The point is that the candidate has no opportunity to reply to any adverse comment. If it is not cut out the same day as the campaign ends, the candidate's opportunity of replying is restricted. The only chance a candidate has of clearing himself of some criticism that might be altogether damaging is at a meeting held on the eve of the election. He cannot do it in any other way. He cannot broadcast, because broadcasting ceases on the Wednesday preceding the election, three days before.

Hon. H. Hearn: New South Wales did not find it very satisfactory in its last election.

Hon. H. C. STRICKLAND: We are dealing with Western Australia. It is only fair and reasonable that in any election campaign every candidate should have the right or opportunity to reply to any criticism. Publication of material in a newspaper is designed to have an effect on the result of the election. Why else is money spent on it? All these amendments have been passed in another place and they all contribute in one way or another towards bringing the Electoral Act up to date. One is necessary; others will help the Registrar to keep a more suitable roll; and the amendments dealing with the party designations of candidates will assist the electors in every way. I move—

That the Bill be now read a second time.

Hon. N. E. BAXTER: I move—

That the debate be adjourned.

Motion put and negatived.

HON. N. E. BAXTER (Central) [8.47]: I was not quite prepared to speak on the Bill and will have to collect my thoughts. The House will adjourn tomorrow night and members will be away for the week-end. I myself will be at the top end of my electorate. In such circumstances one does not have much opportunity to prepare anything on such subjects. There are several clauses of the Bill I intend to oppose.

Clause 3 deals with persons whose occupation is of a nomadic character and whose addresses on the roll are outside the boundaries of a municipality or townsite, and provides that the names of such persons shall not be removed from the roll solely on the ground that they have changed their place of residence within the same district. I have not the Act at hand; but from memory, I think that a person in a nomadic occupation can nominate an address when he enrols, and that address is recognised by the registrar. The roll is marked with his name according to that address.

A man may live in Perth and be a traveller throughout the country districts and he can register his Perth address for voting purposes. That applies to other electorates and there is therefore no reason for this amendment to be made to the Act. I oppose it on the ground that it is unnecessary. I think that Clause 5, which provides that the name of the political party to which a candidate claims to belong is to be placed on the nomination paper, is all right.

Hon. L. Craig: You do not agree with that, do you?

Hon. N. E. BAXTER: There is no harm in it.

Hon. L. Craig: Is there not?

Hon. N. E. BAXTER: It refers to the name of the political party being placed on the nomination paper.

Hon. L. Craig: That is right. I was mistaken.

Hon. N. E. BAXTER: That is actually only the concern of the registrar and does not affect the electors at all. Clause 6 makes provision for absentee voting in a by-election and is quite necessary. In this connection I fell into a trap during my campaign in May because I did not check up on the Act. It was perhaps a week or so before I realised there was no provision for absentee voting, and I had to rush around and reorganise in respect of postal votes within my province. It was quite a big job.

Clause 7 proposes to amend Section 113 of the Act to provide for the name of the political party of a candidate to appear after his surname on the ballot paper. I intend to oppose that because I think we should try to educate our people to understand how to vote. To adopt the course proposed is to play into the hands of those people who take very little interest in the persons they elect to our legislative chambers. Such individuals can be too easily persuaded by people outside a polling booth distributing "how to vote" cards. These folk would tell them to go inside and vote Labour, for instance, and they would enter the polling booth and vote blindly as they were told. It is better that they should go into the polling booth and merely see the names of the candidates and sort things out for themselves. It is my intention to oppose this clause because I do not think it is right that we should pamper people and put everything under their noses.

Hon. H. C. Strickland: This is helping them, not pampering them.

Hon. N. E. BAXTER: It is not helping them, but is likely to create apathy. I strongly oppose the suggestion. Regarding Clause 8, concerning publication of election advertisements in a newspaper issued on polling day, there is a large section of people who leave it to the last day to decide which way they will vote. They turn to the newspaper and consider the candidates on that day. They want to see the last words of the candidates.

Hon. H. C. Strickland: Why not look at the paper on Friday night?

Hon. N. E. BAXTER: Where is the necessity for an alteration? Saturday morning is as good as Friday night. This amendment is absolutely out of place. Advertisements are to be banned from a newspaper; and yet on polling day there can be 15 people, belonging to one party, out on the footpath near a polling booth and handing out "how to vote" cards; 10 people belonging to another party; and a lesser number belonging to a third. These people are carrying out advertising and they are to be permitted to continue this work. Yet a man may be an Independent or a member of a small party and, because he has no big organisation behind him, would not be in the running against one backed by a big organisation. I have seen that sort of thing happen. I have been engaged in Federal campaigns.

Hon. H. C. Strickland: Would that not apply to advertising in newspapers also?

Hon. N. E. BAXTER: Not necessarily. In an election, the candidate is limited to what he can spend under the provisions of the Act. His advertising must be, or should be, kept within a certain limit. But there is no limit to the number of people who can work for a candidate on polling day or to how many cars he can run on that occasion. That is not considered as an expense.

Hon. H. Hearn: You are giving us a lot of information!

Hon. N. E. BAXTER: I have had experience in this game. I have not been in this House a very long time, but I have had much experience of election campaigns and I know the value of advertising on polling day. I know the value, to some parties, of people who canvass for candidates on polling day and issue "how to vote" cards. If this amendment is to be passed, then we should amend the Act to prohibit the use of "how to vote" cards on voting day as well. While people are permitted to make use of "how to vote" cards on polling day I shall strongly oppose any suggestion to prohibit electoral advertising in newspaper publications on the morning of an election. I intend to oppose a number of clauses in this Bill.

Hon. H. HEARN: I move—

That the debate be adjourned.

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

Ayes	9
Noes	10
Majority against	1

Ayes.	
Hon. L. Craig	Hon. J. M. Thomson
Hon. J. A. Dimmitt	Hon. H. K. Watson
Hon. H. Hearn	Hon. F. R. Welsh
Hon. W. J. Mann	Hon. R. M. Forrest
Hon. C. H. Simpson	*(Teller.)*

Noes.	
Hon. N. E. Baxter	Hon. A. R. Jones
Hon. E. M. Davies	Hon. L. A. Logan
Hon. G. Fraser	Hon. A. L. Loton
Hon. E. H. Gray	Hon. H. S. W. Parker
Hon. W. R. Hall	Hon. H. C. Strickland
	(Teller.)

Motion thus negatived.

HON. H. S. W. PARKER (Suburban) [9.0]: Many years ago, as a member of another place, I voted for compulsory voting, but the speech of Mr. Strickland when introducing this measure made it clearer than I could how mistaken was the vote I then gave. He has shown clearly tonight how wrong it is to have compulsory voting when there are so many electors with no idea of what they are voting for, who the candidate is, or to what party he belongs. The Bill proposes that Subsection (2) of Section 45 of the Electoral Act should remain, but it contains another provision that the elector's name shall not be taken off the roll, yet the section I have mentioned does not give the right to remove the elector's name from the roll.

Hon. G. Fraser: But they do it, just the same.

Hon. H. S. W. PARKER: Some other part of the Act may require amendment, but Clause 3 of the Bill means nothing.

Hon. G. Fraser: Then there is no harm in passing it.

Hon. H. S. W. PARKER: It is no use passing something that means nothing. That was my objection to what Dr. Evatt did when he asked people to vote on 14 points in a referendum, one of the points having reference to unemployment. When asked what it meant, he said that people would have to go to the High Court to find out. Clause 5 states that the name of the political party to which the candidate claims to belong shall be shown on the nomination form, but if a person wishes to stand as an Independent, what is his party?

Hon. H. C. Strickland: He is an Independent.

Hon. H. S. W. PARKER: The registrar would say the nomination was invalid because it did not include the name of a political party. I do not know whether a party of Independents could be created so that one could nominate as a member of the Independent Party. We are hoping that the communists will be banned and, if they are, what nomination will a communist candidate give for his political party? Without wishing to be offensive, I think he would probably put himself down as a member of the Labour Party.

Hon. G. Fraser: No, he would not.

Hon. H. S. W. PARKER: Let us assume that he put himself down as L.C.L. What is to prevent him from doing that?

Hon. H. C. Strickland: Would he not be exposed?

Hon. H. S. W. PARKER: Yes, but on the ballot paper electors would see "Brown, L.C.L.," although he was a communist, and there would be nothing to prevent him from putting that on the ballot paper. Why pander to people who do not know why they are going to the poll or what it is all about?

Hon. E. M. Davies: There are many members who would not know what to call themselves.

Hon. H. S. W. PARKER: I agree. How would such a member say what party he belonged to?

Hon. E. M. Davies: What about you?

Hon. H. S. W. PARKER: I would know what to put on the ballot paper. Mr. Strickland, when introducing the measure, said that one would put "Endorsed Labour" or "Endorsed L.C.L." or "Endorsed Country Party," but one could not do that. One could show the name of the party only. That illustrates how absurd the argument is, though it is said that we must do this to instruct the ignorant voter. Mr. Strickland admits—and I agree with him—that there are a great many ignorant voters. The last provision of the Bill is that we are to have a dead silent election day as newspapers are not to be allowed even to mention the candidates. In this regard the Bill says—

> Any publication in a newspaper issued on polling day of any electoral advertisement—
>
> (a) commenting on, or soliciting votes for, any candidate at the election;
>
> (b) commenting on, or advocating support of, any political party to which any candidate at the election belongs; or
>
> (c) commenting upon, stating or indicating any of the issues being submitted to the electors at the election or any part of the policy of any candidate at the election, or of the political party to which he belongs.

The party to which the candidate belongs cannot be published in the Press on that day, though it must be shown on the ballot paper. Surely if it should be shown on the ballot paper it is more essential that it should be advertised to the public before they get to the poll. What is there in it to be ashamed of? It is said that candidates must finish their work at midnight, when all political speeches finish, but that is because we do not want candidates haranguing people outside polling booths. There would be nothing to prevent candidates getting out pamphlets and making false representations—subject to the law in other respects—on polling day, yet they would not be allowed to put advertisements in the newspapers or have "how to vote" cards reproduced in the newspapers, though pamphlets could be distributed.

Hon. H. C. Strickland: Pamphlets are provided for in the Bill.

Hon. H. S. W. PARKER: To an extent, yes.

Hon. E. H. Gray: But we do not give out pamphlets on polling day.

Hon. H. S. W. PARKER: We give out "how to vote" cards, which are almost the same thing. I must vote against the Bill. The measure would entirely prohibit an Independent from standing for Parliament, as his nomination would be out of order. I do not know what "a party" is, but I know that an Independent is not a party. It might be said that "a party" means "a person," and a person may be a mechanic. I might nominate and state my occupation as legal practitioner and my party as L.C.L., but I might also state my party as "solicitor." Who could say that that was not a party? What is a party? One could say "socialist" or "communist," but is that a political party? Who is to say whether it is or not? What is the meaning of the words "nomadic character"? I know what a nomad is. The word means one who is always travelling, but is a nomadic character one who travels backwards and forwards to his office every day?

Hon. L. Craig: I thought you were referring to a pneumatic character.

Hon. H. S. W. PARKER: I must vote against the Bill.

Hon. E. H. GRAY: I move—

That the debate be adjourned.

Motion put and negatived.

HON. G. FRASER (West) [9.15]: We have heard a speech from Mr. Parker, and in his usual way when he cannot find anything wrong with the Bill, he tries to make it look ridiculous.

Hon. H. Hearn: Well, is it not?

Hon. G. FRASER: That is the style he usually adopts—

Hon. W. J. Mann: Is that the subject of the Bill?

Hon. G. FRASER: —when he wants to defeat a measure. I cannot see anything wrong with the Bill and I have not yet heard any solid objections to it.

Hon. N. E. Baxter: There are plenty.

Hon. G. FRASER: Is the hon. member afraid—shall I say?—to put on the ballot paper his party designation of L.C.L.?

Hon. H. S. W. Parker: I may not be one of them.

Hon. G. FRASER: That is probably the reason; they change their party name so often. They change it from one to another as they please. I have no objection to the name of my political party being placed on the ballot paper. In fact, I am proud of my party. They can not only put my party's designation on the ballot paper but also they can put the label on me, if they wish, and I will parade it through the streets. It has been said that the idea of putting a party designation on the ballot paper is to enlighten ignorant people.

Members know as well as I do that we can say that at least 60 per cent. or 70 per cent. of people owe political allegiance to one party or another. But we must recollect that there are a number of elderly people who do not know, and cannot remember the names of all the candidates. For instance, with a Senate election, there might possibly be 20 candidates' names on the ballot paper, which becomes most confusing to electors. At least 60 per cent. or 70 per cent. of the people are either in favour of the Labour Party, the L.C.L. or some other party.

Hon. A. L. Loton: What about the C.D.L.?

Hon. G. FRASER: Very well, I will not leave that party out. The people want to vote for one party or another and they cannot be expected to remember all the candidates' names.

Hon. J. M. Thomson: They are issued with "how to vote" cards.

Hon. W. J. Mann: You have them issued in your district.

Hon. G. FRASER: I do, and the hon. member does, too. What is wrong with that? With some elections there are quite a number of candidates. Even five or six names are enough to befog people as to the parties which they represent.

Hon. L. Craig: Supposing five or six candidates all call themselves L.C.L.? Would that not confuse the electors?

Hon. G. FRASER: No.

Hon. L. Craig: Would it not?

Hon. G. FRASER: No.

Hon. L. Craig: Why?

Hon. G. FRASER: An elector would say, "They are all L.C.L.; one is as good as another."

Hon. H. Hearn: Some L.C.L. candidates are endorsed, and some are not.

Hon. G. FRASER: We have had experience of that already, and whether a candidate is endorsed or unendorsed, immediately following his election—and we have had that experience, too, after the last election—he is endorsed.

Hon. H. S. W. Parker: The endorsed today may be the unendorsed tomorrow.

Hon. G. FRASER: I do not know that that position occurs so much as it does in the other instance. I welcome this proposal because I think it would be of guidance and assistance to electors.

Hon. N. E. Baxter: It would suit your party.

Hon. G. FRASER: It would suit every party.

Hon. N. E. Baxter: No, it would not.

Hon. G. FRASER: Now I know the secret of the hon. member's objection. He knows that they will get votes under false pretences.

Hon. W. J. Mann: Tell us what you mean by "false pretences."

Hon. G. FRASER: The hon. member said we would gain votes if the names of the parties were placed on the ballot paper. Now he has said that he does not want the party's designation to be placed on the ballot paper because he realises that without his party's name being on the ballot paper, its members would get a number of votes by false pretences.

Hon. W. J. Mann: You used the term.

Hon. G. FRASER: I know I did, and the hon. member has given me a reason for using it.

The PRESIDENT: I think the hon. member might be allowed to proceed.

Hon. G. FRASER: There is no harm, but a lot of good, to be derived, I think, from the name of the party being placed on the ballot paper. It is of advantage to all parties. It would definitely be a guide to the electors. Whether a candidate is endorsed or not does not matter. The hon. member stated that if a candidate were an Independent, he might not have any name on the ballot paper. An Independent is still an Independent, and he calls himself an Independent party. He can have his designation on the ballot paper.

Hon. H. S. W. Parker: Can you tell me to which political party the two Independents in another place belong?

Hon. G. FRASER: The L.C.L.

Hon. H. S. W. Parker: Well, there you have two men who are L.C.L. but do not call themselves L.C.L.

Hon. G. FRASER: It does not matter what goes on the ballot paper. On the nomination form of a candidate he has the right to state what is to be placed after his name. His designation on the ballot paper will be exactly the same as that on his nomination. Some objection has been expressed to the latter portion of this Bill which proposes to prohibit advertisements appearing in the Press on the day of an election. It is high time that something along these lines was done. I will relate an experience, which I have recounted before, just to refresh members' memories.

Hon. W. J. Mann: Do not make it appear distorted.

Hon. G. FRASER: The instance is this: During a public meeting two or three years ago, and when making my policy speech, I made certain charges against the Government of the day of being neglectful and lax in certain respects.

The Minister for Transport: Are you repentant since?

Hon. G. FRASER: No, I am more convinced now than ever. Nothing appeared in the Press about my statements until, on election day, before going to the committee rooms, I opened "The West Australian" and saw that the Minister had replied to my accusations. That reply was published on election day notwithstanding that it was some two or three weeks before that I had made the accusations against the Government. Now, is not that hitting one below the belt?

Hon. N. E. Baxter: It could have been published on Friday night; it is the same thing.

Hon. G. FRASER: We want to prevent that sort of thing. We want a fair go in everything, including elections, and fair treatment to all candidates. But can any member justify a Minister replying on election day, to an accusation made against his Government two or three weeks previously? That is not a fair go! That is not an isolated instance, but there are dozens more.

Hon. W. J. Mann: What is wrong with that? You made the statement in the first place and he replied to it.

Hon. G. FRASER: Yes, but in his reply the Minister made further accusations against me and it was impossible for me to reply to them through the Press before the holding of the election. On the Monday morning following I went to "The West Australian" office with my reply to the Minister's statement and I told the editor he was not very fair because it was a case of trying to hit me below the belt. There was no doubt that they were trying to influence the electors against me. On the 10th May, 1948, I submitted my reply of only a few lines to the editor and it has not yet appeared in "The West Australian" because the Minister could not answer the challenge I held out to him. That is only one instance that has occurred to me personally.

Hon. H. S. W. Parker: Supposing he had answered you on the Friday? What would have been the result then ?

Hon. G. FRASER: I would have had an opportunity to reply.

Hon. H. S. W. Parker: Supposing it had been published Friday evening?

Hon. G. FRASER: I could have had my reply broadcast over the air. I would have had an apportunity of replying, anyhow. There are various ways and means of making a reply to anything that is published on Friday, but I might be prevented from answering anything published on Friday evening. However, we could hold meetings and have circulars printed quick and lively and distributed. When an accusation is made on Friday evening, there are many avenues through which a candidate is able to reply.

Hon. N. E. Baxter: What are they?

Hon. G. FRASER: The hon. member has stated that he knows all about elections so there is no need for me to tell him of them. There can be no logical objection to this amendment. Is it not fair to both parties that there should be no election advertisements published on election day? The Bill is not seeking to prevent one party from doing something which another party is allowed to do. We are asking that all parties shall cease publishing these advertisements on the day of the election. A candidate could not, on election day, approach an elector personally and say, "What about recording a vote for me?" Yet he could insert an advertisement in the Press on the Saturday morning, the day of the election.

Hon. H. Hearn: Is there anything wrong with that?

Hon. G. FRASER: Not necessarily. If an advertisement follows the lines of a "how to vote" card, I would then have no objection to its publication. But a candidate could publish screeds in the Press on Saturday morning that would not conform to what is on the "how to vote" card and yet, in ordinary conversation, he is prevented from making any request to an elector for a vote. That is a lopsided position. This amendment will prevent any advertisement appearing in the Press on Saturday morning and will dovetail in with the provision already in the Act, which prevents a candidate approaching any elector for a vote.

I can see no objection to the proposals in the Bill, but by the tone of the debate I can see it will get the usual short shrift; I can see that the football boots are on. Nevertheless, the Bill is an attempt to improve the Electoral Act and heaven knows it needs improving. Several members have had some practical experience of this Act and some of the provisions that were agreed to some years ago now need amending. Mr. Baxter has mentioned something else in regard to improving the Act and there is nothing to prevent him from introducing a Bill to implement his ideas. In fact, there is nothing to prevent each and every member from introducing a Bill to amend the Act, Mr. Strickland has said that there are certain things which could be done to improve this legislation. He has acted on his impulses and any other member can do so in the same way. I hope that when any member does introduce an

amendment to the Electoral Act, it will receive more consideration than this one has.

Hon. L. Craig: What about my retirement Bill?

Hon. G. FRASER: I am always prepared to give due consideration to any measure that is introduced by a private member. I will always give it due thought and serious consideration. I ascribe to such a member the highest motives for introducing a Bill. In this instance, there have been attempts to make this out to be a bit of tomfoolery but it is nothing of the kind. The hon. member was quite serious and genuine in his attempt to improve the Electoral Act and I think members should at least give the measure the serious consideration that his efforts deserve. I congratulate him on his introduction of the measure. Notwithstanding the fact that I might be one of those crying in the wilderness, I hope the Bill will be carried.

Hon. W. J. Mann: I have never heard you crying here.

Hon. G. FRASER: The hon. member should know better than to indulge in such buffoonery.

Hon. W. J. Mann: You talk about crying in the wilderness.

Hon. G. FRASER: Members should give serious consideration to the matter. Mr. Gray attempted to secure the adjournment of the debate, and it was refused by the House.

Hon. H. Hearn: So did Mr. Hearn.

Hon. G. FRASER: That was quite different. There was one hon. member who was prepared to go on with the debate and that was why we refused the adjournment. If there was no-one prepared to go on with the debate, we would have voted for it.

Hon. H. Hearn: Do you always study that?

Hon. G. FRASER: Yes. If anyone wants to speak we like him to do so. We want a free flow of language. When Mr. Gray moved the adjournment, no-one was prepared to go on. That is why I hope a further adjournment will be agreed to so that members can study the Bill and see exactly what is intended by the hon. member who introduced it. They could then take a more serious view of it. I support the second reading.

Hon. H. C. STRICKLAND: I move—

That the debate be adjourned.

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

Ayes	6
Noes	13
Majority against	7

Ayes.	
Hon. E. M. Davies	Hon. A. L. Loton
Hon. E. H. Gray	Hon. H. C. Strickland
Hon. L. A. Logan	Hon. G. Fraser *(Teller.)*

Noes.	
Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. L. Craig	Hon. C. H. Simpson
Hon. R. M. Forrest	Hon. J. M. Thomson
Hon. W. R. Hall	Hon. H. K. Watson
Hon. H. Hearn	Hon. F. R. Welsh
Hon. A. R. Jones	Hon. J. A. Dimmitt
Hon. W. J. Mann	*(Teller.)*

Motion thus negatived.

HON. E. H. GRAY (West) [9.37]: I have witnessed something tonight that I have not previously seen in my long period of service in this Chamber.

Hon. L. Craig: What about my retirement Bill?

Hon. E. H. GRAY: Only at the end of the session have I possibly seen this happen. I cannot even remember a case like it. I have been here over a quarter of a century, which is a long time. I think the idea of those who voted in the first division was to assist the Leader of the House. The motion was that the debate be adjourned till Thursday week and as one member was waiting to speak, a division was taken and we gave that member permission to address the House by voting against the adjournment. I then wanted to deal with the Bill and would have liked time to think about it. Therefore I moved the adjournment of the debate until the next sitting of the House which was refused.

Thus a new member in this Chamber, Mr. Strickland, who sponsored the Bill, received, in my opinion, a great insult. The hon. member moved the adjournment which was defeated on a division. Surely a man whose first experience it is in introducing legislation should be given an opportunity by means of an adjournment to study the speeches of members and make an effective reply at the next sitting of the House. Surely that was a reasonable request to make, and I have never before known a new member to be treated so discourteously. I was amazed to see my two colleagues turn me down in that manner. I believe in fair play. I hope this will never occur again.

I cannot understand the objections made to the Bill by Mr. Parker. In his very effective legal style he tried to ridicule some of the provisions of the Bill. My impression of the first amendment in the Bill, which protects a person who is a nomad with no permanent home and may be droving or prospecting, as we all know they do in the North-West, and I think Mr. Craig will know more about it than I do—

Hon. L. Craig: I have never lived in the North-West, but they must have a postal address.

Hon. E. H. GRAY: Surely the amendment in this Bill is to give justice in the case of a possible mistake where a man is struck off the roll.

Hon. L. Craig: The names are not struck off the roll.

Hon. E. H. GRAY: They have been struck off the roll. Circumstances have occurred, I understand, in the North-West electorates, where the names of such men have been removed from the roll. It is quite possible that the Electoral Department has posted cards and the men concerned have been 300 or 400 miles away from the nearest post office and have never received them and, as a result, their names have been struck off the roll. That is why the amendment has been put in, namely, to protect these people. Surely the sponsor of the Bill in another place knows the North-West intimately. Mr. Rodoreda knows the injustice being done to many electors in the North-West who follow the occupation of droving. I would like to see someone else besides Mr. Parker get up and speak. Mr. Parker is a city man and knows very little about it. He is a city lawyer.

Hon. L. Craig: He lived at Port Hedland.

Hon. E. H. GRAY: He does not know what a nomad does in the course of his occupation. I would like to hear some country members state their views against this portion of the Bill. I do not think Mr. Parker was fair when he ridiculed it. The matter of placing the designation of the political party beside the name of the candidate is a reasonable request. There are quite a lot of people who want to vote L.C.L. or Country Party but because they do not follow up their political education very effectively, they do not know for whom to vote. It would be of great assistance for everybody to go into the polling booth and know for whom they were to vote.

Hon. L. Craig: You object to their seeing the newspaper advertisements on polling day.

Hon. E. H. GRAY: If it is necessary to have a further amendment dealing with ballot papers to make the position of an Independent plainer, that could be done in Committee. It is only a matter of a few words. Therefore, having regard to the present state of affairs I think it would be of great assistance to a lot of people who want to vote for their particular party, irrespective of which party it is, if the candidate's political designation were shown on the ballot paper. It would be of great assistance particularly to country people.

Hon. H. Hearn: You are trying to help them.

Hon. E. H. GRAY: Yes, we are trying to help the country people. I think it used to be the practice in the Commonwealth, though I am not certain, that advertising was not allowed on the morning of the election. I think it is a perfectly reasonable proposition. As Mr. Strickland pointed out when he was explaining the Bill, if a candidate knocks off work at midnight and takes no further part in the election, surely it is reasonable to stop Press publicity on the day of the election, particularly as it gives the Press a chance unreasonably to attack a candidate. This has been done in the past and there is no guarantee that it might not occur in future. I cannot see anything derogatory about the amendment; on the contrary, I believe it would represent a great advance for the Country Party and the Labour Party, though this might not apply so much to the Liberal Party, which seems to have plenty of funds.

Hon. H. Hearn: Who told you that?

Hon. E. H. GRAY: It means that a candidate may be given an advantage as against another who has not money at his command. If the candidate is required to cease campaigning at midnight, surely the same restriction should apply to the Press! I consider the Bill to be a reasonable measure. The part relating to the North-West is very important, as those provisions would be of great advantage to men working in the pastoral, mining and other industries in this part of the State.

HON. H. C. STRICKLAND (North—in reply) [9.46]: Many objections have been raised against various clauses of the Bill, but I think the measure has not been seriously considered by critics. For instance, Mr. Parker ridiculed the idea of showing the party designation on the ballot paper and asked how an Independent, who had not party, would fare. I point out to the hon. member that the two Independent members in another place supported this provision on a division. They had no fear of being detrimentally affected; on the other hand, they were quite satisfied with the provision. Therefore, the contention that the proposal would, in their opinion, affect Independents, does not hold water, and I agree with them that the objection is baseless.

Another statement made by Mr. Parker was that pamphlets could be issued. Amongst the offences enumerated in the Act is one relating to literature likely to influence the vote of an elector. The only type of literature that is permitted on poling day is the "how to vote" card, and that card is merely a guide to voters. Surely it would not be unreasonable to have the party designation of the candidates included on the ballot paper! In many country electorates there is no possibility of electors being handed a "how to vote" card or obtaining any information as to who the candidates are. They have no guide whatever. People who avail themselves of postal vote facilities have no information as to the party designations of candidates or what they stand for. They just have to vote blindly.

When newspapers are not readily obtainable, these electors have no opportunity of distributing their preferences as they wish to do. They might know a candidate personally and know of his party, but when it comes to the other candidates contesting the election, they have no chance of ascertaining who they are. The postal vote officer receives no information from the registrar about them. An absentee voter is in precisely the same position. I gave an illustration of what happened in the Kimberley district. There was no literature available, and had it not been for the discovery of a many weeks old newspaper containing particulars of the candidates, those voters would have had no opportunity of recording their votes in the manner they desired.

Hon. N. E. Baxter: They all get some type of literature.

Hon. H. C. STRICKLAND: I cannot see why anyone should be ashamed to have his party designation shown on the ballot paper. Why the objection?

Hon. H. S. W. Parker: Suppose he has not got one?

Hon. H. C. STRICKLAND: The hon. member was not in his seat when I explained the attitude of the two Independents in another place. Let me repeat what happened in order to relieve the hon. member's mind. The two Independents supported this proposal and had no fear of not being able to stand at the next election if designations were shown on the ballot paper. I cannot imagine why the two Independents in another place supported the Bill if they considered it might be damaging to their prospects.

The main objection to this proposal seems to come from members of the L.C.L. I can quite understand that. They are L.C.L. one day and Nationalist or something else the next day, and so the inclusion of party designations might confuse electors on that account. Definitely it could do so. On the other hand, that might be the object of the party's changing its name so often. I do not know. The party designation should be shown on the ballot paper for two important reasons. It would be a definite advantage to postal and absentee voters in the outback areas and it would be a guide to electors so that they could make an intelligent distribution of their preferences. Many people would not desire to give a second preference to a communist. If a communist were opposing me, I should certainly like to see his party designation shown on the ballot paper.

Hon. N. E. Baxter: It could not be done now.

Hon. H. C. STRICKLAND: When an elector wishes to vote by post, he goes to the postal vote officer, who inquires for which district the elector desires to vote, and then he or the voter writes the surname of the candidate he wishes to support on the ballot paper. No other information may be given. The postal vote officer himself does not receive any information from the registrar to indicate the party designation of candidates. All he has are the names of the candidates without any party designations, or indications whatever. Even if he knew of them and were asked, he would not be permitted to tell the elector. In a polling booth one may ask the presiding officer about a particular candidate and the officer will not tell him because he is not permitted to do so.

Hon. N. E. Baxter: You should organise better.

Hon. H. C. STRICKLAND: It is all very well to say that we should organise better. If I belonged to a party that was capable of spending thousands of pounds continually on elections, I might organise things better, but I do not happen to have such a machine behind me.

Hon. R. M. Forrest: Most of the stations have postal vote officers and how would they know?

Hon. H. C. STRICKLAND: Instructions would have to be issued to them specifying the party designations when the lists of candidates were forwarded by the registrar. That surely would follow logically. I think the Electoral Department, as a matter of course, would ensure that postal vote officers were supplied with the information.

Hon. N. E. Baxter: The department would not supply any more than is provided for in the Act.

Hon. H. C. STRICKLAND: Let me now turn to what is usually described as the nomadic clause. Members have contended that nomads are already provided for. There is nothing in the Act to ensure that the name of such an elector will be kept on the roll, and the provision in the Bill will protect him. It has been stated that a nomad, by simply writing in, could have his name put on the roll and kept there indefinitely, but there is nothing in the Act to support that argument. The explanation given by the Attorney General on that point was that only by administrative direction could a registrar place a name on the roll.

I point out that the provision does not apply to any elector living within a townsite or municipality; it will have no effect whatever in suburban electorates. It will have no effect whatever on people who live in closely settled areas. It is framed for men who live in the bush, such as prospectors and kangaroo hunters. What address have they? Their outfit is their home and address. They may be working at Brickhouse Station on the Gascoyne, and their next job might be at Mt. Augustus, 200 miles away, but they are still in the same district. The mail could not possibly keep up with them because an objection ad-

dressed to Brickhouse Station 21 days after a man left would not catch him in time at Mt. Augustus. Although the latter place is in the same electoral district, the letter would have to go back to Carnarvon and through Meekatharra to Mt. Augustus, by a fortnightly road service.

How can these men keep within the law and notify the registrar every 21 days of their address? It is impossible. This does not cover thousands of electors in a metropolitan electorate; it is framed to give protection to people such as drovers and station managers who move about a lot in large districts. It is a fact that 20 odd names were posted outside the Carnarvon courthouse shortly after the general elections this year. I read them, and I could see that among them were 10 people who, in my 25 years' experience, had not been out of the district, but they were on the move all the time.

The clause is to protect such men; men who work and live hard in the bush. There are not many of them, but when they come to record a vote and find they are off the roll, they want to know why. They have no redress. The clause applies to people living outside a townsite or a municipality. Advertisements in newspapers on the day of an election are unfair to candidates, because the campaigning of a candidate must end at midnight on the day before the election. Mr. Parker asks why we should not post our policies outside the booth. Apparently we should get the electors by the arm, take them into the booth and tell them how to vote.

Hon. W. J. Mann: That has been done sometimes.

Hon. H. C. STRICKLAND: Not these days. It might have been done in the bad old days, but not in modern times. By including the party designations on the ballot paper and the nomination form we would prevent spurious nominations. Nobody would wrongly call himself endorsed Labour.

Hon. H. S. W. Parker: He could not put endorsed Labour.

Hon. H. C. STRICKLAND: Why not?

Hon. H. S. W. Parker: He could only put the name of the party.

Hon. H. C. STRICKLAND: The hon. member seems to have his legal mind squarely set on the phraseology of the clause.

Hon. N. E. Baxter: It says, "Name in brackets of the political party".

Hon. H. C. STRICKLAND: It could be, "Endorsed L.C.L."

Hon. H. S. W. Parker: That is not a political party.

Hon. H. C. STRICKLAND: We shall add the word "endorsed" in Committee.

Hon. H. S. W. Parker: You are endorsed Labour. Where is the endorsed Labour Party?

Hon. H. C. STRICKLAND: I think that is splitting hairs. It did not frighten the Independents.

Hon. N. E. Baxter: They gave themselves a blank cheque. They do not belong to any party.

Hon. H. C. STRICKLAND: If a man wrongly described himself as representing the Australian Labour Party on the ballot paper, and he was exposed, he would be guilty of making a false claim.

Hon. H. S. W. Parker: Surely a member of the A.L.P. who was an unendorsed Labour man would have to put "A.L.P."

Hon. H. C. STRICKLAND: Unendorsed Labour candidates do not stand against endorsed Labour candidates.

Hon. W. J. Mann: They did in New South Wales.

Hon. H. C. STRICKLAND: Well, they do not still belong to the Australian Labour Party. The electors know about it. It is well exposed and advertised. If a man made false statements on the nomination form and ballot paper, he would be guilty of an offence and liable to imprisonment with hard labour for 12 months.

Hon. H. S. W. Parker: What was Mrs. Blackwood?

Hon. H. C. STRICKLAND: I believe she was Independent Labour.

Hon. H. S. W. Parker: Is there such a party?

Hon. H. C. STRICKLAND: The practice of putting the party designation on the ballot paper applies in the Senate elections. It is all very well to say that only two or three candidates contest an election, but how do we know there will not be more? There were seven at the Guildford-Midland by-election.

Hon. H. Hearn That was fought to a finish without trouble.

Hon. H. C. STRICKLAND: That is so, but a communist stood on that occasion, and had I been a candidate I would have liked to see his party name on the ballot paper so that the electors would not distribute their second preferences to him. It is all very well to treat the amendment lightly.

Hon. H. S. W. Parker: Do not think it is being treated lightly; far from it.

Hon. H. C. STRICKLAND: A lot of jocular comment has been made.

Hon. H. Hearn: That does not mean that we have not given the matter serious consideration.

Hon. H. C. STRICKLAND: If members made up their minds before the Bill entered the House that is a different proposition. My idea is that we should con-

sider it here. The clause is to protect the postal and absentee voters, and to induce those electors who mark anything anywhere, to take an interest in elections. This is just as fair to one candidate as to another. One amendment in the Bill deals with Section 99A. As the Act stands, nobody can vote absentee at a by-election. It is necessary that this clause be considered before any regrettable action is taken by the House on the Bill as a whole.

All the amendments suggested in the measure will contribute to the better working of the Act; and certainly the clause dealing with nomads will assist the registrar in stabilising the roll. He would not be sending cards backwards and forwards. That goes on consistently in the North. The amendment dealing with nomination day for Assembly seats in the North-West districts is also very necessary and warrants the full consideration of the House. I hope the Chamber will seriously consider some of the amendments and deal with them in Committee so as to put the Act in better working condition than it is in today. I hope the House will vote for the second reading.

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

Ayes	8
Noes	11
Majority against	3

Ayes.

Hon. E. M. Davies	Hon. A. R. Jones
Hon. G. Fraser	Hon. L. A. Logan
Hon. E. H. Gray	Hon. A. L. Loton
Hon. W. R. Hall	Hon. H. C. Strickland (*Teller.*)

Noes.

Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. L. Craig	Hon. J. M. Thomson
Hon. R. M. Forrest	Hon. H. K. Watson
Hon. H. Hearn	Hon. F. R. Welsh
Hon. W. J. Mann	Hon. J. A. Dimmitt
Hon. H. S. W. Parker	(*Teller.*)

Question thus negatived.

Bill defeated.

House adjourned at 10.17 p.m.

Legislative Assembly.

Wednesday, 25th October, 1950.

CONTENTS.

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

QUESTIONS.

SUPERANNUATION.

(a) As to Review of Payments.

Mr. READ asked the Premier:

In view of the fact that Victoria has passed legislation to increase by 25 per cent. the amount payable to those in receipt of Government superannuation, and the Commonwealth Government has also announced a 20 per cent. increase, is it the intention of the Government to review pensions in this State?

The PREMIER replied:

The matter is receiving consideration.