for therapeutic purposes, they can be used. There is another safeguard in that no authority shall be given in respect of the body of a deceased person by a person entrusted with the body for the purpose only of its interment. In the case of a body lying in a hospital, authority may be given by a person designated by the person having control and the management of the hospital.

This is a very necessary Bill. We all know how important blood transfusion is, although that is given while a patient is alive. It is just as important to have the use of the cornea of people's eyes for the use of those people who are almost blind. It is now possible, provided the person has not been dead too long, for the corneas and tissues to be placed in cold storage and used when required. This is done pretty extensively in England and it is now becoming the practice in New South Wales. The same applies to arteries and other tissues. The Bill proposes to give authority to help alleviate misery.

The previous Bill I brought in two years ago was amended to such a degree that there was no point in going on with it, and if members propose to do the same with this one it would defeat the whole purpose of the Bill. Accordingly, I hope the House will give serious consideration to the matter. When an eye is removed from a body it is not possible for relatives to know that this has been done. I have a brother who had one eye taken out; he now has a glass eye and it is very difficult to tell the difference.

Mr. Court: That was our argument last time. What is the time limit in the Bill during which relatives can object?

The MINISTER FOR HEALTH: There is no time limit. There is nothing to fear in the provisions of this Bill. They will be of great help to a number of persons who are suffering from blindness. I move—

That the Bill be now read a second time.

On motion by Mr. Crommelin, debate adjourned.

House adjourned at 8.59 p.m.

Legislative Assembly

Thursday, 30th August, 1956.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

GOLDMINING.

(a) Assistance to Prospectors at Big Bell.

Mr. O'BRIEN asked the Minister for Mines:

(1) In view of the fact that two prospecting parties at Big Bell claim to have located a large body of gold-bearing ore, will he assist them by having a geologist report on same?

(2) If the geologist's report is satisfactory, will he endeavour to grant the necessary required assistance, such as—

(a) the supplying of a compressor unit;

(b) modern equipment such as an air-leg and tungsten steel?

The MINISTER FOR EDUCATION (for the Minister for Mines) replied:

(1) The prospects mentioned have been examined by a geologist and the owners advised what to do to establish the claim that they had located a large body of gold-bearing ore.

(2) When the deposit has been proved, consideration can be given by the department to supplying assistance in the way of equipment.

(b) Diamond Drilling in Murchison.

Mr. O'BRIEN asked the Minister for Mines:

(1) How many diamond drills are in use on the Murchison goldfields?

(2) In what areas are these drills?

The MINISTER FOR EDUCATION (for the Minister for Mines) replied:

(1) Three Mines Department drills.

(2) Day Dawn, Mount Magnet and Cue.

COAL.

(a) Details of S.E.C. and Railway Department Purchases.

Mr. MAY asked the Minister for Works:

(1) What is the average price paid for coal by the S.E.C. and the Railway Department to Amalgamated Collieries since the 1st January, 1956?

(2) What is the average calorific value and ash content of coal purchased by the S.E.C. and the Railway Department since the 1st January, 1956—

(a) from Amalgamated Collieries;

(b) from Griffin Coal Mining Co.;

(c) from Western Collieries?

The MINISTER replied:

(1) Price paid so far is 60s. 6d. per ton.

(2) Railways (large coal)—

	Ash. per cent.	Calorific Value. BTU/lb.
Amalgamated Collieries of W.A. Ltd.	8.4	9275
Griffin Coal Mining Co. Ltd.	2.3	9300
Western Collieries	5.0	9025

State Electricity Commission (small coal)—

The commission tests continuously all coal consumed from the field as a whole, with the following results for the period required:—

Ash	6.7 per cent.
Calorific Value	8630 BTU/lb.

(b) Basis of Price Fixation.

Mr. MAY (without notice) asked the Minister for Works:

In connection with his reply regarding Government purchases and the price paid for coal supplied by Amalgamated Collieries, am I to understand that the price paid, namely, 60s. 6d. per ton, is cost-plus or less cost-plus?

The MINISTER replied:

The figure given is that which has been determined by the State Electricity Commission and payment is made on that basis. It is believed that the final figure will be somewhat in excess of that amount.

WUNDOWIE CHARCOAL IRON INDUSTRY.

Financial Results of Operations.

Hon. A. F. WATTS asked the Minister for Industrial Development:

(1) What was the revenue received at Wundowie for the year ended the 30th June, 1956, from—

(a) the sale of pig iron;

(b) the sale of by-products;

(c) the sale of timber?

(2) What were the expenses incurred during that year in—

(a) the production of pig iron;

(b) the production of by-products;

(c) the production of timber?

(3) Alternatively, what profit was derived from—

(a) the sale of pig iron;

(b) the sale of by-products;

(c) the sale of timber?

(4) Are the figures for interest and depreciation included in the expenses referred to in No. (2), or taken into account in giving the profits in No. (3)?

(5) What were the total amounts of interest and depreciation for the year?

The PREMIER (for the Minister for Industrial Development) replied:

The questions already asked and answered have disclosed confidential information about the industry which trades competitively throughout the world. To avoid further publication of detailed internal costs, it is suggested that the Leader of the Country Party be invited to inspect the file at my office.

LANDS.

(a) Conditional Leases and Timber Rights.

Hon. A. F. WATTS asked the Minister for Lands:

(1) Is it a fact that certain conditional purchase leases issued many years ago contained no reservation of timber rights to the Crown?

(2) If so, were such timber rights the property of the conditional purchase lessee?

(3) Is it a fact that when these leases were made freehold on compliance by the lessee with all the conditions, the timber rights reverted to the Crown?

(4) If so, under what authority was this action taken, and when was the decision reached to take such action?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) Yes, but only in respect of those for which Crown grants issued after the 6th April, 1954.

(4) On the opinion of the Crown Solicitor, who ruled on the 6th April, 1954, that a lessee does not acquire a "vested right" to a Crown grant until he has complied with all conditions of his lease and paid the Crown grant fee, but having done so, he then becomes entitled to a Crown grant in such prescribed form as is in force under the law existing at the time of issue of the Crown grant.

(b) Lessees and Crown Grants.

Hon. A. F. WATTS (without notice) asked the Minister for Lands:

As the Minister said in answer to my question that the loss of timber rights affects only those persons whose Crown grants were issued after the 6th April, 1954, whereas those who took up leases at the same time but obtained grants earlier are not affected by the loss of timber rights, the position is most unfair. Should not legislation be introduced to allow all such lessees to retain their rights?

The MINISTER replied:

The replies to the earlier question at first glance appear to be very complicated and I am informed that the situation which has developed over the years in regard to ownership of timber has been most complex. The real explanation is—and it is a most unfortunate thing and I agree with the hon. member it needs looking into, and is being looked into—that it is thought a lessee of land who has complete rights over the timber right up to the time he has completed all the development on the land and applies for a Crown grant, is secure. But the moment he applies for, and receives, a Crown grant, it automatically transfers back to the Crown the ownership of the timber, and that is an interpretation of the reply. I agree with the hon. member it does not seem to be fair.

RAILWAYS.

Dispensing with Dog Box Carriages.

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

Would it be possible to do away with dog box carriages—No. A.C.L.—and replace them with A.Q.C., which prove easier working and safer for juveniles travelling on country trains?

The MINISTER FOR TRANSPORT replied:

Until such time as the passenger coach position can be improved by the acquisition of new stock, it will be impracticable to dispense with the use of A.C.L. coaches.

PENSIONERS.

Transport Concession Fares.

Mr. MARSHALL asked the Minister for Transport:

For those pensioners who cannot avail themselves of concession fares on Government transport, will he give earnest consideration to the matter and endeavour to obtain similar concession fares for those using privately-owned transport?

The MINISTER replied:

Where these concessions are granted by Government services, the taxpayer as a whole bears the cost. However, it would be unfair to require private operators as one small section of the community, to bear the cost of the concession, particularly as some of these operators are in difficult financial circumstances. If the metropolitan passenger transport trust is formed, then the position should correct itself.

WATER SUPPLIES.

Railway Dams, Murchison.

Mr. O'BRIEN asked the Minister for Water Supplies:

(1) Is it a fact that the Railway Department has requested the Water Supply Department to take over the railway dams throughout the Murchison electorate, the dams referred to being those that have supplied water to locomotives and railway employees?

(2) If the answer is "Yes," is it the intention of the Water Supply Department to make water available to various towns to help relieve the water shortage?

The MINISTER replied:

(1) Yes. Negotiations are proceeding.

(2) The Government, on the advice of the Drought Relief Committee, will give assistance where considered necessary.

RURAL & INDUSTRIES BANK.

Deposits in Savings Section.

Mr. JAMIESON asked the Minister for Lands:

(1) What is the present amount deposited with the savings bank section of the Rural & Industries Bank?

(2) Has this branch of the bank come up to expectations?

The MINISTER replied:

(1) No such figures have yet been announced, but the commissioners inform me that the publication of the savings bank division's figures will commence at the end of September and continue monthly thereafter as is customary with banking statistics generally.

(2) Progress has been most satisfactory and up to expectations. All sections of the community have responded well.

FORESTS.

Pine Planting, Kimberleys.

Mr. RHATIGAN asked the Minister for Forests:

Will he have an officer of the Forests Department visit the Kimberleys to inspect pines growing in the vicinity of Wyndham, and to report on the suitability of the soil and climate in the Kimberleys for the establishment of pine plantations or other commercial producing trees?

The MINISTER replied:

Yes.

SEWERAGE.

Funds for Bunbury Scheme.

Mr. ROBERTS asked the Treasurer:

(1) Have funds been set aside or is it proposed to set aside funds in this financial year for the purpose of implementing the plan to sewer Bunbury?

(2) If so—

(a) what is, or is to be, the total of such funds;

(b) when is it proposed to commence the project?

The TREASURER replied:

(1) No.

(2) Answered by No. (1).

HARBOURS

Fishermen's Jetty, Bunbury.

Mr. ROBERTS asked the Minister for Works:

(1) Is it the intention of the Government to proceed with the building of a fishermen's jetty in Bunbury during this financial year?

(2) If not, can some indication be given as to when the Government proposes to commence this urgently needed work?

(3) If so, will consideration be given to incorporating boat slipping facilities in such a project?

The MINISTER replied:

(1) No.

(2) No.

(3) Answered by No. (1).

HOUSING

Residents and Conditions at Maniana.

Mr. WILD asked the Minister for Housing:

(1) Does he agree with the sentiments expressed in the House by the member for Beeloo last week in connection with the residents and the conditions at Maniana?

(2) How many of these residents were moved from other housing accommodation, and from which areas?

The MINISTER replied:

(1) No, as pointed out by member for Beeloo himself.

(2) All of them from practically all suburbs of the metropolitan area.

TIMBER SHIPMENT.

Loading at Bunbury.

Mr. BOVELL (without notice) asked the Minister for Transport:

(1) Is it a fact that timber is now being accumulated in railway wagons at Busselton from the Nannup line and that a special train is to haul a record load of timber from Busselton export timber yard for shipment from Bunbury 33 miles away, while at the same time facilities are available for such shipment at Busselton?

(2) If so, why cannot this shipment be arranged from the port of Busselton and thus provide work for waterside workers there who are at present without employment?

The MINISTER replied:

(1) Yes.

(2) The vessel concerned is the "Cape Ortugal," an overseas vessel which is under charter by local timber interests and it is presumed that the charter provides for loading at Bunbury for overseas. The Government has no power to direct any ship to a particular port.

WHEAT.

Rail Freights.

The MINISTER FOR TRANSPORT: On Wednesday, the 22nd August, the member for Leederville asked some questions regarding rail freights and the haulage of wheat. In the answer then given it was stated that it was impossible to reconcile certain figures and that further information would be sought. I am now informed by the Railways Commission that the matter has been referred to the Australian Wheat Board at Melbourne and the Bureau of Agricultural Economics Department at Canberra, but neither authorities can give sufficient information to enable a reconciliation to be made between the index figures relating to the rail freight in the cost of production for wheat with those of the Western Australian Government Railways.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Message.

Message from the Lieut.-Governor and Administrator received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [2.32] in moving the second reading said: Undoubtedly the new members of this House have followed the deliberations of Parliament for a number of years. I suggest, therefore, that every member here will be aware that this is the fourth occasion on which such a Bill as this has been submitted to Parliament for ratification. They will also know that on the three previous occasions the Bill successfully passed this Chamber but was defeated in another place.

For the benefit of those who may be interested, and especially the new members, I would refer to previous Hansards containing reports of second reading debates on the earlier Bills. They will find the commencement of the debates at page 778 of the 1953 Hansard, page 571 (1954), and page 531 (1955). Thereafter members can follow the debates through the second reading, Committee and third reading stages of the Bill in this Chamber.

I may mention, as a matter of more than ordinary interest, that if members peruse the Hansard reports of the Legislative Council debates, they will find that in 1953 the Bill which passed through this Chamber contained reference to life assurance. That was eventually excluded, and the measure passed the second reading in another place by 16 votes to 9. It also passed through the Committee stage. But when the third reading took place—and the third reading of a Bill is usually a formal matter—the measure was defeated in the Council by two or three votes.

Something significant happened, I suggest, between the time of the passing of the Bill through the Committee stage in another place and its defeat at the third reading. If the new members will follow those debates, they will find—and it does not matter whether they are sitting opposite or on the Government side of the House—that they cannot help thinking something must have happened to responsible legislators who would pass a very important Bill at the second reading stage and through the Committee stage and then turn a complete somersault and swing through an angle of 180 degrees at the third reading.

I have submitted this Bill to Parliament on behalf of the Government on three occasions. The former member for Mt. Lawley, Mr. Abbott, led the debate on the Opposition side very ably. Members of the Opposition raised certain objections. I think that the Leader of the Country Party did so, and the Bill was finally drafted in such a manner as to meet all the objections of the Opposition. The only point at issue—and, of course, it is the major one—was that in connection with the principle as to whether the State Insurance Office should be given the blessing of Parliament so that it could engage in all forms of insurance.

This afternoon I do not propose to quote a lot of figures. During the debate, it will doubtless be necessary to quote certain statistics and to give certain records, and I will be happy to oblige members by providing all the information that I receive from the manager of the State office. This Bill is practically word for word the same as that which was introduced last year. I think I am right in saying that the only alteration is that the figures 1955 have been changed to 1956. For the benefit of new members, I would like to make a very brief survey of the activities of the State office. It was established in 1926 on an illegal basis. It bore the hallmark of illegality for 12 years, but continued to expand and to perform a very essential function in regard to social service.

In 1938 a Bill was passed giving it full legal status. The State office engaged in insurance in connection with employers' liability and workers' compensation and administered the Government Fire, Marine and General Insurance Fund. Some five to seven years later, its activities were extended by Act of Parliament, and it was enabled to engage in insurance with regard to local government requirements and in comprehensive insurance of motor-vehicles. Later on—I think it was only two years ago—the Parents & Citizens' Federation of Western Australia approached me with a request that there should be some form of insurance cover for children travelling to and from school.

The Government readily agreed to the introduction of a measure, and it was passed in this Chamber. When it went to another place, it was amended to include cover for university students. Incidentally, the original benefit for school-children—which includes children attending State schools and those who are pupils at private schools and colleges—was a maximum of £50 and the original contribution was 3s. 6d. per year per child with a maximum of 10s. 6d. for the family if there were three or more children attending the same or various schools. As a result of the operations of that branch of the State office, we have been able to increase the benefits to £85. Rather than reduce premiums, it was decided to increase the benefits from £50 to £85 and that applies at the present time.

I point out, too, that this form of insurance under Government jurisdiction is not peculiar to Western Australia. There are State Government insurance offices carrying on all forms of insurance and assurance in Queensland, New South Wales and Victoria; and in Tasmania there is also a State Government insurance office.

So, members can see that our State Government Insurance Office can act as agent for those offices, and vice versa.

Mr. Court: Victoria has not got a complete coverage.

The MINISTER FOR LABOUR: I am open to correction. I think that in Victoria life assurance is excluded.

Mr. Court: It has not a complete fire coverage yet. That State is virtually on the same basis as Western Australia, is it not?

The MINISTER FOR LABOUR: I was advised that it has a much wider scope than we have, but I will check on that. The point is that the State has had in operation for many years a State Government Insurance Office.

Next I wish to make reference to the staff of the State office. I have done this on a previous occasion, but I feel it would not be out of place for me to do it again as the staff is a very competent one from the manager down. I have heard many praiseworthy remarks about its efficiency and about the attention and courtesy that it has shown. The members of that staff realise that they are performing a public service, and that they operate in the interests of the public. Without suggesting anything derogatory to private insurance employees, I feel this staff is doing a very fine service in the interests of Western Australia.

It may be mentioned during the course of the debate that the State Government Insurance Office cannot be doing too badly if it is able to erect a palatial building. The State office acquired land in the heart of the city—in St. George's Terrace—a few years ago, and sometime in 1953 a building was commenced. It is a very fine structure, as every member can see. Before long it is hoped that it will be fully occupied by various Government departments. As a matter of fact, we hope to establish there a branch of the Rural & Industries Bank and to house the Public Service Commissioner's office, the Licensing Court, the Workers' Compensation Court, the Factories and Shops Department, which will be transferred from James-st.; and the Department of Labour. So, it will be seen that there will be a concentration of public offices there which, I suggest, will be to the advantage of those people having dealings with various Government departments.

Mr. Court: Have you departed from the idea of having private tenants in there to allow some flexibility at a later date?

The MINISTER FOR LABOUR: In the early stages consideration was given to the letting of a certain portion of the building on comparatively short term leases, but the Government decided otherwise. I might also say, because this can be seen in the accounts or balance sheet of the State Government Insurance Office, that another block was acquired in Mill-st. About three years ago the manager had the opportunity to purchase a block of land between St. George's Terrace and Mounts Bay-rd. in Mill-st., and he purchased it for £18,000. The lessee of that block, who is now running a motor park there, is paying the rates and taxes and the land is returning to the State office—I am speaking in rough figures—between 3½ and 4 per cent. net.

As I have said, the property was purchased for £18,000 and within a week of acquiring it the office could have received £21,000 for it. Sometime ago the office could have received £35,000 for it. That will give an idea of how values are firming.

I suggest that if the time arrives and circumstances permit, it might be advisable to put some modern edifice there for governmental or other purposes.

I have referred to the previous debates. I have just given an outline of what we are hoping to do; and this is the fourth time that we have introduced a similar Bill. We are hoping that on this occasion members of both Houses will see their way clear to giving the State Government Insurance Office that to which it is entitled—the right to engage in all forms of insurance. I just put this point to members: Apart from the general public, should not Government employees who own homes and furniture, be entitled, should they desire to engage in some form of insurance, to go to their own office and insure against fire? If the farming community so desires, should they not have the option of going to the State office to insure their crops against hail or any other risk?

That is all we are asking. I point out that we have previously met objections in this direction. It was suggested that the State office would not pay taxes, and so would be competing unfairly with private companies. If members will look at the Bill they will see that the State Government Insurance Office will be obliged to pay into the Treasury an amount equivalent to what it would pay if it was a private office. I think the State Government Insurance Office is on a competitive basis. It desires to trade and to indulge in business fairly. I hope that during the course of the debate, the Opposition will indicate that the clauses in the Bill leave nothing to be desired and that the argument, if any, is on the principle of whether the State Government Insurance Office shall or shall not be allowed to extend its activities. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILL—LOCAL GOVERNMENT.

Message.

Message from the Lieut.-Governor and Administrator received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR HEALTH (Hon. E. Nulsen—Eyre) [2.50] in moving the second reading said: This Bill does not come under the control of any of my departments because I am not the Minister for Local Government. However, I am introducing it on his behalf in this House, so I hope it will have a reasonably good passage. Personally, I cannot see anything contentious in it; but, of course, that is a matter of opinion.

Mr. Bovell: None so blind as those who will not see.

The MINISTER FOR HEALTH: I cannot see why anyone should say it is contentious.

Hon. D. Brand: Is it the same Bill as the one introduced previously?

The MINISTER FOR HEALTH: I think we are entitled to our opinion just as members opposite are entitled to theirs. I can see that Opposition members are smiling but I hope, later on, they will be able to show why they think it is a contentious measure.

Mr. May: They probably will.

The MINISTER FOR HEALTH: They will need to give some good reasons for it. Any measures we introduce, which involve changes, are always considered contentious by members opposite. But this Bill has been fully discussed previously and at that time I think there were some 200 amendments on the notice paper in regard to it.

Hon. A. F. Watts: We will make it 150 this time.

The MINISTER FOR HEALTH: That will be very nice. The object of the Bill is to provide one statute for all local authorities in Western Australia. At present they operate under two statutes known as the Municipal Corporations Act, 1906, and the Road Districts Act, 1919. Under the Municipal Corporations Act the affairs of a city or town are vested in a council which is composed of a number of councillors with a mayor. The minimum number of councillors is six and the maximum twelve, with the addition of a mayor to be elected by the electors. Where the municipality is divided into wards there must be at least three councillors for each ward, irrespective of whether it exceeds the maximum number of twelve where a district is not divided into wards. Under the Road Districts Act a road board is composed of not less than five or more than thirteen members. The chairman of a road board is elected by the members choosing one of their number for that position.

The Bill proposes that existing cities and towns under the Municipal Corporations Act shall remain as cities or towns but that local authorities now known as road boards shall be shire councils. So the numbers will be similar for a municipality and a shire council. The number of councillors for a city or town shall be a minimum of six with a maximum of twelve plus a mayor to be elected by the electors with the provision that where a city or town is divided into wards there shall be not less than three councillors for each ward in addition to the mayor to be elected by the electors. This retains the existing provisions of the Municipal Corporations Act.

In the case of a shire it is provided that there shall be not less than four nor more than twelve councillors plus a president to be elected by the electors, and where a shire is divided into wards the number of councillors shall be such number as is from time to time declared by order. This retains the existing provisions of the Road Districts Act, inasmuch as it will allow of more councillors being elected to one particular ward than another ward with the exception that the president must be elected by the electors and not by the councillors.

The arguments in favour of election of the president by the electors are as follows:—

(a) The Bill seeks to provide administrative machinery for all local authorities that are now covered by two Acts and the local authorities covered by the two Acts may be termed respectively "urban" and "rural." Therefore, it is desired that the method of electing the mayor or president should be the same in each case.

(b) The system raises the president to a position of dignity, honour and leadership which he could not enjoy as the "creature" of the members of the council.

(c) It enables him to take a broad view and to adopt a policy for the benefit of the district as a whole rather than a "ward" view as applies to persons elected to represent only a ward.

(d) The system overcomes the "log-rolling" and underground working which is so often seen in other States, particularly in capital cities, where the system of electing a mayor or president is by the councillors themselves.

(e) The system overcomes the possibility of deadlocks because of equal numbers of votes being cast for contending council members, an experience which has occurred in Western Australia in respect of road boards.

Under existing legislation the chief executive or non-elective officer of a municipal city or a municipal town is the town clerk and, in the case of a road board,

the secretary. The Bill provides that in the case of a city or town the chief executive officers shall be as follows:—

For a shire	....	city clerk.
For a city	....	town clerk.
For a town	....	shire clerk.

The provisions in the Bill relating to the constitution and altering the constitution of municipalities is substantially the same as was contained in the previous two measures.

With regard to the qualification of mayor, president and councillors, there is a vital distinction in the Bill as now introduced inasmuch as it provides for the qualification to be as follows:—

> Every person over the age of twenty-one years who is a natural-born or naturalised British subject and who has for a period of six months prior to his nomination been registered as an elector on an electoral roll and been residing in the district shall be eligible for election to the office of mayor, president or councillor.

The provision in the existing two Acts provides that the qualification shall be that of owner or occupier of ratable property and eligible to be registered on an electoral roll.

The proposed qualification in the Bill introduces adult franchise into local government and the following arguments are advanced in favour of adult franchise:—

> The will of the people shall be the basis of the authority of Government; this shall be expressed in periodic and genuine elections and shall be by universal and equal suffrage.
>
> Adult suffrage is in accordance with the democratic principle that no person of adult years should be subjected to taxation unless he has the right to representation.
>
> As occupiers of land, whether in their own right or as boarders, most people are making a contribution towards rates levied by local authorities and, also, they contribute by motor registration fees to the funds of the local authorities most of which also secure Government grants to assist them in their work.

Mr. Bovell: That is a very weak argument.

The Minister for Transport: It is a weak interjection.

The MINISTER FOR HEALTH: There are many other arguments in favour of it, and they can be discussed in Committee.

Mr. Bovell: I said that it is a weak argument; but, it is not an argument at all.

The MINISTER FOR HEALTH: That might be so, according to the member for Vasse!

The Minister for Transport: Nobody takes any notice of his opinion.

The MINISTER FOR HEALTH: To continue—

> All residents of a municipal district and all electors of that district must comply with the by-laws of the council and, therefore, every adult resident of that district should have the right to elect the persons who make the local by-laws.

Mr. Bovell: And by the same rule should pay rates and taxes like the ordinary elector.

The MINISTER FOR HEALTH: I am afraid that the hon. member is very traditional and that he does not like changes. That is how Charles I. got his head cut off!

Hon. Sir Ross McLarty: I do not think the Minister likes this very much.

Mr. Bovell: Anyway, I hope I can achieve the fame of Charles I. in more ways than one. If I get my head chopped off in the interests of democracy, I will be quite happy.

The MINISTER FOR HEALTH: The dignity of human life should be accepted as superior to the rights of property in determining the methods of election for any public body such as a municipal council. The extension of the right to vote at local government elections to all persons over 21 years of age who are residing in a district, ensures that a larger proportion of the people play a more or less active part in the government of the area. By restricting the right to membership and the right to vote to those persons who actually reside in the area, any tendency in certain persons to occupy multiple positions in local government is prevented, and this ensures that the energies of the members will be confined to bettering the conditions in the district in which they reside.

As local authorities are now insisting that they are entitled to be treated as the third arm of the Government, it can hardly be gainsaid that each arm of the whole body of government should be elected upon similar terms and that the franchise for what some may regard as the least important arm should be as generous as that applying to the others. In view of the fact that local authorities carry on their activities under powers delegated by the State legislature, the democratically-elected State Government has the right to insist that the subordinate to which it delegates its powers shall be elected on a democratic basis.

Adult franchise greatly simplifies the electoral provisions contained in the Bill. In regard to electors, provision is made in this measure that a person is eligible to be registered on the electoral roll of any municipality if he has attained the

age of 21 years, is a natural-born or naturalised British subject and has resided for at least the preceding six months in the district of a municipality or in the ward of a municipality. Provision is made for an annual election to be held throughout the State on the third Saturday in April of each year and for approximately one-third of the councillors to retire each year. Under existing Acts, elections for road boards are held on the third Saturday in April, but elections for municipal councils are held on the fourth Saturday in November each year.

As previously explained, each elector will have one vote for a councillor and one vote for a mayor or a president only. A mayor or a president shall hold office for two years and a councillor shall hold office for three years. At present a road board chairman holds office for one year only, otherwise the provision is identical with the existing legislation. Polling hours are from 8 a.m. to 8 p.m. which coincides with the hours for all parliamentary and municipal elections. In the past, road board elections have been held from 10 a.m. to 8 p.m. and have caused much confusion. The provision in the Bill will therefore make polling hours uniform throughout the State. Power is given to the Governor to declare certain areas in which special provisions for polling can apply.

There are also special provisions to enable an elector to apply for a voting certificate that will enable him to vote in absentia without any further reference until such time as he changes his address or the returning officer has cause to believe that he is no longer resident in the same place. This is intended to apply to North-West areas only and to give some relief to the unsatisfactory method that now prevails in regard to voting in that area. The Bill provides that the system of voting shall be preferential. At the present time, parliamentary and municipal elections are conducted on those lines whilst road boards conduct their elections on the method known as "first past the post."

By bringing road boards—shire councils under the Bill—into line, the system of voting throughout the State for all purposes of government will be uniform. The Bill provides that for the more efficient administration of local government, the Governor may make regulations prescribing the respective educational and professional qualifications necessary to be held by persons occupying the respective positions of clerk, engineer and building surveyor, and makes provision for constituting committees for the purpose of examining these persons or class of persons. The regulation could and would, no doubt, provide that all persons at present occupying positions similar to those mentioned would be exempt from the examination and power would also be given to exempt certain districts, particularly in the North-West, where it would be practically impossible to obtain applicants with the necessary qualifications.

At present no qualifications are necessary and many appointments, by force of circumstances, have been made to the position of chief executive officer of a local authority with unsatisfactory results. The proposal has the full support of the Western Australian Institute of Municipal Administration which caters for the advancement and improvement of proficiency for officers engaged in a local government career. Provision is also made in the Bill that where a municipality credits service towards long service leave, then, in the event of an officer ceasing his connection with one municipality but immediately taking up employment with another municipality, the municipalities concerned are to be responsible for the long service leave eventually becoming due and such leave credit is to be apportioned in accordance with the time spent by the officer in each municipality.

Ample power is given in the Bill to the municipalities to make by-laws for any purposes of the Act. Power is also given to the Governor to make model by-laws which may be adopted by municipalities with or without alteration. Power is also given to the Governor to make a by-law for any purpose for which municipalities could make a by-law if such action was considered necessary. Any by-law so made by the Governor would over-ride a by-law by a municipality. A similar provision is already contained in the Road Districts Act and a provision is contained in the Municipal Corporations Act in relation to buildings, but it has been found necessary to exercise these powers only on rare occasions.

Municipalities are authorised to sell assets with a proviso that where any particular thing to be sold is entered in the Council's inventory at a value of less than £100, the council may sell it by private treaty. Where the value is in excess of £100, the article can only be sold by resolution of an absolute majority of the council, and, in the case of a hall or trading undertaking, after authorisation has been conferred by a special meeting of ratepayers. In all cases where the value exceeds £100 it must be sold by public auction.

Although in the past local authorities have adopted the practice of selling generally by public auction, there has been no compulsion to do so. Municipalities will be required to cause streets and ways to be properly sign-posted to indicate the street names. This provision will apply to all cities and towns. In a shire it will apply to townsites only. A similar provision at present exists in the Municipal Corporations Act in the case of cities and towns, so that the only addition is townsites under the control of a shire council.

Provision is made whereby at the request of two or more municipalities the Governor may constitute a county district or a regional district for local government purposes. This county or regional district could only carry out the powers vested in it by the municipalities agreeing to its constitution. In the past much confusion has existed in the interpretation of the existing legislation dealing with the creation of a building line, and in order to clarify the position, particularly in regard to resumption and ownership, the most important provisions of the City of Perth Act No. 11 of 1925 relating to building lines have been incorporated in the Bill.

Part XX of the measure deals with cattle trespass, pounds, pound-keepers and rangers and was inserted at the particular request of local authorities in order that they might know exactly what action could be taken in regard to straying stock and the correct procedure to be followed by way of impounding. The Cattle Trespass and Impounding Act as it now stands has been a bone of contention for years and is one of the most difficult Acts to interpret. All local authorities have experienced the greatest difficulty in this matter. The provisions of Part XX, to which I have referred, makes it quite clear to municipalities as to what can and cannot be done.

Part XXII, dealing with trading concerns, enlarges the power of municipalities and includes a specific provision authorising the planting of trees for afforestation combined with the maintenance of the forest and the selling of thinnings and timber from the forest. It also provides that a municipality may, with the approval of the Minister, engage in any other trading undertaking.

A further special provision in the Bill will authorise municipalities to construct and maintain weirs, levees or other embankments, excavate and open drains and ditches, to remove obstructions from a river, watercourse or stream, divert or straighten the bed of a river, stream or creek for the purpose of reducing flooding on to a street, reserve or other public place. The municipality will be able to carry out this work irrespective of whether the river flows through private property or otherwise. Some local authorities in the country have experienced the greatest difficulty in endeavouring to prevent town flooding due to the fact that no provision is made in existing legislation authorising the carrying out of works on land other than that under the control of the local authority. The Bill gives the necessary power which it is most desirable that a municipality should have.

The portion of the Bill dealing with the application of the municipal funds includes a new provision authorising a municipality to insure its councillors against any injury to themselves or damage to personal property arising in the course of duty being carried out by any member of the council. A further provision authorises municipalities to purchase motor-vehicles for resale to officers of the council for carrying out their duties, and there is a final provision whereby the Minister can authorise expenditure of the municipal funds in any other approved manner.

Further, in connection with ordinary revenue of a municipality it is provided that the council of a municipality shall have regard to the needs of the inhabitants of its district as a whole and shall not keep ward accounts for financial purposes. This, however, will not preclude a shire council from keeping a separate account to record the expenditure of a sum raised by differentiating in rating for a specific ward or for some specific portion of the district of a shire council or for loan charges in respect of a loan raised for the benefit of a particular ward of a shire council.

Mr. Bovell: Does that mean that the system of ward balances can be optional so far as local authorities are concerned?

Hon. A. F. Watts: It is abolished.

Mr. Bovell: That is not desirable.

The MINISTER FOR HEALTH: There has been no objection so far as the shires are concerned.

Mr. Bovell: I think it should be made optional.

The MINISTER FOR HEALTH: It is for municipal councils but that is a different category.

Mr. Bovell: It should extend to shire councils as well.

The MINISTER FOR HEALTH: At present, under the Municipal Corporations Act, the keeping of ward accounts for finance is not permitted and although there is no specific provision in the Road Districts Act authorising the keeping of ward accounts, the practice has grown up through the years of this being done. It has grown to such an extent in some cases that no difficulty would be experienced in quoting instances where some local authorities divided into wards, in their endeavours to try meticulously to see that the revenue of one ward is not expended in another ward, have gone to such extremes that the members of each ward actually constitute a separate board within the main board.

Further, an instance can be quoted where separate estimates are actually put up for each ward of the local authority and then a combined estimate for the district. Fortunately some local authorities have abandoned this parochial idea and have treated wards for the purposes indicated by legislation, which is for the purpose of representation, and, so far as works are concerned, the district is treated

as a whole and essential works carried out where they are required irrespective of where the money comes from.

Mr. Bovell: I think the local authority should be the best judge. It should be optional and the local authority should decide whether it wants ward balances or not.

Mr. SPEAKER: Order! I suggest that the hon. member will have ample opportunity to put forward his views during the course of the debate.

The MINISTER FOR HEALTH: The provision in the Bill dealing with valuations makes it mandatory for every municipality to adopt the unimproved capital values of the Taxation Department and makes it an obligation on the Commissioner of Taxation to supply these valuations. At the present time local authorities can make their own valuations or appoint a valuer. In quite a number of cases, valuations are made by board members sitting around the board table. At the present time municipalities must rate on the annual rental value unless approval is obtained to rate on unimproved capital values. Road boards must rate on unimproved capital values except in certain limited exceptions unless approval is given for rating on annual rental values.

In regard to the proposal that unimproved capital values only be used, attention could be given to the following—

> The use of unimproved values encourages the use of land for the purpose to which it is most suitable and does not discourage building as in the case of annual values, which, as is well known, has the effect of causing a shortage of housing. The use of unimproved values assists in industry and business by lessening the load of rating upon those concerns while, at the same time, freeing some capital from land speculation for investment in business and industry.
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> It ensures justice as between ratepayers in that each holder of land contributes towards the cost of local control in exact proportion to the unimproved value of the land held by him and as this unimproved value has been created not by his own efforts but by the efforts of others, this means that he pays for the privileges conferred upon him by the possession of that land. The use of unimproved values takes away what is known as the unearned increment from land and therefore encourages production as distinct from speculation. Unearned increment has always been regarded as a fit subject for taxation.
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> In the words of the well-known economist Colin Clark, taxation on unimproved land values is in a class by itself for goodness. It is almost the only taxation which is without effect on the incentive to produce or save and it should therefore be exploited to the fullest possible extent.

It is interesting to note that there are at present 126 road boards in the State, each and every one of which rates on unimproved capital value with some exceptions whereby townsite areas are rated on annual rental values. There are 21 municipalities in the State and of these the municipalities of Albany, Bunbury, Geraldton, Midland Junction, South Perth and Nedlands have adopted unimproved capital values throughout, whilst the City of Perth has adopted unimproved capital values for its endowment land, which is the choice residential portion of the district including Floreat Park.

Mr. Court: The Floreat Park valuation is not by choice. It is because of statutory provision.

The MINISTER FOR HEALTH: It comes under the Endowment Lands Act.

Mr. Court: The ratepayers have no option.

The MINISTER FOR HEALTH: I think they have.

Hon. A. F. Watts: Not as I understand it.

The MINISTER FOR HEALTH: Even Nedlands has adopted the unimproved capital system of rating.

Mr. Court: That is a long story. The ratepayers are not very happy.

The MINISTER FOR HEALTH: They have adopted it and the majority have voted for it.

Mr. Court: You will hear the story between now and the Committee stages.

The MINISTER FOR HEALTH: The Bill proposes that municipalities shall be authorised to strike one rate to cover all their obligations in carrying out the powers and duties conferred by the Health Act, Water Boards Act, Vermin Act, Noxious Weeds Act, Bush Fires Act and any other Acts administered and conferring a right or imposing a duty or obligation on a council.

The maximum general rate to be so levied shall be: Where the council provides a reticulated water supply, 3s. in the £ of unimproved value of ratable property; and where the council does not provide a reticulated water service, 2s. in the £ of the unimproved value of ratable property. The rates shall be uniform throughout the municipality unless the municipality is authorised to differentiate in rating, but it is provided that only in the district of a shire council can there be any differentiating in rating, as mentioned earlier.

Provision is made for all appeals to be dealt with by a valuation appeal court. This valuation appeal court is to be appointed by the Governor from time to

time. Under existing legislation, with the exception of the City of Perth, all appeals are dealt with by municipalities and road boards themselves, and where these authorities also make the valuation, the appeal is actually one from Caesar to Caesar.

Hon. A. F. Watts: It is not sensible to say that because under this law you have to adopt the Taxation Department's values. It is not an appeal from Caesar to Caesar.

The MINISTER FOR HEALTH: It is an appeal from the local authority rating.

Hon. A. F. Watts: This is a question of values and therefore affects the Taxation Department. They are compulsorily to be accepted, as fixed by the Taxation Department. There is a right of appeal from the Taxation Department to the local authority, not from Caesar to Caesar.

The MINISTER FOR HEALTH: That was the case at one time, but not now in accordance with the Bill. A further provision gives power to a municipality where rates are in arrears to serve notice upon the lessee of the premises requiring the lessee to pay to the council the amount of rent, if any, accrued due and the rent as it becomes due under the lease until the amount of the arrears of rates payable has been liquidated. The powers of sale of land for non-payment of rates, as at present provided for in the Road Districts Act, has been re-enacted with the difference that land could be sold if rates had been in arrears for three years instead of five years as at present.

The provisions of the Road Districts Act, whereby vacant ratable property whether enclosed with a fence or not and in respect of which no rates have been paid could be reverted to the Crown, has been re-enacted. The important difference is that the provision in the Road Districts Act related to land situated wholly or partly within a townsite and rates had to be in arrear for at least seven years. The provision in the Bill applies to all land and limits arrears of rates to three years. The provisions relating to general borrowing powers are practically the same as in the existing legislation, but an additional clause has been added authorising the municipality, with the approval of the Governor, to borrow for other plant, machinery, things, works and undertakings not specifically set out. This is a considerable extension of powers.

The Bill provides that the auditing of the accounts of all municipalities, that is, cities, towns and shires, shall be carried out by auditors who shall be known as Government inspectors of municipalities.

Mr. Court: Are you still going to persist with that one?

The MINISTER FOR HEALTH: It is in the Bill.

Mr. Court: I thought I had convinced the Minister previously.

The MINISTER FOR HEALTH: I am not the Minister for Local Government. I am only representing him in this House. At the present time audit inspectors of the Local Government Department conduct the audit of all road boards throughout the State, numbering 126 in all, whilst the audit of the accounts of municipalities, numbering 19 in all, is carried out by auditors elected by ratepayers of the municipalities concerned.

Hon. A. F. Watts: The number should be 21 and not 19.

The MINISTER FOR HEALTH: Prior to 1933, the audit of accounts of road boards was carried out by ratepayers' auditors but in 1933 the Government decided that the accounts of road boards should be audited by Government inspectors. When the scheme was commenced, road boards did not want it and many protests were made. However, the Government of the day insisted and, as the years went by, the local authorities themselves found the auditor to be guide, counsellor and friend, as well as auditor, and today, it would be difficult to find a road board having any objection to the system—in fact, rather to the contrary. Under the Municipal Corporations Act there is no such provision and the auditors are elected by the ratepayers. It is true that they have to belong to a recognised institute of accountants, but, it is obvious that they would not have the knowledge of the statute to enable them to see that the administration of municipalities was strictly according to law.

Mr. Court: I do not agree with that one.

The MINISTER FOR HEALTH: This Bill will be a very great help to the local governing bodies of this State and it is something they have been waiting for. I am hoping that we can get the Bill through this year and that every effort will be made in that direction. I feel, too, that as far as our opponents are concerned—if there are any—it will be just a matter of opinion. There is nothing in the Bill with which we want to antagonise anybody, and I do not know of anything which could be of a quarrelsome nature.

Mr. Ross Hutchinson: That is just a matter of opinion.

Mr. Bovell: Will copies of the Bill be circulated to local governing authorities?

The MINISTER FOR HEALTH: I do not know, but I think there is a limited number of copies available. They were circulated on other occasions and there is not much difference between this and the previous Bill.

Mr. Bovell: I think that if you withdrew the contentious clause regarding universal franchise, there would not be much difficulty.

Hon. Sir Ross McLarty: Does the Government regard the adult franchise provisions as vital to the Bill?

The MINISTER FOR HEALTH: The Government feels that with the progress of time, it should introduce a Bill which would be more democratic.

Hon. Sir Ross McLarty: Suppose the clause were deleted, would the Government go on with the Bill?

The MINISTER FOR HEALTH: I think it would.

Mr. Ackland: Do you think you are attempting to give something to the local authorities which will be acceptable to them?

The MINISTER FOR HEALTH: Yes.

Mr. Ackland: You have failed most miserably, as they are almost unanimously opposed to it.

The MINISTER FOR HEALTH: I know of only two points on which the local governing bodies are antagonistic—adult franchise and unimproved capital values—and they are satisfied with the rest of the Bill.

Mr. Court: Are not they opposed to the method of election of mayor and of shire president?

The MINISTER FOR HEALTH: I think this is more of a Committee Bill and we can go into those details later on. I move—

That the Bill be now read a second time.

Adjournment of Debate.

Hon. A. F. WATTS: I move—

That the debate be adjourned until Tuesday week, the 11th September.

Mr. JAMIESON: I wish to protest strongly against delays of this nature. It would be quite reasonable if the Bill had not been before the House on previous occasions, but, in principle, this is the same Bill as we have been dealing with for several years. In effect, according to the interjections coming from the member for Stirling, he knows as much, if not more, about the Bill than the Minister who is handling it in this House. Therefore, I feel, as I did in the case of the previous Bill dealt with this afternoon, that I must object to the delay because it is quite unjustified. It is time we got on with the job we are paid to do and proceed to formulate statutes of the State. I do not believe in undue haste, but I disbelieve in undue humbug and as a protest I move an amendment—

That all the words after the word "adjourned" be deleted.

Hon. A. F. WATTS (on amendment): I regret extremely that the member for Beeloo has taken up this attitude. I did not move the motion in the form that I did without having first consulted the Leader of the House. It is all very well for the hon. member to say I know more about the Bill than the Minister who introduced it, as I doubt very much if that is so. The Bill comprises in the vicinity of 700 clauses. It has been in the hands of the Crown Law Department and the Government—and I am addressing my remarks mainly to the member for Beeloo—for a considerable time and there have been some alterations made to it. Therefore, I am entitled, as the Leader of the House readily acknowledged, to make such inquiry into the Bill as I see fit.

I am approaching it in a proper manner and I do not think anybody can contend that an adjournment for approximately 10 days—because tomorrow is the 31st August—is an unreasonable one for a Bill of this magnitude and it is well known, too,—and I think members will agree—that there will not be any further delays as far as I am concerned when the Bill does come before the House and is in the Committee stage, because I will then be ready to go on with it. But I am not prepared to accept the view of the member for Beeloo that it is time wasting. It is not; it is a reasonable proposal, and I hope the House will carry the motion as I moved it.

Mr. BOVELL (on amendment): I support the Leader of the Country Party. We do not want to set a limited time on this Bill although it has been introduced on other occasions, because it has been reprinted and we do not know, without reading it and digesting it, what is in the measure. There are some objectionable clauses that will have to be given very close consideration. The length of time for the adjournment sought by the Leader of the Country Party is really a very reasonable request for a measure of this kind. Members of Parliament have to attend to all sorts of things. The Leader of the Country Party represents an electorate many hundreds of miles from Parliament House and is not like the member for Beeloo who can go home every night. The Leader of the Country Party has to attend to the wants of his electorate and make visits to it, therefore I support the motion as he moved it, and consider that had he asked for a longer time, it would have been reasonable.

Mr. O'BRIEN (on amendment): I support the amendment. There are no fewer than nine road boards in my area—I can name them if anybody is in any doubt—and, in addition, there is part of a municipality and part of another road board in the Kalgoorlie area. For many months the road boards have been requesting that we should get on with job of debating this Bill, and I think it is high time we did so. I was pleased to see the Minister who is acting on behalf of the Minister for Local Government, present the measure this afternoon.

Hon. Sir Ross McLarty: He has agreed to the adjournment.

Mr. O'BRIEN: There has been ample time since the previous Bill was presented for members to go into it in detail, and I consider the amendment is justified.

Mr. ACKLAND (on amendment): It hardly seems necessary to debate this amendment, because the Leader of the House agreed to the adjournment of the debate. I am amazed at the attitude of the member for Murchison. One could expect opposition from the member for Beeloo because he lives within a mile or two of the G.P.O. But the member for Murchison knows that road boards extend from Wyndham to Albany; and members of road boards in my district and in the district of the member for Murchison—and, in fact, in all the country areas—will want to know what is in the amendments that appear in this Bill.

Mr. O'Brien: They have been circulated.

Mr. ACKLAND: I think that nearly every road board in the country districts of Western Australia has written to members of my party complaining bitterly about the Bill previously submitted. They take so much interest in it that they will certainly want to know what is in this measure and will want to give us their opinion before the matter is discussed.

The Premier: The alterations have been circulated to the local authorities.

Mr. ACKLAND: They will want to get in touch with us. This is the first time that members on this side have seen the Bill in its present form. It seems to me to be ridiculous that a man who has been here for five or six minutes should get up and move an amendment of this kind when the Minister himself is in agreement with the motion moved by the Leader of the Country Party.

Amendment put and negatived.

Motion put and passed.

Sitting suspended from 3.43 to 4.3 p.m.

BILL—WHEAT MARKETING ACT CONTINUANCE.

Message

Message from the Lieut.-Governor and Administrator received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [4.3] in moving the second reading said: This is a small Bill and it seeks to do one thing only—that is, to extend the State Wheat Marketing Act for a further five years. For the sake of those members who perhaps are not too familiar with that statute, it might not be out of place for me to give a brief resume of everything which has occurred regarding this matter, following the close of the war up to the present day.

The parent Act was passed by this Parliament in 1947 and at that time the marketing of wheat was under the control of the Commonwealth Government through its Defence (Transitional Provisions) Act, 1947, which was due to expire at the end of that year. At that time the future of wheat marketing appeared to be most obscure and there was no guarantee—in fact, very little effort was made at that time to get the States to agree on a common policy—that the States would agree to a common policy. As a consequence of all the different policies in the various States and in the Commonwealth, particularly in regard to wheat, it appeared that there would be little likelihood of getting any unanimity of thought or any agreement in regard to the marketing of that product.

So the State Government, in 1947, undertook to submit—rightly so in my opinion—legislation of a permanent nature —or permanent in so far as it had to be renewed every five years—to give to the wheatgrowers of Western Australia, if they themselves should desire it, a marketing system of their own. The measure was passed in that year and the main provision of the Act was the setting up of a marketing board which would function if there were any emergency in regard to the marketing of the product. The board was to consist of seven persons appointed by the Governor, four of whom would be elected by the Farmers' Union of Western Australia to represent the interests of wheatgrowers, one person being the occupant for the time being of the position of manager of Co-operative Bulk Handling Ltd. to represent the interests of licensed receivers, one person to be selected by the Minister from a panel of three names, submitted by the Flourmillers' Association to represent the flourmillers, and one person nominated by the W.A. Government Railways Commission to represent the business and requirements of that commission.

Therefore the set-up was complete from an administrative angle, to cater for any uneasy situation which was likely to arise as a result of a lack of common policy throughout the Commonwealth in the marketing of wheat. That measure was due to expire on the 31st October, 1951; it was extended for a further five years and the Act is now due to expire on the 31st October this year. If Parliament does not agree to pass this legislation and does not agree to the principle of continuing the parent Act, it will mean that after the 31st October this year there will be in existence in this State no wheat marketing legislation to meet any emergency which is likely to, or could, arise.

Although the Act was proclaimed in 1947, it has never been used, the main reason being that in the intervening years the

wheat industry stabilisation scheme came into being—in 1953—as a result of all the States agreeing to a common policy. Because of that scheme the troubles which were looming in the immediate postwar years, were overcome. But the position now is that the Commonwealth-States stabilisation scheme, which provides a certain income and a certain security to wheatgrowers throughout the Commonwealth, is due to expire on the 30th September, 1958—this also was given a five-year life—and no one can say whether after that date, the present agreement between the Commonwealth and the States will be continued or whether there will be any alteration to it. So from this State's point of view it is fairly vital to continue the legislation which is now on the statute book.

We do not know what the future may hold, but we do know that whatever it may be, Western Australia is the only State in the Commonwealth which has legislation of this kind. Should there be any development in the wheat world that would cause a cessation of the present arrangements that we have in the Commonwealth, nothing short of chaos could occur in other States of the Commonwealth, but because this Act has been proclaimed—although not in operation as yet—we would be in the fortunate position of being able to implement it immediately and set in motion, for the wheatgrowers of this State, a system of marketing which would give them at least some sort of security in the future.

Therefore, it will not do us any harm to continue this measure for a further five years. It would be a great pity if we took steps here to deny, at some time in the future, the wheatgrowers of this State the security they have now by causing this legislation to be defeated on this occasion. Because I feel it is important to the industry and to the State as a whole to ensure that some regularity exists in one of our principal agricultural industries, I move—

That the Bill be now read a second time.

On motion by Mr. Ackland, debate adjourned.

BILL—BILLS OF SALE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [4.14] in moving the second reading said: This is indeed an extremely small Bill. It seeks to include only one extra word in the whole of the existing Act governing bills of sale. The purpose of the measure is to put tobacco growers on the same footing as a great many other primary producers in this State when they are negotiating for finance for seasonal operations. It has no other purpose.

Section 5 of the principal Act defines crops as meaning, "European flax, hemp, wheat, maize, barley, oats and grass, whether for hay or for grain, and all cereal and root crops and fruit", but there is no mention of tobacco. I suppose it is quite reasonable to assume that the reason why tobacco was originally omitted from the definitions in this Act is because tobacco was never even thought of commercially when the legislation was introduced. However, times have changed and we find that the position is very different now inasmuch as the young industry of those days, which meant only a few plants grown here and there for experimental purposes, has grown to such an extent that for each of the last three years more than £300,000 has come to this State from the sale of tobacco.

It is reasonable to assume that this degree of importance to the State will tend to increase in the future rather than decrease, although personally I hope that the increase will not be at an alarming rate merely because happier circumstances appear to exist today between the growers on the one hand and buyers on the other, as featured in the recent sale. However, there is ample opportunity and scope in Western Australia to give to the Commonwealth as a whole a fair proportion of good quality tobacco leaf which is required by the smokers of this country. Therefore, I say that the industry has served the State particularly well.

Nevertheless, by no manner of means are growers making a fortune. The cost of preparing, planting, harvesting, curing, picking and baling is very high indeed and approximates £200 per acre. There are a few growers, of course, who own their own properties and who grow tobacco thereon and they are fortunate in being able to arrange finance by way of taking out mortgages on their properties. However, many growers—by far the greatest majority of them—only rent land from some other person or pay for land by instalments over a period of years. In consequence, these people have never sufficient cash resources in any one planting year to undertake the expense of setting the crop in motion for the coming harvest.

Therefore, they have to go to bankers or merchants and, in past years, traders generally have been extremely helpful. They have to go to somebody who, by means of a bill of sale, takes a lien over the crop on an "after harvest" basis. This procedure has been followed for years and years. I well remember when I first entered this House that the Government allowed only £30 per acre to assist growers with the planting and growing of their crops. That sum was later increased to

£45 and today it stands at £60. For most of them this should be so for the simple reason I have outlined, namely, that very few tobacco growers have sufficient cash in hand to undertake this work themselves.

In recent months, however, extreme doubts have been raised as to the legality of a grower being financed through these channels. It has been pointed out to the Government that, on the latter point at any rate, there have been extreme doubts raised and it is by no means certain that the same amount of credit will be available in the future from these sources unless the word "tobacco" is included in the definition of crops in the Bills of Sale Act. The purpose of the Bill, as I have said earlier, is merely to insert the word "tobacco" in the Bills of Sale Act in order to give tobacco growers the same opportunity as most other primary producers in the State have to negotiate finance to enable them to carry on. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILL—AGRICULTURE PROTECTION BOARD ACT AMENDMENT.

Message.

Message from the Lieut.-Governor and Administrator received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren) [4.20] in moving the second reading said: Only two amendments are proposed in this Bill. One has been included on the advice of the Crown Law Department and the other on the advice of the Auditor General. The first amendment deals with persons employed under the Public Service Act and seconded to the Agriculture Protection Board for service within that department. The board is a body corporate and, according to the advice of the Crown Law Department, the employment or use of officers from any other section of Government employment by the board at present precludes those employees from receiving their undoubted rights and privileges which they would enjoy elsewhere under the Public Service Act.

The purpose of this amendment therefore is to protect the rights of these employees. The passing of the Bill will mean that the provisions of the Acts that now grant rights and privileges will be transferred automatically to apply to any officer who is seconded for work with the Agriculture Protection Board. The Acts affected are the Public Service Act, 1904, the Public Service Appeal Board Act, 1920, the Government Employees Promotions Appeal Board Act, 1925, and the Superannuation and Family Benefits Act, 1938. I feel certain that all members will agree that the rights which workers and officers have under these Acts should not be lost to them because they were, either from a desire to seek advancement or for some other reason, transferred to the Agriculture Protection Board.

Mr. Bovell: At present if they are transferred, do they still remain under the Public Service Commissioner?

The MINISTER FOR AGRICULTURE: This Bill provides for that.

Mr. Bovell: Previously there was some doubt about it.

The MINISTER FOR AGRICULTURE: Yes, and this will clear it up. The second amendment, included on the advice of the Auditor General, will actually add a new paragraph to Section 9 of the Act. The Agriculture Protection Board is required, under that measure, to pay for the administration of its provisions out of the protection fund. Section 9 sets out how the board will receive its moneys to enable it to carry out its duties. For the information of members I would like to say briefly that the board is financed mainly from Consolidated Revenue to the extent of £105,000 per annum and from the Western Australian Government Railways Commission which provides £3,000 per annum. These are statutory payments under the Act. There is also certain income from services rendered, as a board, to farmers and the like for ripping and other work.

Hon. Sir Ross McLarty: Do the charges for those services cover the board's expenses for ripping, etc.?

The MINISTER FOR AGRICULTURE: They are supposed to. I do not think it has made a special application, not in my time at any rate, for further funds in that regard. But there are certain moneys that from time to time come to them, and although the board has been using those amounts and placing them to its credit in the Agriculture Protection Board fund, and which the board feel rightly belongs to it, the Auditor General tells us that these moneys should have been transferred to Consolidated Revenue. This would mean, of course, that they would be entirely lost to the board unless the Government were good enough to make some other grant.

The second amendment therefore is to overcome that situation. I would point out that there are some 286 miles of rabbit proof fencing that have been discarded and disposed of by sale involving a sum of £20,000. There is also the fact that over the years the board has been receiving £1,000 per annum as an income from levies struck on farmers adjacent to this fence.

Such moneys will no longer be available to the protection board if the Act continues as it now stands.

The Government has considered this matter very closely and it has agreed that it would be a fair and proper thing for such moneys as I have mentioned to be used by the Agriculture Protection Board in carrying out the duties for which it is responsible. There is to be built in the near future an emu proof fence, which is to cost £56,000.

Hon. Sir Ross McLarty: Where?

The MINISTER FOR AGRICULTURE: I have the details here and I will let the Leader of the Opposition have them shortly.

The Premier: Pinjarra!

The MINISTER FOR AGRICULTURE: Naturally the board wants to use this £20,000 received from the sale of the other fence towards starting off at an early date the building of a new emu fence. It is to make that regular that this amendment has been brought forward. The Bill not only proposes to correct that position, but it will also make it retrospective to 1951 so that all the moneys received by the board from all sources from that time can be retained in the protection fund at the Treasury. That is the only purpose of the Bill. The two amendments to which I have referred are important from the point of view of the board, and I trust the House will agree to them.

For the information of the Leader of the Opposition, I am not at the moment able to find the details in connection with the rabbit proof fence, but I will supply them to him before he leaves this afternoon. I move—

That the Bill be now read a second time.

On motion by Mr. Owen, debate adjourned.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [4.31] in moving the second reading said: This is a very small Bill but it is a rather important one.

Hon. Sir Ross McLarty: The last Bill you introduced was not small by any means.

The MINISTER FOR JUSTICE: It was not very small, but at the same time it was not contentious. Members will recollect an amendment made in 1954 to a section in the Criminal Code which deals with false statements for the purposes of registration of births, deaths and marriages. The amendment was made in order to allow cases of a trivial nature to be dealt with summarily. It now seems that the amendment will, in practice in most cases, prove ineffective. The Code provides that there cannot be a summary conviction for an indictable offence unless the prosecution is begun within six months after the offence is committed, and it appears that offences of the nature to which I have just referred are unlikely to be discovered within six months of commission.

The police, legal officers of the Crown Law Department and the Registrar General of Births, Deaths and Marriages are in agreement that these cases should be dealt with summarily irrespective of the time lapse, as very often these cases have mitigating circumstances. It would impose considerable hardship on the defendant in trivial cases if, because of the six months' limitation, the defendant had to be tried before a judge and jury. Again there have been cases—for example, minor stealing offences—where the offender has been apprehended outside the limitation period and he has had to be committed for trial by a judge and jury. The gravity of an offence is not increased by the passage of time.

The law of England has apparently always been that where indictable offences are triable summarily, they remain so triable notwithstanding any lapse of time before the making of the complaint. Other offences are not affected by the Bill, unless otherwise expressly provided by the law relating to the particular case. Also, where a limitation of time is expressly prescribed for the commencement of a prosecution of an indictable offence punishable on summary conviction, a prosecution for the offence must be commenced within that limitation.

The Bill will facilitate matters where cases are dealt with summarily. Under the existing measure, if cases are not dealt with within six months, they have to go before a judge and jury, although the offences might have been trivial. If passed, the Bill will overcome that and there will be no time limit within which summary courts can deal with such cases. I move—

That the Bill be now read a second time.

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

BILL—LICENSING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [4.36] in moving the second reading said: The question of a liquor licence for its canteens in base areas has been raised by West Australian Petroleum Pty. Ltd. on more than one occasion. An approach was first made to me in October, 1955. The request is for a canteen licence in the company's camps during the

exploration period. Should oil be discovered in commercial quantities then no doubt townships would be formed and normal licensed premises introduced.

The company has divided the State into two sections as far as its operations are concerned, one known as the coastal district operating in the Learmonth area and the other called the Kimberley district, operating in the Derby area. The company sets up canteens only in its larger camps and does not attempt to run them for their geological parties or for the structure hole drilling crews. Most members of Parliament have visited their operations and they are more than satisfied with the conditions and amenities supplied by the company for its employees. There is no doubt that these men work hard and suffer from working in isolated areas.

When the company opened up operations in 1952 it approached the Commissioner of Police and, after investigating other avenues such as a club or gallon licence—which it was found it could not operate—it was granted permission to purchase two bottles of beer per day per man as agent for its employees, and supply it to them from the canteen. This is the basis on which the company still operates. In the course of their regular inspections, members of the Licensing Court have seen the company's operations and the chairman of the court feels there is some need for a canteen licence on large works of a public character, especially in places so remote from existing licensed premises.

The principle has been incorporated in the New South Wales Licensing Act. It is essential for the company to have control of liquor in its camps, as it could quite easily be handling inflammable liquids or gas. Further, bushfires in the station areas are a tragedy and could well be caused by uncontrolled drinking. Despite efforts by the company to make the camps as near as possible equivalent to city conditions, the labour turnover is considerable. Apart from being costly, it hinders the company in its objective to train Australians in oil drilling practices and any move which will help to retain men in the field is worth while. Until such time as a licence is granted, the company is unable to take advantage of wholsale prices, and it is necessary for all supplies to be purchased at retail prices and freight added.

Under the present arrangement the company acts as agent for the employees and purchases liquor on their behalf. This is only for bottled supplies and cannot be used for bulk beer. With bottled beer each man has no alternative but to drink a full bottle of beer straight off. Experiments were carried out with the smaller size bottles but this increased the expense and was not popular. In the tropical areas the cooling of beer presents a problem and this particularly applies to bottled supplies, which take up storage space designed for foodstuffs. Owing to the distance from Perth the bottles are non-returnable and the cost of the bottle has therefore to be absorbed in the cost of the contents.

Bulk beer practically eliminates the two difficulties just mentioned and by the installation of suitable facilities, the beer can be cooled at the point of sale and the kegs are returnable. This permits of beer being supplied at a much cheaper rate. Wherever possible, it is the company's policy to give its employees the benefit of city amenities on a non-profit basis. The company does not permit hard liquor in any of its exploration camps.

The Bill proposes to insert in the principal Act provision for a new type of licence called "canteen licence." The court is given power to grant canteen licences to nominees of oil searching companies in respect of premises in specified licensing districts in the north of this State. Provision is made for licences to be granted in additional districts in case the oil searching companies pursue their activities in licensing districts other than those specified. The supply of liquor under a canteen licence is limited to employees of the companies and to persons staying near the licensed premises for the purpose of transacting business with the companies.

Permission is given for the transfer of a licence from place to place in any one licensing district as well as from a place in one licensing district to a place in another. A canteen licence fee is fixed at £15. This type of licence is brought within other provisions of the principal Act which deal with closure of licensed premises during prohibited hours and forfeiture of a licence for contravention of the Act. This is a very essential Bill so far as the oil people are concerned in Western Australia.

Mr. Ross Hutchinson: Does it deal only with oil companies?

The MINISTER FOR JUSTICE: Yes, only oil companies. Only two licences will be granted—one at Learmonth and the other in the Derby area, but if the company moves from Derby to some other area for the purposes of exploration a licence will be granted.

Mr. Rhatigan: Would it include Yampi Sound?

The MINISTER FOR JUSTICE: No. It will only include oil exploration work.

Mr. Ross Hutchinson: Would it include a mining company?

The MINISTER FOR JUSTICE: No; there is no provision for any other section of the community apart from oil companies.

Mr. Norton: What is the position if a company is near a hotel?

The MINISTER FOR JUSTICE: If it is near a hotel, a licence will not be granted. I think this Bill is very important because

these people are entitled to amenities such as people have in the city. It will be very helpful to the company and ultimately, if we find oil, in the training of our artisans.

Mr. Bovell: The Bill does not restrict the privileges to any one company?

The MINISTER FOR JUSTICE: No; it is for the purposes of exploration, and there will not be numerous licences.

Hon. Sir Ross McLarty: Did you say something about major public works?

The MINISTER FOR JUSTICE: No. I hope the House will agree to this Bill. I move—

That the Bill be now read a second time.

On motion by Mr. Ross Hutchinson, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT (No. 1).

Message.

Message from the Lieut.-Governor and Administrator received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [4.46] in moving the second reading said: In accordance with the policy of the Labour Party it is desired to give members of the community the right to vote at Legislative Council elections on terms identical with those existing with respect to Legislative Assembly elections. I think our friends on the other side will agree with this because they believe in democracy.

Hon. A. F. Watts: What is demcocracy?

Mr. I. W. Manning: This is not democracy.

The MINISTER FOR JUSTICE: As members know, at the present time the qualifications of electors for the Legislative Council are contained in the Constitution Acts Amendment Act, 1899-1955. The proposal to introduce adult suffrage for the Legislative Council will necessitate the removal of the relevant sections from that Act with consequent provision in the Electoral Act. At one time the qualifications of electors for the Legislative Assembly were in the Constitution Acts Amendment Act but were taken out in 1907 and put in the Electoral Act.

This amending Bill will make the qualification for enrolment for a province the same as that now applicable for enrolment for a district. Enrolment and voting for the Legislative Council are made compulsory. These provisions have been brought into line with the corresponding provisions relating to Legislative Assembly electors. In the existing compulsory enrolment section in the principal Act, further provisions are insterted relating to failure to enrol. At present the only proceedings which can be taken against a person for failure to enrol are in the police courts. The Chief Electoral Officer is reluctant to do this as it would involve proof that—

(i) the person was 21 years of age;

(ii) he was a natural-born British subject or a naturalised British subject;

(iii) he had resided in Western Australia for six months;

(iv) he had resided in the district for three months.

It is felt that the provisions relating to failure to vote should apply with appropriate adaptations to failure to enrol. It is therefore provided that a person who fails to enrol can elect to be dealt with by the Chief Electoral Officer instead of being taken to court. This follows the existing provisions relating to failure to vote at Legislative Assembly elections. I think that is a very necessary provision because as it is now, few have to go to court, as the cases are small. A large number of persons do not enrol but if it is optional on the part of the Chief Electoral Officer to deal with them and they refuse to be dealt with by him, then they can be taken to court.

The commencement of the Act is to be fixed by proclamation. This will enable the one day to be proclaimed after each of the separate Bills has been passed, and after there has been sufficient time to make the necessary adjustments to rolls. The other clauses in the Bill are purely machinery.

I do not think there is any need for me to enlarge on the question of adult suffrage. I will leave that to the Committee stages, because the point has been before this Chamber on many occasions. I hope the Bill will have a better passage from our kind friends on the other side than it has had in the past. We on this side will do our best to secure adult franchise because we believe in democracy. That word is derived from two Greek words—"demos," meaning "the people," and "kratia" meaning "rule," so the people as a whole should rule and not just a portion of them. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Ross McLarty, debate adjourned.

BILL—RURAL AND INDUSTRIES BANK ACT AMENDMENT.

Message.

Message from the Lieut-Governor and Administrator received and read recommending appropriation for the purpose of the Bill.

Second Reading

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [4.51] in moving the second reading said: This Bill has been brought before Parliament for the reason that quite innocently there has been a technical infringement of the parent Act which has been somewhat embarrassing to our present commissioners. The Auditor General obtained an opinion from the Crown Law Department in connection with paragraph (e) of Section 17 of the Act; and because of this technical breach, which I will explain in a moment, each of the commissioners was deemed to have vacated his office—and that is a very serious situation. The paragraph in question reads—

> 17. A Commissioner shall be deemed to have vacated his office as such if he—
>
> (e) has any direct or indirect pecuniary interest in any agreement with the Commissioners otherwise than as a member and in common with the other members of an incorporated company consisting of at least twenty members.

The effect of this is to debar any of the commissioners of the Rural & Industries Bank from conducting accounts at all with that institution either on a credit or a debit basis. It means, in effect, that a commissioner who may have risen from the ranks and is contracting, say, a housing loan for the building of a house—which a number of our commissioners in actual fact did—ceases to be a commissioner because of that contract. I do not think it would be a very happy circumstance if that situation were allowed to continue.

Furthermore, to show how silly this provision is, not only would a commissioner be ineligible to hold office on account of having such a housing loan, but he would not be able to open a current account with his own bank. That is the situation that has developed as a result of our not having a full appreciation of the sections of the old Agricultural Bank Act that were transferred to the Rural & Industries Bank Act without any regard at all for their adaption to the circumstances of general banking business.

In order to rectify the position, it was necessary for the housing loans in question to be transferred from the bank to the Treasury, and each current account had to be closed. Once that was done, the way was clear for the reappointment of the commissioners, and that was effected by His Excellency the Governor-in-Executive Council. But that on its own could not validate the original appointment, and one of the prime purposes of this Bill is to achieve that result.

Provision is also made in the Bill to prevent such a state of affairs from recurring. As I have said, Section 17 was taken out of the old Agricultural Bank Act and inserted in the new legislation without regard to the consequences. If the Bill is agreed to, a commissioner will be eligible for appointment as such, despite the fact that he entered into a loan from the bank while an officer of the bank. He will be permitted to continue the borrowing contract after appointment under the same terms and conditions, including rate of interest and instalments. However, once that particular loan is finalised, no new borrowing by a commissioner will be permitted.

Mr. Bovell: That means that once he becomes a commissioner he cannot enter into any fresh contract in that regard?

The MINISTER FOR LANDS: That is so. The provision in the old Act prevented a commissioner from trading or making a profit out of his position as a commissioner of the bank, which spent huge sums of money in the purchase of stock and machinery and so on. That principle is still adhered to in the present Act and is in no way altered in this Bill; but the amendment will ensure that an officer of the bank who rises to the position of commissioner will be able to complete a debtor's contract he may have entered into in connection with a housing loan, for the sake of argument; but he will not be able to start another.

A further provision will enable the present ridiculous situation to be overcome under which a commissioner is not even able to open up a current account with his own bank and must go to some rival institution.

Mr. Court: Do not most bankers do that as a matter of good policy?

The MINISTER FOR LANDS: Not so far as I know. I have never heard anything quite so silly as this, because a current account does not carry any profit. There is no interest on it. The money is given to the bank, which has an opportunity to use it without any profit accruing to the depositor. But so ridiculous is the Act, that our commissioners are not even allowed to have a current account. That is something which is radically wrong and should be attended to.

If the Bill is passed, it will give power for the conduct of a credit current account, a savings bank account, a fixed deposit account, or any other form of credit account. I am sure that after members have had an opportunity to look at the measure, they will not find anything serious to object to, because if a commissioner must go to some other institution to obtain these facilities, certain people might be led to ask whether the bank itself is not good enough for its own commissioners; whether it is not safe; and

quite a number of other questions would develop which would not be in the best interests of the bank. I move—

That the Bill be now read a second time.

On motion by Mr. Bovell, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [5.0] in moving the second reading said: The Bill is consequential on the passing of the Electoral Act Amendment Bill which I have already explained to members. To give effect to the intention to introduce adult suffrage with respect to the Legislative Council, two Bills are necessary, one to amend the Electoral Act, and this measure which repeals certain sections in the Constitution Acts Amendment Act, 1899.

Just as the matters affecting the qualifications of electors for the Legislative Assembly were, in 1907, taken out of the Constitution Acts Amendment Act, 1899, and put into the Electoral Act, the same pattern is being followed here by taking out of the Constitution Acts Amendment Act, 1899, the sections concerning the qualifications of electors for the Legislative Council and putting them into the Electoral Act.

By this means uniformity will be achieved in that the qualifications of electors for both the lower and upper Houses will be contained in the same Act. This is really consequential on adult suffrage. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Ross McLarty, debate adjourned.

BILL—EVIDENCE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre [5.3] in moving the second reading said: This Bill has two main amendments. The first was initiated by the Senior Puisne Judge, Mr. Justice Wolff, supported by His Honour the Chief Justice. It will replace a section in the principal Act dealing with privilege in suits for adultery which was repealed in 1948 by the Matrimonial Causes and Personal Status Code. The proposed section will bring the Evidence Act into line with the Matrimonial Causes and Personal Status Code, 1948, in this respect: The code was drafted by Mr. Justice Wolff, and the new provision permits either party to a marriage to give evidence as to non-access.

In 1921, one Russell, in support of a petition for dissolution of his marriage, gave evidence that a child born to his wife was not his because, at the time of its conception, he had not had sexual relationship with his wife. His petition was granted, but later on ultimate appeal to the House of Lords, the judgment was set aside on the ground that neither party to a marriage is permitted to give evidence proving, or tending to prove, non-intercourse after marriage where that evidence would show, or tend to show, that a child born during the marriage was ex-nuptial. It was held by the House of Lords to apply to proceedings in divorce cases where the actual issue was adultery, and was not confined to cases of status, inheritance, etc., where the real issue was legitimacy.

The Matrimonial Causes and Personal Status Code of 1948 covers proceedings where legitimacy is the actual question in issue. It enacts that spouses may give evidence of non-access, and hence such evidence is now permitted in those classes of cases where it was formerly barred. Once it is admitted in legitimacy cases, there is no longer any reason to debar it in any other case. In order to round off the law, it is necessary to amend the Evidence Act so as to make the abrogation of the rule in Russell v Russell complete. Mr. Justice Wolff has drawn attention to the fact that, in other jurisdictions, that is, New Zealand, South Australia and Canada, the rule has been abrogated.

The second amendment deals with proof of identity and is directed to the saving of time and expense in establishing the identity of a person who has previously been convicted. The principal Act, in relation to proof of a previous conviction, requires the record, or an abstract or certificate of the record, of the court where the previous conviction was recorded to be produced and, in addition, proof that the person referred to in that record is identical with the person in the current proceedings. Proof of identity is usually given by a detective or other member of the Police Force who was present in the court when the previous conviction was recorded.

Where the court in which the current proceedings are taking place is far removed from the court of the previous conviction, the detective must travel to the former court—merely to give evidence of identity and in most cases wait until the concluding stages of the proceedings. If the court of current proceedings is at, say, Broome, and the court of previous conviction is at Sydney, the time and expense involved are considerable. If there are several previous convictions each in different places, the difficulty is aggravated.

If there are twins identical in appearance, one having a previous conviction and the other concerned in the current proceedings having no previous conviction, the detective may well be in a dilemma. If

the detective has died in the meantime, or is otherwise unable to give evidence, the difficulty is manifest. In an endeavour to minimise these disadvantages, South Australia provided for proof of identity by the affidavit of a fingerprint expert. The idea is to have the fingerprints reproduced on a card, which is sent to a fingerprint expert at the previous place of conviction. If the fingerprints coincide, the expert swears an affidavit to that effect and returns the card. On production to the court, the affidavit becomes prima facie evidence of the fact that the person was previously convicted. If the person concerned does not dispute the prima facie evidence, the attendance of the expert is avoided.

Similar provisions to those in South Australia have been enacted in Tasmania. It is intended to apply these provisions in Western Australian legislation and they will extend to convictions in any part of the Dominions of the Crown. These new provisions will assist where a witness denies on cross-examination that he has been previously convicted; where a person charged with an offence sometimes raises the defence that he has already been convicted of the offence with which he is charged; in most cases in relation to the maximum penalty which may be ordered where a person found guilty of an offence has already been previously convicted.

Another amendment concerns the section which says that all courts and persons acting judicially are required to take judicial notice of certain signatures which purport to be attached or appended to any judicial document. The words, "Minister of the Crown" have been omitted from the paragraph listing offices of this State and the Bill seeks to rectify this. It has its counterpart in the previous paragraph which enumerates the Commonwealth offices.

Hon. J. B. Sleeman: What is that for? To make it easier for the police?

The MINISTER FOR JUSTICE: To make it easier for the police and also less expensive for the State because there have been times when criminals have denied their identity. The use of these fingerprints will be proof without having to send a member of the Police Force to Sydney, Broome or some place far removed from here. They have the same provision in Tasmania, South Australia and in other parts of the world. From what I have read, there is no doubt about fingerprints and so I think the provision will be a good one. However, I think this Bill is more of a Committee measure and these points can be discussed at that stage. I move—

That the Bill be now read a second time.

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

BILL—PLANT DISEASES ACT AMENDMENT.

Second Reading.

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren) [5.13] in moving the second reading said: The object of this Bill is to remove certain sections from the parent Act as the regulations made thereunder were revoked in the "Government Gazette" on the 18th February, 1955. Officers of the Crown Law Department advised the Government that either the regulations should be again promulgated or the subsections under which they were made should be repealed. By this Bill we propose to adopt the latter course.

The sections involved deal with the transfer of orchard registration, and the regulations were first gazetted on the 20th December, 1955. Under these regulations, the "orchard registration" of an orchard, when sold, could be transferred to the new owner. If this Bill is passed it will in no way alter that situation because the regulations have never been enforced and they have never been used at any time. All through the years the Department of Agriculture has considered them to be unnecessary because if a person registers an orchard and then sells the property, it is the property itself which is registered and not the individual owner. So the registration is automatically carried over to the new owner irrespective of who it might be. As a result, the regulations have never been put into operation and, in fact, were revoked on the 18th February, 1955.

If this measure is not passed and it is compulsory, every time the sale of an orchard takes place, to re-register the orchard, it will involve a tremendous amount of administrative work which, in my view, is not warranted. No one can argue, when the transfer of an orchard is made from one person to another, that the orchard is not registered because it is registered by the original owner. In order to meet with the requirements of the Act in another direction, when the transfer or sale of an orchard is made the new owner is obliged to put on the registration card the name of the old owner as well as his own. Because the department feels that as these regulations have never been used, and should never be used because it is the orchard and not the owner which is registered, it has asked the Government to have these sections removed from the Act. That is the purpose of the Bill and I move—

That the Bill be now read a second time.

On motion by Mr. Owen, debate adjourned.

House adjourned at 5.18 p.m.