Legislative Assembly.

Tuesday, 30th November, 1948.

CONTENTS.

The SPEAKER took the Chair at 3 p.m., and read prayers.

QUESTIONS.

EDUCATION.

As to Schools Approved and Under Construction.

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

(1) On the 14th September last, what was the number of new schools (not including additions) for the erections of which Treasury approval had been given, but upon which actual construction work had not then been commenced?

(2) How many of these approvals were given prior to the 1st April, 1947?

(3) On the 14th September last, what was the number of new schools (excluding additions) actually under construction?

(4) On how many new schools was construction completed between the 1st April, 1947, and the 14th September, 1948?

(5) How many of these completed schools were actually commenced before the 1st April, 1947?

The MINISTER replied: The answers indicated as being actually required by the honourable member's questions are:—

(1) Nine.

(2) Nil.

(3) Six.

(4) Four.

(5) One.

HOUSING.

As to Ballots for Rental Homes.

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

(1) How many applicants will be included in the first ballot for rental homes for two- and three-unit families?

(2) Are all applicants to be included, irrespective of date of lodgment of application?

(3) Why was this ballot not held on the date proposed?

(4) On what date is it now proposed to hold the ballot?

(5) What is the number of houses to be allotted on the result of the first ballot?

(6) After the first ballot is held, what length of time will have to elapse before the second ballot will take place?

The MINISTER replied:

(1) Two thousand one hundred and fifty-four. A proportion of these applications are duplicated or triplicated by being included in the general list of applications for Commonwealth-State rental homes and in the list of applications for permits to build privately.

(2) The ballot included all applications received up to noon on 25th November, 1948.

(3) No date had been fixed for the ballot. The date was dependent on the completion of homes to be allocated.

(4) The first ballot was held on 25th November, 1948.

(5) Ten homes will be allocated as a result of the first ballot. These will be the first small unit homes to be completed out of the 156 dwelling units of this type which are at present the subject of building contracts already let and a number of which are now under construction and in varying stages of completion. The Commission's policy is to expand the proportion of these small homes in the building programme.

(6) The Commission's present intention is to conduct a ballot whenever 10 homes are becoming available for allocation.

The above answers refer to Commonwealth-State rental homes. Permits to two-unit families to build privately are ballotted for quarterly at the rate of 20 per month. Since June, 1948, two ballots, to cover 120 approvals have been held. The next ballot will be held in the month of December, 1948.

In the case of three-unit families permits to build privately are being issued on an extended scale and are based on a comparison of needs of applicants.

POULTRY INDUSTRY.

As to Government Loans for Stock Losses.

Mr. FOX asked the Minister for Lands:

(1) How many applications for loans were received by the Government from poultry farmers following the recent outbreak of laryngo-tracheitis?

(2) How many applicants were refused loans?

(3) What were the reasons for such refusals?

The MINISTER replied:

(1) Four.

(2) One.

(3) The poultry farm in question was not the property of the applicant. After a full investigation it was considered that a loan could not be recommended in this case.

WHEAT.

As to Advance, Prices and Cost of Production.

Mr. ACKLAND asked the Minister for Lands:

(1) What arrangements have been made for the payment of a first advance—i.e., what is the amount per bushel proposed to be paid?

(2) Will the first advance be available promptly upon delivery of new season's wheat?

(3) Has the Commonwealth Government communicated with the State Government respecting the figure determined by the statisticians as to the cost of production? If so, what is the figure?

(4) At what price is stock feed wheat being sold at present?

(5) When will the new price based upon the increased cost of production commence to apply to sales?

The MINISTER replied:

(1) This information is not yet available.

(2) Answered by No. (1).

(3) Yes. 6s. 8d. per bushel.

(4) 6s. 3d. per bushel.

(5) It is proposed to declare a guaranteed price of 6s. 8d. per bushel for 1948-49 crop.

COST OF LIVING.

As to Increased Superannuation to Retired Teachers.

Mr. MARSHALL asked the Premier:

In view of the fact that the cost of living has increased materially and in accordance with this increase all sections of departmental employees have received increased incomes with the exception of retired teachers under the 1871 Act, who are in receipt of an income of £360 per annum, is it the intention of the Government to give favourable consideration to a proportionate increase to the recipients of this pension?

The PREMIER replied: This matter was fully considered and a decision made by Parliament last year. No further action is contemplated at present.

NORTH-WEST.

As to Abattoirs, etc., Glenroy Station.

Hon. A. A. M. COVERLEY asked the Minister for Housing:

(1) Has any application for a permit to build an abattoirs and chilling plant at Glenroy Station yet been received?

(2) If so, what quantity of cement and other building material is required?

(3) If no application has yet been received, what priority will be given when application is made?

The MINISTER replied:

(1) Yes and approved.

(2) Cement, 32 tons; roofing iron, 56 cwt.; flat galvanised iron, 10 cwt.; galvanised water pipe, 600 lineal feet; structural steel, 20 tons.

(3) Answered by No. (1).

LANDS.

As to Marginal Area Reconstruction Scheme.

Mr. LESLIE asked the Minister for Lands:

(1) What is the number of sheep and wheat farmers, now in occupation of their farms, who have received financial assistance under the Marginal Area Reconstruction Scheme?

(2) What is the total area of land comprised in the holdings of the farmers referred to in question No. (1)?

(3) What is the total area of cleared land on these holdings?

(4) What is the total area of the road board districts in which these holdings are situated?

(5) What is the total number of sheep and wheat farmers who have not received financial assistance under the Marginal Area Reconstruction Scheme whose farms are situate in the above road board districts?

(6) What is the total area of cleared land comprised in the holdings referred to in question No. (5)?

The MINISTER replied:

(1) 739.

(2) About 2,877,250 acres.

(3) About 1,605,500 acres.

(4) 109,672 square miles.

(5) 2,037.

(6) 4,210,670 acres.

BILLS (2)—FIRST READING.

1, City of Perth Electricity and Gas Purchase.

Introduced by the Minister for Works.

2, Purchasers' Protection Act Amendment.

Introduced by the Attorney General.

BILL—CATTLE INDUSTRY COMPENSATION.

Message.

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

BILL—FEEDING STUFFS ACT AMENDMENT (No. 2).

Read a third time and transmitted to the Council.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Third Reading.

THE MINISTER FOR TRANSPORT (Hon. H. S. Seward—Pingelly) [3.14]: I move—

That the Bill be now read a third time.

MR. MARSHALL (Murchison) [3.15]: I want to express my positive disgust at the fact that the Bill will provide a seven-year tenure for the privately owned bus services in the metropolitan area. Having regard to all the circumstances that prevail, and the fact that any public transport authority will now have to apply for a license to the Transport Board if it desires to run a service as an adjunct to its present system, it must be borne in mind that privately owned services that have been in existence for some time, have been so favoured that their goodwill has already been built up through their being able to take traffic from the State-owned transport concerns, which in future will not have the right to resume the privately owned services that exist. That will apply even though they are peculiarly suit-

able to be run as adjuncts to or part of the present State-owned system. Members should realise that the position now is that, with licenses extending over a period of seven years, if the State has to get back some of the traffic that rightly belongs to Government-owned concerns, the authorities will be under an obligation to embark upon litigation on account of breach of contract.

The Bill, if it becomes law, will provide the privately owned services with contracts, and the State Transport Board will not be able readily to sanction further applications. It will have to take into consideration services already being provided before any additional licenses can be granted. That will be the position, notwithstanding the fact that privately owned concerns have not helped to build up the community. Their goodwill has been developed in consequence of the activities of State transport facilities, which have made the goodwill of the privately owned concerns possible. We are not requiring these privately owned concerns to pay their contributions towards the railways or tramways, from which they have derived their goodwill. They are not asked to recompense the State in any way, so it will be left to the taxpayers to make up the annual deficits on State-owned transport systems. It is tragic that such should be permitted by law. Nothing more unjust or unfair could be suggested.

Just consider the position in reverse, and imagine that privately owned concerns had established profitable businesses, and then the State stepped in with the object of acquiring their undertakings! What would happen? There would be a hue and cry for compensation and all sorts of consideration would be asked for, because of the wonderful effort of privately owned instrumentalities in building up communities in our midst. But those privately owned concerns have done nothing of the kind. Without any protest to any great degree, we are handing over this consideration to the privately owned transport concerns, and will require the taxpayers at the end of the year to make up the deficit on our State-owned transport system. I cannot understand the Government giving away the heritage of the people to the extent contemplated under the Bill, and I enter my most emphatic protest against the passage of the measure.

HON. A. R. G. HAWKE (Northam) [3.18]: I also protest against the passing of the Bill. The Government proposes to do something under it that will have a very detrimental effect upon the proper development of passenger transport in the metropolitan area in the future. No Government is justified in giving rights to any private bus company for a period of as long as seven years, as proposed in the measure. The Minister for Transport told us the other night that the main argument in favour of the proposal was to give to private concerns confidence in the future. He informed us that if year-to-year licenses were to continue, the companies would not feel inclined to lay out large sums of money to purchase new buses, which are very costly these days, or for the purpose of establishing adequate garages and repair shops.

Those of us who have taken sufficient interest in the matter over the years know that most, if not all the companies, have already invested very large sums of money in establishing the necessary garages and repair shops. I had a quick look around Perth this morning to try to ascertain how many of the buses were falling to pieces because the companies concerned would not take the risk of investing large sums of shareholders' money in the purchase of new vehicles. I did not see many that were falling to pieces or anywhere near that stage, but I did see a fair number of almost completely new buses operating on the streets. This fact proves beyond question that the companies are quite confident to go ahead buying new vehicles under the existing system of year-to-year licenses.

I have not the slightest doubt that, if the year-to-year licensing system were continued, the bus companies would buy all the new buses that were available to the full extent of their reasonable requirements. The buses upon the road today that are not in the best mechanical condition and look out of date are being used in the majority of instances because the companies have not been able to purchase new buses and not because of the year-to-year license system now prevailing. We know that the Railway Department and the Tramway Department have not been able to purchase all the buses they require. A number of buses ordered by those departments two or three

years ago are only now being delivered and some of them are not being delivered even yet. So it is obvious that the reason given by the Minister—and the only reason that had any weight—in support of the seven-year period of licensing is not soundly based, but is rather an excuse that has been invented to prevail upon members to pass the measure.

From the newspaper reports published during the last year or so, I think it is clear that the seven-year licensing system for private operators, as contained in the Bill, is being submitted to Parliament at this juncture because of the requests and possibly the pressure put forward by private individuals who have invested their money in passenger bus transport services in the metropolitan area. They seem to think that they are entitled to demand that the Liberal section of the Government should give them very much greater benefits, concessions and advantages than have been given to them in the past. Therefore they have made this demand and exercised this pressure with the result that we have before us a Bill proposing to give the companies a license with a currency of seven years.

No Government is justified in giving any private operator a license with a currency of seven years or anywhere near seven years. Nobody can say with certainty how the transport services in the metropolitan area will develop even during the next two years. The present Government might find itself in the position in the reasonably near future of having to recast all its ideas regarding the transport of passengers in Perth and the surrounding areas. Certainly some Government within the next five years will be compelled to do that. Whenever a Government is called upon to face that problem, it will have, in addition to the difficulties of the problem itself, this added burden of the seven-year licensing period and all the financial commitments regarding compensation that will apply if this Bill becomes law. There is no reason why a seven-year licensing period should be given to private operators, and there is every reason why this House, even at this late stage, should reject the principle; and the only way by which we can do that is to defeat the Bill at its third reading.

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

Ayes	.. .. ..	22
Noes	.. .. ..	21
Majority for	.. ..	1

AYES.

Mr. Abbott	Mr. McDonald
Mr. Ackland	Mr. McLarty
Mr. Bovell	Mr. Murray
Mrs. Cardell-Oliver	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Doney	Mr. Perkins
Mr. Hall	Mr. Seward
Mr. Hill	Mr. Thorn
Sir N. Keenan	Mr. Watts
Mr. Leslie	Mr. Wild
Mr. Mann	Mr. Brand (*Teller.*)

NOES.

Mr. Brady	Mr. Panton
Mr. Coverley	Mr. Read
Mr. Fox	Mr. Reynolds
Mr. Graham	Mr. Shearn
Mr. Hawke	Mr. Sleeman
Mr. Hegney	Mr. Smith
Mr. Hoar	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Triat
Mr. Needham	Mr. Rodoreda
Mr. Nulsen	(*Teller.*)

Question thus passed.

Bill read a third time and transmitted to the Council.

BILL—COAL MINE WORKERS (PENSIONS) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR HOUSING (Hon. R. R. McDonald—West Perth) [3.32] in moving the second reading said: Members will recollect that last year a Bill was brought down to Parliament for its consideration to effect an amendment of the Coal Mine Workers (Pensions) Act, 1943. It was found at the beginning of last year, upon examination of the position, that the pensions scheme was actuarily unsound; and, as was explained to the House last year, on the then commitments of the fund the estimated deficiency would be £330,000. The principal Act provided that where a man received an old age pension or an invalid pension under Federal law, he should only receive from the Collie miners' pension fund the balance required to make his income up to the amount specified in the parent Act. In other words, if a man and his wife at that time could receive £3 5s. a week under the fund and were receiving £2

15s. a week by way of old age pension, then the amount that would be drawable from the fund would be 10s. per week, which would then make up their income to £3 5s., that being the figure for the income for a man and his wife as provided by the parent Act.

As was also explained to the House last year, a practice had grown up under which, when increases were made in the Federal pensions, instead of being allowed for by the payment of a smaller compensating amount from this fund, retired miners in receipt of old age pensions had been allowed to keep the increases, which was against the Act although it had been going on for some time. The measure brought down last year validated what had been done in the way of allowing pensioners in receipt of old age pensions to obtain the increases in the old age pension without accounting for such increases in connection with the amounts they received from the Collie miners' pension fund. The House was also informed that steps would be taken to have the fund actuarily examined with the object of endeavouring this year to bring down a measure that would put the fund on a sounder actuarial basis and make some attempt, at all events, to eliminate part of the huge capital deficiency of £330,000 which had been found to exist when the inquiry was made, I think in 1945 or 1946.

There is no professional actuary practising in this State and for some three or four years the Government has had the services of Mr. Gawler, the Government Actuary of Victoria, as consulting actuary to the State. Although every possible expedition has been used in a very intricate matter, in the circumstances it is only lately that it has been finally possible to formulate a measure which will, I think, go a long way towards meeting the objective desired by the Collie Miners' Union and by everybody else concerned. In connection with the formulation of this Bill, there have been consultations with the representatives of the Collie miners; and both Mr. Gawler, the Victorian Actuary, and Mr. Bromfield, the chairman of the Coal Miners' Pensions Board, have been in Collie and have consulted with meetings of the miners as to various aspects of their pensions scheme. The parent Act, and the Bill now before the House, are to some extent technical in their character and not altogether easy to understand.

In bringing this Bill before the House, I propose to deal with the matter in broad terms, although in some detail, and with regard to any particularity I shall be pleased to discuss that in the Committee stage. The Bill is designed to increase the benefits payable to the coalminers and at the same time take a definite step towards putting the pensions scheme upon a sounder actuarial basis. Under the measure before Parliament last year, the retired miners who were in receipt of old age pensions were allowed to retain the increases which they had been receiving until the end of this year. The measure last year was a temporary one to validate what had been done contrary to the terms of the parent Act of 1943. In order that there might be no sudden cessation of the advantages that had been enjoyed for some time by the miners in receipt of old-age pensions, the measure last year allowed the increases in the old-age pension rates to continue to be retained by that class of Collie miner until the end of this year.

The idea in the mind of Parliament last year was that in the meantime the basis of the fund would be examined by the experts, and that there might be an opportunity to bring down a fresh Bill in order to place the whole position on a more satisfactory foundation. That is being done by this measure. There is to be an increase in the amount of pension of 12s. 6d. a week for the retired miner, and 12s. 6d. in the pension of his dependent wife. In the case of widows of miners who are entitled under the parent Act to a pension, the amount is now increased by this measure from 30s. a week to £2. The amount for dependent children up to the age of 16 years remains the same. They will continue to receive 8s. 6d. a week, or be paid for at the rate of 8s. 6d. per child with a maximum, in respect to children, for any miner, of £1 0s. 6d.

Mr. Styants: What would be the maximum a pensioner and his wife could get with the old-age pension and the miner's pension?

The MINISTER FOR HOUSING: The maximum of all receipts of income will be £5 10s. 6d. as against the previous amount of £4 5s. 6d.—an increase of £1 5s. a week.

The increases proposed by the measure will bring the amounts payable to the miners on our State coalfields in line with the amounts paid to miners under pension schemes in New South Wales, Queensland, Victoria, and every other State where pensions are payable. Up to the present time, increases have been given in pension rates for coalminers in the other States, but our miners have not had the advantage of sharing in those increases. It is felt that from every point of view, including that of the service which the miners at Collie have rendered to our State in the continuity of production, it is proper and reasonable that they should have their rates of pension brought into line with those which have been established comparatively recently in other States of Australia.

As the Act stands, a miner on retirement can receive a pension of £2 a week, with the addition, for a dependent wife, of £1 5s., making a total for a man and his wife of £3 5s. a week. Under this measure, the miner's pension will be increased from £2 to £2 12s. 6d. a week, and the wife's from £1 5s. to £1 17s. 6d. The result will be that instead of getting £3 5s. a week, the retired miner and his wife will, under this measure, get £4 10s. a week. In order to meet the liability for these increased amounts, the contributions under the measure will be raised to 4s. a week for each miner. That is the amount being paid by the miners in the other States. The previous rate in Western Australia was 2s. 9d. a week for each mine worker, and twice that rate, or 5s. 6d., for each owner in respect to each mine worker employed. By the Bill, the contributions in this State by the owners and the mine workers will be brought into line with the rates in operation in the other States. That means that each mine worker will be called on to contribute at the rate of 4s. per week, and each owner at the rate of 8s. per week per mine worker employed.

Mr. May: That means the owners will pay 3s. a week less.

The MINISTER FOR HOUSING: No, the owner is to pay 8s. per week per miner, which is twice the miner's rate. That is the same ratio as operates at the present time. As members know, the Collie miners retire compulsorily at the age of 60, as provided by the 1943 Act, although during the war, under a power contained in the Act, compulsory retirement at 60 was suspended on account of war conditions. That compulsory retirement, however, was made applicable at the end of the war, and all miners now retire at the age of 60.

Owing to the development to which I referred, by which retired miners of 65 years of age or more benefited by being allowed to retain the increases in the old-age pension, whilst still retaining the same proportion that they were drawing from the Coal Mine Workers' Pensions Fund, a disparity arose between the retired miners receiving the old-age pension—their income was increased to the extent of the increases in the old-age pension—and the miners between 60 and 65 years of age who had no pension at all, and who received no increases beyond the amount they were entitled to receive under the Coal Mine Workers' (Pensions) Act. Under this Bill, the class between 60 and 65 years of age who are not eligible for old age pensions will benefit by an increase of £1 5s. per week in the income of man and wife.

The class over 65 years of age who are entitled to and do draw old age pensions will now draw only the difference between the amount of their old age pensions and the amount which is the maximum payable from the Collie Miners' Pension Fund, and if in future there should be any increase in old age pensions the pensioner, being a retired miner, will draw less from the Collie Miners' Pension Fund in proportion to the amount of the increase in pension that he may receive from the Commonwealth. That is going back to the parent Act, and is the only logical way in which a pension scheme of this kind can be managed. One of the difficulties in connection with the Western Australian Collie Miners' Pension Fund is that less than half of the people entitled to pensions under the fund are receiving Commonwealth old age or invalid pensions. The result is that the relief to the Collie fund by reason of retired miners on attaining the age of 65 years drawing old age pensions has been much less than was expected when the Act was passed by Parliament.

Hon. A. H. Panton: That is the effect of the lag of five years between the ages of 60 and 65.

The MINISTER FOR HOUSING: Yes, but when the Act was passed in 1943 the idea was that a large proportion of the re-

tired miners would, at the age of 65 years, receive old age pensions—they and their wives. In that event, they would call on the Collie Miners' Pension Fund only for the difference between the amount of pension they received from the Commonwealth and the maximum amount of the Collie miner's pension. It has turned out in fact that less than half the retired Collie miners on reaching 65 years of age have been recipients of old age pensions.

Mr. May: The last rise will bring a lot more in.

The MINISTER FOR HOUSING: Yes, more will come in, and that is one factor that we hope will add to the solvency of the fund. The fact has been that, contrary to expectations in 1943, the Collie Miners' Pension Fund has had to carry full pensions to many more people who attained the age of 65 than was expected, it being then thought that those people would receive old age pensions and that to that extent the drain on the Collie Miners' Pension Fund would be reduced. It is in one sense gratifying that such a large proportion of our coalminers, by reason of property income or other income receivable, are not eligible to receive old age pensions. The Bill includes certain protective clauses that are found in the New South Wales and Victorian Acts. For example, where the wife is living apart from her pensioner husband and he is not maintaining her or contributing a reasonable amount to her support, the addition to his pension in respect of his wife will not be paid to him.

Where the pensioner is in employment or his dependants are employed, the permissible amount of earnings in excess of the pension will be a uniform amount of £2 10s. An amendment has been included in the Bill with regard to open-cut contractors and their employees. The definitions of "mine worker" and "owner" have been amplified and an employee on an open-cut who is wholly or mainly employed on the excavation of overburden or the winning of coal will be treated as a mine worker and will be entitled to a pension and liable to contribute. A person working on the open-cut who is employed wholly or mainly by a contractor as a transport worker will not be a mine worker within the meaning of the measure for the purpose of receiving a pension.

Mr. May: That means that no truck-driver will be included.

The MINISTER FOR HOUSING: If he is purely a truck-driver carting coal or spoil away from the place from which it has been excavated, he will not be deemed to be a miner any more than he would be if carting coal along the road to Perth, or anywhere else; but if he is employed by a contractor on an open-cut in excavating overburden or coal, he will be deemed to be a miner and will come within the provisions of the measure, just as do miners in deep mines.

Hon. A. H. Panton: If they are carting coal from the open-cut to the railway truck—as some of them are—will they be included as miners?

The MINISTER FOR HOUSING: No, not when they are engaged in carting only.

Mr. May: These will be the same trucks as are carting the overburden.

The MINISTER FOR HOUSING: That may be so, but even if carting overburden away they would not be miners. This point arose in New South Wales, and the same wording has been used in that Act as is found in our Act. The wording of the Bill is in fact taken from the New South Wales amending legislation. The position was clarified in the same way in that State, and the provision in the Bill was taken from the New South Wales Act. If a man is excavating the overburden or the coal, he is a mine worker under this legislation, but if, on the other hand, he is a carrier or transport worker, he is not a mine worker within the meaning of this measure. In that we have followed exactly the law as laid down in the New South Wales coalminers' pensions legislation by the recent amendment.

A new provision, essentially for the protection of this fund, is that new employees in the industry shall be physically able to do the work of the industry and shall be not above a certain age if they are to receive pension benefits. Under the Bill, all new employees who fail to pass a prescribed medical examination or who are over 35 years of age on entering the industry will not be entitled to pensions. This provision does not affect existing employees, who continue to maintain the rights to pensions that they now possess. New employees coming into the industry will not become pensionable unless they are physically able to work in the industry and are not more than 35 years of age. That does not mean that

such men cannot enter the industry. They can enter it although they are over 35 years of age and although they are not really physically fit to do the work, and contributions will be made by them, the same as by any other mine-worker, and by the owners in respect of such employees, and they will become entitled to certain benefits.

After ten years' service in the industry, they will be entitled to invalidity benefits if they sustain an injury in the course of their employment and, if they leave the industry, they will be entitled to a refund of their contributions. Future entrants into the industry, therefore, must be physically fitted for the work and must be not more than 35 years of age in order to become entitled to pension rights. If they do not comply with those conditions then they still make their contributions but they do so by way of a provident fund under which, if they remain in the industry for 10 years, they can receive a refund of their contributions if they leave after that time. In New South Wales and Queensland no contributions are returned, but this measure proposes a more generous provision for those who are not to be eligible for the full pension rights.

Mr. May: They do not get it all back. They receive only 75 per cent.

The MINISTER FOR HOUSING: No. In the case of the man who enters the industry and is not eligible for pension because he is over 35 years or cannot pass the medical test, he gets 100 per cent. back if he serves for 10 years. The man who is eligible for pension but goes out before he is 60 years of age, is the one who gets 75 per cent. back. Where the man cannot become eligible for pension, being disqualified for the reasons I have mentioned, the Bill proposes that he should receive more generous treatment if he serves a reasonable time in the industry which is fixed by the Bill as 10 years. When he leaves he can get a refund of all his contributions less, in certain cases, the amount he may have drawn in the meantime by way of invalidity benefits.

Some protection of the fund and of the interests of miners in the fund of the kind I have mentioned—by that I mean age and fitness for the industry—has become absolutely essential. I have already informed members that the fund at present is unsound to the extent of over one-third of a million pounds and it obviously cannot be allowed to continue on that basis. To get the fund back to a sound actuarial position it is essential that some reasonable precautions should exist in connection with people who will enter the industry in future. The actuary has advised us that each man who enters the industry over the age of 27 years is a liability to the fund. In other words if a man joins the industry over 27 years of age the contribution he makes will not be sufficient to cover the benefits he will normally receive.

In the Bill we have not gone so far as to restrict entry into the industry to those who are 27 years or under but we have applied a margin of eight years on the 27 years and brought it up to 35. That means that a man may enter the industry and become entitled to full pension benefits although all those who enter the industry between 27 and 35 years of age will in fact be a liability in that their contributions will not be equal to the benefits they will ultimately take out. It is hoped there will be a proportion of younger men entering the industry—those under 27—and they will help to balance the position created by the entry of older men.

In the case of those who are beyond a certain age—35 years—or are unable to pass the necessary medical examination, they will pay the ordinary contribution and the owners will pay the same contributions in respect of such men, who will be protected if they serve 10 years in the industry by the right to a return of the contributions which they have made. That means that there will be no advantage to the employer or owner to bring any men over the age of 35 into the industry because in respect of all men, whether over 35 years or under, the owner will be liable to pay the same contribution towards the fund. With men beyond a certain age, or having certain physical disabilities, while they cannot get the full pension right, the Bill provides a kind of provident scheme under which, at the expiration of a certain period of service, they can become entitled to a refund of their contribution.

Where miners who are entitled to full pension rights—as distinct from those I have been dealing with—leave the industry before qualifying for a pension, they can get a return of 75 per cent. of their contributions. In order to have that benefit they

must serve in the industry for 10 years, whereas at present the period prescribed in this respect is five years. Under the existing Act, in addition to the contributions being made by the miners and by the mine-owners, a contribution is being made by the State. The amount was to be £2,000 in the first year and this was to rise progressively to £4,500, that being the maximum in any one year. In the current year the amount to be paid by the State is £3,500. Next year it will be £4,000 and the year after £4,500, reaching the maximum, under the present Act in that sum of £4,500.

In order to support the increased benefits to mine workers and their dependants it has not only been necessary that the contributions of mine workers and owners should be increased, but the State itself has been obliged to undertake an additional liability. For this year and next year the present rate of contribution will continue as prescribed by the existing law but after the next triennial actuarial valuation, which will take place after the 30th June, 1950, the contribution by the State will rise to £16,000 a year. The probability is, or rather the certainty is, that for many years to come the State will be called upon to pay the full maximum contribution of £16,000 a year.

It will be seen that the State, to enable the scheme to proceed, is by medium of its taxpayers increasing its contribution to this fund from £4,500 a year to a maximum of £16,000 a year. Under the Act the mining companies are required to deduct 2d. a ton as their contributions from their profits or dividends payable to shareholders. That provision in the 1943 Act gave rise to some criticism on the part of Mr. Justice Davidson because it means that if the companies have to pay 2d. per ton out of their profits to this fund, then it could happen that as their tonnages sold increased sufficiently, the 2d. per ton charged against profits could wipe out all their profits and dividends. It also created the somewhat unsatisfactory position for the mining companies that the more coal they sold, the more they had to pay out of their profits because of the 2d. per ton contribution to this fund in respect of all the coal they sold. By this measure it is proposed that the 2d. per ton to be charged against the profits of a company will remain frozen at a production of 580,000 tons per year.

Mr. May: That is 50 per cent. of the output.

The MINISTER FOR HOUSING: No; it is the mean between the coal sold in the middle of 1944 and the coal sold in the middle of 1947. What have been taken are the latest figures on which there is exact information, namely, the coal sold in 1944 and the coal sold in 1947, and the average of those two years has been adopted, which worked out at 580,000 tons. The companies, in respect to the provision in the Act dealing with the matter, will still be liable to the charge of 2d. per ton on 580,000 tons per year against the profits and dividends which they may make, but the balance of their contribution will be expenses, which will be chargeable in the ordinary way as other expenses would be in the price of the coal.

With the expanding production of coal and with the provision in the parent Act by which the companies would have to submit to a larger and larger cut in their profits in return for the expansion in coal production, it is obvious that such a system cannot continue indefinitely. What has been done now is not to try to abolish it but to place that obligation at a static figure and then leave to the companies some incentive to increase their production of coal in the future. It has to be borne in mind that in addition to the £16,000 a year as a direct contribution for which the State will undertake liability to this fund, the State will also be paying, in effect, a further amount to the fund every year by reason of the fact that it takes from 85 to 90 per cent. of the coal produced in Collie for the purposes of its railway, electricity and other State instrumentalities. Although an effort is being made to place this fund upon a sound financial basis in consequence of the increased contribution by the State and by other means, yet because of the increased benefits which the miners are now to receive, the fund is still actuarially out of balance.

Mr. May: Is it any worse than any other superannuation fund?

The MINISTER FOR HOUSING: I do not know the position with regard to other funds but the State Government

Superannuation Fund is in balance, and every such fund should be in balance because sooner or later someone has to pay the losses. If the hon. member is referring to the coalminers' pension funds in other States, such as New South Wales, I can say that that particular fund is out of balance.

Mr. May: I referred to every superannuation fund.

The MINISTER FOR HOUSING: We are endeavouring to bring this fund into balance as soon as possible. Even allowing for the exertions to be made under the Bill, there is still a possible deficiency for the fund of £150,000, but it is hoped that with experience in the operating of the fund, the position will be shown to be better. It is possible that with experience and with young men being attracted to the industry, the financial position of the fund will progressively improve and the basis on which it rests will be more substantial. Under the Act, a triennial actuarial survey has to take place, and the next such examination will be carried out after the 30th June, 1950. I want to make it clear that this fund applying to the Collie miners contains many factors and elements, about which one cannot be certain.

One cannot predict with any certainty as to the future. That must be determined by experience, and the amending legislation is based upon the experience of the past few years. It may turn out that it will disclose an actuarial improvement and it may then be possible that the benefits now accuring to the Collie miners may be improved in certain directions; but it would be very unwise, in view of the substantial increases in the weekly payments, to try also to increase collateral advantages until there is some more experience of the operations of the fund. If the industry succeeds in attracting to it young men because of the better conditions that prevail, and, in view of the efforts of the Commonwealth Government in the provision of social service benefits, if retired miners can secure the benefit of those pensions, irrespective of their owning a certain amount of property or money, the fund will be relieved, the actuarial position will improve and we need not discount completely the possibility of some additional advantages in the way of collateral benefits.

Those are the main provisions of the Bill. By way of benefits, there will be an increase of £1 5s. per week for a man and his wife and the widow's pension will be increased by 10s. a week. In the way of contributions, the miner's contribution will go from 2s. 9d. to 4s. In this respect the miners have agreed to the increase, which will be in line with that paid in the other States. The owner's contribution will go from 5s. 6d. to 8s. and the State's contribution from £4,500 to £16,000. To support such an extensive increase in benefits, certain precautions are to be observed with regard to future entrants into the industry in the way of age of entrance and physical fitness. In relation to certain matters, particularly regarding collateral benefits, certain amendments have been included in order to safeguard the operation of the fund and those who in due course will become entitled to benefits.

In the Committee stage, after members have examined the Bill, I shall be pleased to discuss any clause with them. I feel that the measure will remove the coalmining industry from the disadvantageous position it occupies as to the amount of pension payable in other States, and for this reason I think the Bill will meet with the approval of the House. I move—

That the Bill be now read a second time.

On motion by Mr. May, debate adjourned.

BILL—MILK ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [4.22] in moving the second reading said: This Bill has become necessary through circumstances which have arisen during the year, and is introduced to assist the Milk Board in the administration of the Act. One of the proposals is to alter the constitution of the board. On several occasions there has been agitation to appoint a representative of the milk vendors on the board. Parliament has never agreed to those requests, and it is not intended under this Bill to give milk vendors such representation. In fact, no sectional interests of the industry will be represented.

The number of board members will be reduced from five to three, and they must not be interested either directly or indirectly in any section of the industry. The Gov-

ernment considers that the public interest will be best served by board members being completely independent of the industry. The Bill provides that all members will be appointed by the Governor in Executive Council on the recommendation of the Minister. At present, with the exception of the chairman, members are appointed for two years. As this period is rather short in view of the complexities of the matters which come before the board, it is considered desirable to extend the term to three years, with a provision that members retire in rotation. On the chairman has devolved considerable personal responsibility, and it is felt that he should be given some security of tenure, as some of the major organising proposals take several years to implement successfully. The Bill, therefore, provides that the chairman shall be appointed for seven years.

Hon. A. H. Panton: You fellows have seven years on the brain. You will be getting seven years presently.

The MINISTER FOR LANDS: Members will recall that in July last the supply of milk to the metropolitan area was withheld for a few days by the milk vendors. This strike took place because the board did not yield to the demands of the milk vendors for a rise in the price of ½d. a pint, as at that time the board did not consider this increase could be justified. Although the strike collapsed, considerable inconvenience was suffered by consumers, notwithstanding that every endeavour was made by the board to continue supplies to necessitous cases. The board was greatly hampered by the major treatment plants' refusing to handle milk and supply consumers and shopkeepers during the period of the strike.

The board does not trade in milk; it is a licensing, regulating and organising authority, and various unorthodox steps were taken by the chairman of the board, with the support and approval of the Government, to obtain, purchase and deliver milk during the hold-up. In view of the experiences of that strike it is deemed advisable to provide machinery to deal with any subsequent hold-up in the supply of milk that may occur. The Bill will strengthen the hands of the board as it provides for milk to be vested in the board if a hold-up is threatened or takes place in future. As milk would become the board's property, it would be in a better position to maintain supplies of this essential food.

A large portion of the Bill deals with machinery clauses relating to the vesting provisions which are necessary to protect the board and the Crown, and to provide for payments to the dairymen for milk supplied to the board. Milk will only be vested in the board in the event of an emergency arising, and the vesting will continue only so long as is considered necessary. The Bill provides that, by a notice issued by the Governor, milk will become vested in the board from a date appointed, and will be delivered to wherever the board nominates. The board will pay farmers for the milk, and dispose of it through whatever channels the board thinks necessary.

The board is empowered to charge any costs, including administration, in relation to vested milk, and, should there be a profit through the handling of milk, provision is made for a disbursement to the farmers who supplied the milk. The board has been handicapped when considering prices to be paid for milk and other relative services, owing to its inability to demand financial statements and records and costs from people in the industry.

The Bill therefore gives the board the right to demand information and records relating to costs and other incidental matters, and to take extracts from such records. It is believed that some people in the industry have been reluctant to submit this information to a board, some of whose members were engaged in the industry and might be trading competitors of the persons from whom information was required. However, with a board comprising no person directly concerned in the industry, that objection will be automatically removed.

The Milk Act provides for the T.B. testing of cattle and for compensation to be paid from the compensation fund administered by the board to the owners of T.B. reactors. A vast amount of very valuable work has already been done under the Milk Act in the testing, removal and slaughtering of T.B. reactors, and the compensating of dairymen. It is desired that this work, which is well in hand, should be continued, but it cannot proceed unless funds are available for the purpose. The Act requires all licensees under the Act to contribute to a compensation fund to which the Treasury

contributes on a pound-for-pound basis. Unfortunately, however, there is no power under the Act to enforce payment.

Several licensees, some of whom hold treatment and milk vendors' licenses, have not paid to the board the amounts assessed for compensation under the existing regulations, and the board has no power of recovery. A considerable sum is unpaid, and the position is becoming serious so far as the compensation fund is concerned. There are certain legal difficulties in the way of empowering the board compulsorily to obtain contributions to the compensation fund. To overcome these disabilities and to validate the system of collecting contributions to the fund, the Bill provides that they will be paid by dairymen only as a voluntary contribution.

Treatment plants and milk vendors will be absolved from paying contributions. There is, however, a provision that if a dairyman has not contributed to the fund during the financial year in which his cattle were tested he will not receive any compensation. The powers, as defined in the Act, to test cattle for disease and to remove and slaughter diseased stock are clear and definite, and all cattle belonging to dairymen licensed by the Milk Board will continue to be tested whether the dairyman has contributed or not. This matter has been very fully considered by the chairman of the Milk Board and officials of the Crown Law Department, and the proposals in the Bill appear the most workable in view of the delicate legal position. Briefly, the position will be that T.B. testing will go on, but compensation will be paid only to those dairymen who have contributed to the fund during the year their cattle were tested.

The testing of cattle has proceeded actively since the 1st July, 1947, and 20,557 cattle have been tested to the 31st October this year. The scheme has worked efficiently and given general satisfaction to the dairymen concerned, and it is reasonable, therefore, to assume that they will continue to contribute on the basis provided in the Bill. The new basis of contributions necessitates some consequential amendments to the Act, and provision is made accordingly. A further provision in the Bill requires a licensee to obtain the board's approval before the sale of his business, as occasions have arisen where milk businesses have been sold, the transaction completed and the new owner in possession before the board was informed. I move—

That the Bill be now read a second time.

On motion by Hon. J. T. Tonkin, debate adjourned.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Council's Amendments.

Schedule of 11 amendments made by the Council now considered.

In Committee.

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

No. 1. Clause 5.—Delete paragraph (a).

The MINISTER FOR RAILWAYS: The purpose of the amendment is to delete from the Bill the provision for the appointment of an advisory board. If the amendment is defeated, as I hope it will, most of the other amendments will go out because they are really consequential. When the Bill was before the House I explained that this clause was included in pursuance of promises made to the electors by the parties on the Government side. I regard this as a particularly valuable provision from the standpoint of the unions. The Royal Commissioners referred to the fact that in the past there had not been sufficiently close co-operation between the unions and the management. It is our desire to overcome that position.

This board, on which the unions would be directly represented, would bring about a much better system than we have had. It is worth a trial; it certainly cannot make for a worse state of affairs than at present. There is a distinct cleavage between the management and the unions, although not intentional. It is an unfortunate consequence of the system. The advisory board would also bring the users of the railways in closer touch with the management. During the last week I had brought to my notice on two occasions the very unsatisfactory manner in which perishable goods are sent to country districts. On Saturday last tomatoes were consigned in an iron-sided truck with a tarpaulin over it, and they were 1½ days in the truck, so that they were unusable.

Hon. A. R. G. Hawke: Bad engines.

The MINISTER FOR RAILWAYS: No. It was a most unsuitable truck. That is not fair to the people of the country districts. With a representative of the users of the railways on the board, better representations could be made to the Commissioner. The users in the city would also have a similar opportunity to bring more prominently to the notice of the Commissioner the need for the construction of a certain type of vehicle and the provision of better facilities for handling goods in the goods yards, Perth, to avoid unnecessary delay. One speaker in the other place regarded the advisory board as a kind of second barrel that the Minister might have, and that he could send the board touring the State to investigate matters. No such ideas had entered my mind. If the country representative were appointed from the country districts, the union representative from the unions and the city representative from the city, there would not be much need for the board to travel. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 2. Clause 10—Delete whole of proposed new Section 7, contained on pages 4 to 8.

The consequential amendments necessitated by the foregoing amendment No. 2 have been made, as follows:—

In Clause 4—

(i) Delete the heading "Division 1—Advisory Board, s. 7," in line 9.

(ii) In line 10, substitute the figure "1" for the figure "2" after the word "Division."

(iii) In line 11, substitute the figure "7" for the figure "8."

(iv) In line 12, substitute the figure "2" for the figure "3" after the word "Division."

In Clause 10—

(i) Under the heading "Division 1—Advisory Board," in line 20, delete the words "Advisory Board" and substitute the words "The Western Australian Government Railways Commission."

(ii) Delete the heading "Division 2—The Western Australian Government Railways Commission" on page 8.

In Clause 12—Delete the brackets and figure "(3)" in line 31 of page 13, and substitute the figure "2."

The MINISTER FOR RAILWAYS: This amendment is practically consequential on the first one. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 3. Clause 10, page 8—In proposed new section 8 (2), insert after the word "Minister" in line 27, the words "except as provided in section sixty-eight of this Act."

The MINISTER FOR RAILWAYS: I intend to ask the Committee to agree to this amendment because it is a valuable one in that it takes away from the Minister the right to interfere with or make appointments in the staff. The amendment really means that the appointment of senior officers and heads of branches will be confined to Executive Council and all other appointments will be in the hands of the commissioners. It was an unfortunate feature of the Bill when it was previously before the Committee and I think this will get over the difficulty. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 4. Clause 10, page 9—Delete the words "Board and the" in lines 24 and 25.

The MINISTER FOR RAILWAYS: This was an obvious error as I do not think the board has any right to give its consent to one of the commissioners being away. The only person who should give the commissioners approval to go away is the Minister. I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 5. Clause 10, page 10—In subparagraph (vi), insert the word "of" after the word "or" in line 5.

The MINISTER FOR RAILWAYS: This is a small and unimportant amendment and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 6. Clause 10, new Section 9, page 12—Delete the words "of the Board or" in line 35.

The MINISTER FOR RAILWAYS: This amendment is really consequential on having not agreed to the Council's amendment about the board. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 7. Clause 11, page 13—Delete the words "the Board or" in line 5.

The MINISTER FOR RAILWAYS: This amendment is also consequential on the other and I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 8. Clause 12, page 13—Delete the words "the Board or" in line 20.

The MINISTER FOR RAILWAYS: This amendment is consequential on the others and I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 9. Clause 13, page 15—Delete paragraph (b), contained in lines 11 to 32.

The MINISTER FOR RAILWAYS: This amendment is also consequential, and I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 10. Clause 19, page 17—In new Section 53E, insert after the word "statements" in line 33, the words and parentheses "(including statistical records)."

The MINISTER FOR RAILWAYS: This is an amendment to make it necessary to include statistical records as well as all the other requirements. I have no objection and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 11. Clause 23, page 19—Delete paragraph (a) and substitute the following:—

(a) Substituting for all words in lines one to six, the words "The Commission may appoint, suspend, dismiss, fine, or reduce to a lower class or grade, any officer or servant of the Department, and in the exercise of any of those powers, shall not be subject to the Minister except in the cases of such offices, and services as shall be prescribed; and"

The MINISTER FOR RAILWAYS: This amendment has been referred to previously and will take the appointment of minor officers out of the hands of the Minister but leave the appointment of heads of branches within his jurisdiction. It is a desirable amendment and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolutions reported and the report adopted.

A committee consisting of the Minister for Education, Mr. Marshall, and the Minister ter for Railways drew up reasons for not agreeing to certain of the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

BILL—WESTERN AUSTRALIAN GOVERNMENT TRAMWAYS AND FERRIES.

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

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

No. 1. Clause 18, (2), page 11—Delete the words "Navigation Act, 1904, the Boat Licensing Act, 1878, the Jetties Act, 1926," in lines 23 and 24, and substitute the words "Western Australian Marine Act, 1948."

No. 2. Clause 18, (3), page 12—Delete the words "Navigation Act, 1904, the Boat Licensing Act, 1878, the Jetties Act, 1926," in lines 3 and 4, and substitute the words "Western Australian Marine Act, 1948."

The MINISTER FOR RAILWAYS: Since the Bill was drafted, Parliament has passed the Western Australian Marine Bill embodying the Acts mentioned in the Council's amendments. I move—

That the amendments be agreed to.

Question put and passed; the Council's amendments agreed to.

Resolutions reported, the report adopted and a message accordingly returned to the Council.

BILL—ROAD CLOSURE.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [4.54] in moving the second reading said: This is the customary Bill introduced at this stage of the session to deal with roads that must be closed for certain purposes. In view of the operations of the State Housing Commission, there is a demand for the closure of certain roads to advantage planning in the areas concerned. There is a plan attached to each closure and members representing the respective districts affected will have an opportunity to study the plan and consider the proposals.

The first deals with the closure of portion of a road at Boyup Brook. Malcolm Smith and Sons, with the concurrence of the Forests Department, propose erecting a sawmill at Boyup Brook on the land shown coloured blue on the plan. The land comprises portion of Road No. 8666, which it is necessary to close before a lease of the area can be granted for sawmilling purposes.

The State Housing Commission has acquired an area at Bunbury as bordered green on the plan. A re-subdivision of the land has been made on more attractive lines and this involves slight alteration to the street system. The portion of Nuytsia-avenue shown coloured blue on the plan requires to be closed. New streets will be provided in the immediate vicinity as shown outlined in red on the plan.

The Commission also has made a re-subdivision of original Daglish Lots 373 to 377 inclusive, and Lots 381 to 383 inclusive, involving the closure of portion of the right-of-way shown coloured blue on the plan. Access has been provided for the holder of Lot 380 by leaving the small triangular portion indicated on the plan.

At the request of the Kalgoorlie Road Board, authority is sought to close a narrow right-of-way, nine links wide, between Salisbury-road and Palmerston-street, Kalgoorlie, as shown coloured red on the plan. It is proposed to add the contained land to the adjoining lots in equal proportions.

The Perth Road Board desires that portion of Kirkham Hill-terrace, Maylands, as shown coloured blue on the plan be closed consequent on action to truncate the corner on the opposite side of the road where a sharp turn occurs. The ultimate result will be the re-establishment of a standard width road of 66 feet with an easier turn. It is desired to vest the whole of the closed portion of the road in the owner of Lots 96 and 97 on Land Titles Office Plan 2610, sheet 2, as shown bordered green on the attached plan.

The Forests Department has acquired freehold land at Portagabra adjoining the Mundaring Forestry Station and comprising portions of Swan Locations 964, 992 and 2621 as shown coloured green on the plan. Separating the acquired area from the adjoining Forestry Station is a road as shown coloured red on the plan which it is desired shall be closed to the intent that the contained land will be also added to the State forest. At Narrogin, the closure of portions of Grant and Fox-streets is desired. I will not read all the details.

The closure of portion of Thompson-road at North Fremantle is sought. Stewarts and Lloyds (Aust.) Pty. Ltd. proposes establishing a factory at North Fremantle and has already acquired from the University of Western Australia the land bordered red on the plan.

In April, 1947, at the request of the City of Perth, an extension of East Parade between Gardiner and Zebina-streets, East Perth, was dedicated as a public highway. Subsequent investigation by the Town Clerk revealed that two brick houses the property of the council, existed on portion of the land so dedicated, while, in addition, a portion of the land was never intended to be included in the road. It is necessary to correct that.

The Rockingham Road Board desires that the foreshore at Safety Bay be created a Class "A" reserve for recreation to be vested in the board. The lands comprising the foreshore are dedicated roads under the Road Districts Act, 1919-1947. Provision has been made in the Bill to close the remainder of the aforesaid roads after allowing for the retention of a road one chain wide along the frontage of the subdivided lots. Clause 12 deals with portion of

Anstey-street, South Perth, which was closed by notice published in the "Government Gazette" on the 10th January, 1947. There is a long explanation which members may peruse. I move—

That the Bill be now read a second time.

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

BILL—RESERVES.

Second Reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay) [5.1] in moving the second reading said: This is the usual Bill dealing with alienation, etc., that comes before the House each year. In connection with each request, a plan is provided. The explanations are very long and, as the particulars will be available to members, I shall not weary them with a complete recital. The first request deals with the Mechanics' Institute at Brown Hill, which was vested in trustees, namely, James Edward Dodd, Thomas James Alford and Charles Cressy in trust. It is suggested that this land be re-vested in His Majesty, the intention being that it shall again be reserved for the purpose of a hall site, which will be vested in the Minister for Works.

Clause 3 deals with Bunbury Lot 366. In 1946, the Eastern Goldfields Fresh Air League abandoned its activities at Bunbury and disposed of the buildings on the reserve to the National Fitness Council, which is now conducting a hostel primarily for the use of country boys attending at the Bunbury High School, and otherwise for national fitness during school vacations. Parliamentary authority is sought to re-vest the land in His Majesty, in order that the Crown may again reserve the land as a Class "A" reserve and vest it in the Minister for Education for the purpose of national fitness.

Clause 4 deals with Esperance Lots 222, 223 and 224. A lease for 99 years of this reserve was granted in 1904 to the Mayor and Councillors of the Municipality of Esperance for municipal endowment purposes. The Esperance Municipality was dissolved in 1908 and absorbed in the Esperance Road District; and, by virtue of Section 17 of the Municipal Corporations Act, the lease became vested in the Esperance Road Board. The road board has now surrendered the lease for the purpose of obtaining a grant in fee simple, free of trust, with the object of disposing of the land and utilising the proceeds of the sale for road board purposes.

Clause 5 deals with Kalgoorlie Lot 1887 which was vested in the Kalgoorlie Road Board in trust for recreation purposes. The land has not been used for those purposes, and the Kalgoorlie Road Board has requested that it be subdivided into building allotments. It is desired to cancel the reserve and subdivide the land into 14 lots for disposal under the Land Act in such manner as the Governor may direct. Parliamentary authority is required to cancel the Class "A" reserve.

Clause 6 deals with Kulikup Lot 36, being Reserve No. 14575, which was set aside for a site for the Kulikup Agricultural Hall. A lease for 999 years was approved in 1920 to certain trustees, who were appointed. One of the trustees is now deceased, another has left the district, and the present hall committee desires that the reserve be vested in the Upper Blackwood Road Board. Messrs. A. H. Whittaker, W. J. Orr and C. J. Tuckey have given written concurrence in the proposed transfer of the control of the hall to the road board. It is proposed to re-vest Lot 36 in His Majesty and add Lot 35 to the reserve, and then to vest the reserve in the Upper Blackwood Road Board.

Clause 7 deals with Meckering Lots 358 and 359, which were granted to trustees for the purpose of a hall site, with power to sell, provided that the proceeds of such sale be devoted to the improvement of the hall which was built on Lot 360 adjoining. Lot 360 is now vested in the Cunderdin Road Board, which desires that Lots 4, 5 and 6 of Lot 358 be re-vested and reserved for a road board depot to be vested in the board.

Clause 8 deals with a proposal by the Moora Road Board to establish a greater sports ground at Miling in the position hachured blue on the plan. The land comprises about 100 acres and is owned at present by Mr. Henry Seymour, whose holdings are shown yellow on the relative plan. Owing to the opposition of Mr. H. A. J. Hopkinson, who holds the land coloured green on the plan, it was decided that if the reserves were cancelled the land would

be granted to the board, subject to the condition that its disposal would be by public auction or sale by tender, or by the calling of applications at a fixed price. The foregoing conditions were imposed to give all interested parties equal opportunity to acquire the land in the reserves. The conditions will further provide that the proceeds of such sale shall be applied by the road board for the purpose of acquiring other land for a recreation ground.

As to Clause 9, on the recommendation of the Town Planning Commissioner, it is proposed to provide sites on Reserve No. A21116 for public and other buildings of an institutional character, together with necessary road access, at Pemberton. Five lots (Pemberton Lots 201 to 205, inclusive) and roads have been surveyed in the position indicated on the plan. It is proposed later to reserve Lot 205 for the Pemberton Infant Health clinic. The Pemberton branch of the Returned Soldiers' League also desires to acquire one of the lots, but no concrete proposal has yet been submitted.

Dealing with Clause 10, the Commonwealth of Australia during the war erected a new jetty at Rockingham in the position shown on the relative plan. The Commonwealth Government now requires a lease of the land on which the shore end of the jetty is based. It includes portion of Class "A" reserve 22779, from which the land must be excised before a lease can be granted. The remainder of the jetty is in the waters of Mangles Bay, and action is being taken to exclude the relevant portion from the Fremantle Harbour Trust boundaries by proclamation.

Clause 11: Stewart and Lloyds (Aust.) Pty., Ltd., proposes to establish a factory at North Fremantle. It has already acquired from the University of Western Australia the land bordered red on the relative plan. To square up the area, the company desires to acquire portion of Reserve 2021, as shown bordered green on the plan, together with that portion of Thompson-road as shown coloured blue on the plan. The total area of the land bordered green and coloured blue is 2 acres and 27 perches. It is proposed to dispose of this area to the company for the total sum of £850, which has been apportioned as follows:—

	£
(1) For the portion of Reserve 2021	610
(2) For the portion of Thompson-road	240

Provision has been made in the Road Closure Bill for the closure of portion of Thompson-road and the disposal of that portion.

Hon. J. B. Sleeman: This is a new way of doing it.

The MINISTER FOR LANDS: Yes. Parliamentary sanction of the disposal of the portion of the reserve is requested.

Mr. Marshall: Which of the Ministers is interested in Stewart and Lloyds? Another extension is being granted to them.

The MINISTER FOR LANDS: I can assure the hon. member that I am not; and I can but speak for myself. The last clause undoubtedly is the one that will interest members. An urgent necessity has arisen for the provision of additional school facilities in the Hollywood district, more particularly in the area extending north from Stirling Highway to the southern boundary of the Karrakatta Cemetery. The Education Department has been seeking a site for a school in this area without success, and is reluctantly compelled to seek intrusion on the Karrakatta Cemetery reserve, which is the only available land in the vicinity from which the area required for a school site can be obtained. Cemetery Reserve No. 745 comprises Swan Location 1668 and contains 261 acres, 1 rood, 10 perches, for which a grant in fee simple was issued on the 6th November, 1899, to trustees, all of whom are deceased. They were: Alexander Forrest, John Veryard, Charles Hart, John Winthrop Hackett, John Joseph Talbot Hobbs, Thomas George Molloy, and Joseph Wood Langsford.

Hon. A. H. Panton: I hope all of them are not buried on the plot.

The MINISTER FOR LANDS: No, the plot is free at present. The matter has been dealt with exhaustively in Education File No. 567/42, by the Minister for Education, the Director of Education, the Town Planning Commissioner and the School Sites Committee, all of whom can see no alternative to the excision of the school site from the cemetery reserve. The deliberations particularly stressed that a school must be provided north of Stirling Highway to remove the danger of young children having to

cross the highway on their way to and from school. It is proposed to excise from the cemetery reserve an area of 5 acres at the corner of Carrington-street and Dalkeith-road, as shown coloured blue on the relative plan, and to re-vest the land in His Majesty, as of his former estate, to the intent that the land excised will be reserved for a school site.

The Karrakatta Cemetery Board, on being notified of the proposed excision, wrote on the 15th October, advising that the board viewed with disfavour the prospective loss of the area, especially as it is portion of the Anglican section in which there are more burials than in other sections, and as the loss of the area will naturally reduce the life of the cemetery for burials. The opposition of the Cemetery Board was anticipated and the Town Planning Commissioner, in his memorandum dated the 29th December, 1947, on page 139 of the Education Department's File 429/43, wrote—

> Whilst considerable opposition would be received from the cemetery trustees, it must be borne in mind that the excision of this area from the cemetery would not unduly accelerate nor adversely affect the future of the cemetery because of the quick rate at which it is now filling up.
>
> The Government has appointed a special committee to advise on the future general cemetery site in view of the urgency of acquiring more land for cemetery purposes in the metropolitan area.

That is a matter being dealt with in Lands and Surveys File 3810/30.

Hon. A. H. Panton: Have you any idea how many graves go to the acre?

The MINISTER FOR LANDS: No, I have *not* the *slightest* idea. I move—

> That the Bill be now read a second time.

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

BILL—GUARDIANSHIP OF INFANTS ACT AMENDMENT.

Second Reading.

HON. J. T. TONKIN (North-East Fremantle) [5.14] in moving the second reading said: This short Bill has already been circulated and appears in members' files as No. 64. Its purpose is to extend the powers of the court to appoint guardians of infants or orphans. No. 23 of 1926 already provides for the appointment of guardians in certain cases, but the existing legislation does not provide for the appointment of guardians where there is no surviving parent. The purpose of this Bill is to enable the court to appoint a guardian or guardians in such cases. The Guardianship of Infants Act, to which I have already referred, sets out that in all cases that come before the court the welfare of the infant shall be regarded as the first and paramount consideration. That is the basic principle in the amendment contained in this short Bill.

The Act already provides that on the death of the father of a child the mother, if surviving, shall be the guardian, either alone or jointly with any guardian appointed by the father before his death, or appointed by the court. It also provides that on the death of the mother the father shall be the guardian, either alone or jointly with any guardian appointed by the mother before her death, or jointly with a guardian appointed by the court. It will be seen that the Act contemplates that there could be two guardians; the mother with a guardian representing the father, or the father with a guardian representing the deceased mother, but the Act is silent with regard to the appointment of guardians where there is no surviving parent. The purpose of the Bill is to enable the court to appoint a guardian or guardians where there is no surviving parent and so it is an extension of the power of the court to appoint guardians where it is felt to be necessary that they should be appointed.

Mr. Leslie: On whose application?

Hon. J. T. TONKIN: On the application of anybody who is interested. Under the existing law where the father by his will or deed appoints a guardian and the mother objects to acting with that guardian an appeal can be made to the court, or if the guardian appointed by the father objects to the mother as a guardian, again appeal can be made to the court.

Hon. J. B. Sleeman: Can they not do that now?

Hon. J. T. TONKIN: As I say, that is what the Act provides. In every instance the guiding principle before the court is to be the welfare of the child. That will be of paramount importance, and so it will be in the cases to be dealt with under this Bill. When the court is asked to appoint a guardian or guardians the matter of paramount importance for the court to decide will

be what is best for the welfare of the child. If the court feels that a person or persons should be appointed as a guardian or guardians, that will be done, but if the court thinks otherwise no guardians will be appointed. That is all the Bill provides for.

It is possible now, using other legal processes, to have a guardian appointed if there is no surviving parent, but that involves an application to the Supreme Court, which is more costly, and so far as I can see there is no reason why the Children's Court should not appoint guardians in cases such as this, just as it now has power to appoint guardians where there is a surviving parent. If it is reasonable to enable the Children's Court to appoint a guardian where there is a surviving parent, it is just as logical to say that where there is no surviving parent the Children's Court shall have power to appoint a guardian or guardians.

The Minister for Housing: This hiatus is a strange thing.

Hon. J. T. TONKIN: It is. I suppose it does not often happen. Usually a guardian would be appointed beforehand by one of the parents and then, if neither parent survived, there would already be a guardian in existence, and for that reason there will be few cases, comparatively speaking, where no provision has been made for a guardian. The provision in the Bill dealing with the matter that I have been discussing reads as follows:—

> Where on the death of the surviving parent of an infant, there is no appointed guardian of the infant or a guardian or guardians has or have been appointed but is or are dead or cannot be found or refuses or refuse to act, the court may, if it thinks fit, appoint any person or persons to act as guardian or guardians of the infant, and may make such order as to the custody of the infant and the right of access thereto of any person (whether a relative of the infant or not) as to the court seems fit.

That cannot possibly be detrimental to anybody. The court will take into consideration the welfare of the infant, which shall be of paramount importance, and it will refuse to act if it feels that it is against the interests of the child so to act. As the measure is to come into operation only where there is no guardian or where a guardian who has been appointed has died or cannot be found or refuses to act, I cannot see that it is possible under any circumstances for anybody to be disadvantaged by it. In those circumstances, and because the Bill fills in something that is lacking in the Guardianship of Infants Act, I feel justified in asking the House to agree to the measure. I move—

That the Bill be now read a second time.

On motion by the Minister for Education, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from the 25th November.

HON. E. NULSEN (Kanowna) [5.23]: At the outset, I must oppose the Bill. I have read it carefully and have come to the conclusion that, although it contains some good provisions, there are in it also bad provisions that will not be of benefit to the electors generally in this State. The other objection I have to the measure is that such an important Bill should have been brought down so late in the session. This legislation has not been really reviewed since 1907, although it has been amended on several occasions. Between 1907 and the present day conditions not only throughout the State but throughout the world have changed greatly. People now move from place to place more quickly because transport is much more rapid, in most instances, than it was 30 or 35 years ago. There have also been great psychological changes during that period and today the outlook of the people generally is altogether different.

As I have said, over a long period this legislation has not been properly reviewed and no consolidating measure has been brought forward. We, on this side of the House, feel that a more comprehensive measure should be brought down. For that to be done it would have to contain a far greater number of amendments than are included in this Bill. If we take out the reference to absentee voting there is not much left in the machinery clauses of the measure. Absentee voting would be helpful in some electorates, but in others it would probably be of no benefit to anyone. Even in that respect, it is felt that up to date postal voting has been found satisfactory over many years. Even with absentee voting there would be complaints and some people would still think they had been badly treated.

Although the Bill introduces the Commonwealth system of absentee voting, I feel that a longer time should be given for members to consider the differences in that regard between the Commonwealth and the States. What suits the Commonwealth might not suit a State with a population as small as ours. I feel it would have been better for a comprehensive consolidating Bill to have been brought down and held over till next session in order to give members a reasonable time in which to consider it, clause by clause, and consult their constituents and colleagues with regard to its provisions. It is now expected that the session will finish in another week or two and therefore I feel that the introduction of the measure at the present stage does not give members reasonable time in which seriously to consider such important legislation. It is important, as it affects the destiny of the country and might be decisive in determining the political colour of the Government elected.

It is proposed to extend the present one month's residential qualification to three months. In the Commonwealth sphere one month is provided for and it must be remembered that the Commonwealth electorates generally cover far greater areas and involve much more travelling than is the case with the average State electorate. If one month suits the Commonwealth in that regard it should be suitable to the State, as with rapid modern transport there should be no hitches in that direction. It is felt that the qualifications for postal vote officers under the measure might disfranchise a number of electors, because in some remote parts of my electorate, or of others, it would be difficult to find a person with those qualifications, such as a returning officer, an assistant returning officer, an officer employed in the State Electoral Office, a justice of the peace, a commissioner of declarations, a town clerk, a road board secretary, a member of the Police Force or a classified State civil servant or classified school teacher.

The North-West is exempted from these provisions, and we have no objection to that; but if one part of the State is exempted, despite the facilities for transport by air under present-day conditions, there is no reason why other huge electorates such as Kanowna, Murchison, Pilbara and other constituencies should not also be treated similarly. In my opinion, the matter should be left open. Then again, in some of the large electorates a station-owner and his wife may be the postal vote officers, but that practice will not be possible under the Bill unless those persons possess the qualifications enabling them to comply with its provisions. In the circumstances, the effect of the measure might be to disfranchise and certainly to inconvenience a lot of electors throughout the State, and I shall certainly oppose that part of the Bill. It contains some machinery clauses that will prove helpful to the Chief Electoral Officer, but I am afraid the disadvantages of the measure as a whole are greater than its advantages, and therefore I oppose the Bill itself. It would be preferable if the Minister were to withdraw the Bill, which I consider has been introduced too hurriedly, and then if not later on this session, or early next session place before members a consolidated and comprehensive measure dealing with the electoral laws as a whole. I do not wish to detain the House any longer but I trust members will give serious consideration to this most important legislation. I oppose the second reading.

HON. SIR NORBERT KEENAN (Nedlands) [5.35]: There are only two principles involved in any electoral law. One, which is the major principle, is to secure to the citizens who are entitled to it, the right to carry out all that is necessary on their part for the purpose of recording a vote at a parliamentary election. That right must be given to them in most definite language, which should be clear and beyond any challenge or controversy. The other right, which is a minor one, is to prevent any abuse of the first privilege which, as I have pointed out, is an essential in all electoral laws. These two principles constitute the whole of the privileges or rights that are conferred by any electoral law. Outside of them any electoral Bill consists entirely of machinery matters, which, of course, must be designed for the purpose of enabling those principles to be efficiently carried out.

In this instance it must be acknowledged that the Electoral Act has been on the statute book for 41 years, and it was naturally legislation that at the time it was passed, was thoroughly up to date but now is entirely out of date. We know that as a fact, as a result of experience that has

come to all of us. We appreciate it because of the change in the times. Therefore it is right, proper and necessary that this 41-year-old Act should be once more overhauled and made to possess the powers that are necessary to enable it to function successfully. But that overhaul should undoubtedly be of a complete and comprehensive character, not a mere scratching here and a mere scratching there for some reason or other, or for no reason at all, but just so that a change may be made. For instance, I find in the amending Bill that Section 4 of the principle Act is to be amended by inserting, in addition to the existing interpretation provisions, one dealing with the term "absent voter."

If any member will look at Section 4, which is important in that it deals with definitions, he will find that there are many other respects in which it should be altered to bring it up to date. For example, the Commonwealth is referred to in many sections of the Act but there is no definition of the word "Commonwealth." It might mean the Commonwealth of New Zealand or the Commonwealth of South Africa.

Hon. A. H. Panton: Or the Commonwealth of Nations.

Hon. Sir NORBERT KEENAN: Obviously, that was an omission when the Act was passed in 1907. Then there are provisions throughout the Act respecting many things that can be done by a magistrate, but the word "magistrate" as defined omits the one type that is most likely to act in these matters, namely, a stipendiary magistrate. There is no definition of the words "King" or "His Majesty," although both terms frequently occur in the Act. I suggest that the word "King" must be defined as the lawful sovereign of the United Kingdom and its dependencies oversea. Then there is no definition of the word "State"; we have even forgotten our own existence under the definition clause, which requires amendment to make clear that the term "State" means the State of Western Australia.

Naturally the term "United Kingdom" would require definition, and that is rather a difficult matter to define because it is in a state of more or less continuous flux. What it is today and what it will be tomorrow is rather difficult to say. I suggest the difficulty could be overcome by providing a definition setting out that "United Kingdom" means the United Kingdom formed by the union of England, Wales, Scotland and Northern Ireland or such other union as may be from time to time determined by Parliament at Westminster. That leaves it open for the flux that I indicated, to take place without the necessity for amending our legislation in future. These are some casual observations that occur to one in perusing a section of the Act that requires amendment. If any member reads the measure, he will find that it skips wholesale over matters that are obvious to anyone reading the principal Act as requiring amendment.

I will deal very briefly with the amendments that are outlined in the Bill. The first I intend to refer to deals with Section 17 wherein are set out the qualifications that must be possessed by any person before he becomes entitled to claim to be enrolled in respect of any electoral district. Those qualifications include one relating to residence. Under the present law, which has operated since 1907, the period necessary before one can claim to be registered is one month's continuous residence. It is proposed to strike out the provision for one month and make it three months. I listened with some care and close attention, as far as the acoustic conditions of the House will allow, to the observations of the Attorney General, and I still remain ignorant as to any particular reason for striking out the word "one" and inserting "three" in lieu. The reason why the month's continuous residential qualification was inserted in the original Act was to prevent roll stuffing, and one month was thought to be sufficient.

As members are aware, roll stuffing takes place only close to the eve of an election and I would mention as an appropriate fact that it is not one month but a much longer period that will be necessary in order to effect roll stuffing. In another portion of the principal Act, it is set out that no claim can be lodged for registration on any roll unless it is received 14 days before the issue of the writ and is lodged at the Registrar's office. Then from the date of the issue of the writ a minimum number of seven days must elapse before nomination day and then 14 days must elapse between nomination day and polling day. That makes 35 days in all as

the actual period of time necessary to elapse, or, in all, two months and a week. I do not think it could be reasonably suggested that stuffing under those conditions would be in operation and would be easy to carry out. In all my years of experience I have known of no roll stuffing except that suggested on a ridiculously moderate scale, and then only because there was some disappointment in the result of the election!

If the only object of this provision for living in an electorate for a longer time before becoming entitled to be enrolled is to prevent the abuse I have indicated by way of roll stuffing, is it possible to suggest that two months and one week is not more than sufficient for that purpose? I am opposed to this proposed alteration. Side by side with that is another suggested amendment of the same section and it is to increase the three months that an elector can be absent from the electorate in respect of which he is enrolled, without sacrificing his enrolment.

The reason why in the original Act a longer term was provided for leave of absence from an electorate than is required for qualifying for enrolment is that otherwise there could never be any transfers. If we provided that a period of three months had to be spent in residence before one was qualified to claim enrolment and the same period was allowed respecting absence from an electorate, the result would be that we would have an interim period after making the transfer in which the person concerned would belong to no electorate, in view of the three months' necessary residence in the new electorate and the three months' leave of absence from the old electorate. In these circumstances, we provided a longer period of time during which an elector could be absent from his old electorate without losing his right to be on the roll for some electorate and the shorter period was stated respecting the time he was required to reside in another electorate in order to be enrolled there. So we provided three months in one case and one month in the other.

As members will agree that period of three months has been an unmitigated nuisance to the department and to every candidate taking part in an election. Immediately a candidate makes inquiries as to some electors, he is informed by neighbours that they have been seen there probably only a few months ago, yet it is almost impossible to trace them. That is so in the case of three months; what will it be in the case of six? It will mean that no candidate will be able to trace those electors, nor will the department be able to do so; the period of time is so long that all trace of them will be lost. Therefore, I am also opposed to altering "three" to "six." The next matter I desire to refer to is one dealing with Section 44 of the principal Act. That section sets out what is required to be stated by a claimant in his claim form when applying for enrolment.

The Bill seeks to amend the section by requiring the claimant to state the date of his or her birth and place of birth. We must recognise the fact that we have a large percentage of women on the roll, probably nearly half, and it would be absurd to imagine that they would give a true answer. An answer certainly will be given, but its value will be infinitesimal. This is inviting women to tell lies, because, although not legal, it is a common right of women—after they are past 21 years—no longer to grow old. Again, I do not see any reason whatever for this little amendment. I turn to Section 47 of the principal Act. Here there is a suggestion which can be at once agreed to and might find favour with some. It is this: Under the existing law, the position is that if an elector desires to object to the enrolment of any person who is on the same roll, he must give notice of that objection. He must give notice of objection to the claim when it is first published and thereupon the objection is set down for hearing before a magistrate.

As the law now stands, if the magistrate has not had time or opportunity to deal with the claim and with the objection to the claim before the issue of a writ for an election, then the issue of a writ shuts down all further action. It leaves everything in status quo, as it was at the time the writ was issued, and the person whose claim was objected to is entitled to be enrolled, but with an asterisk put opposite his name, so that when he presents himself at the poll he may be called upon to answer questions as to his qualifications in order to give him the right to vote. But, on the other hand, if the objection is by the registrar, then the registrar gives notice that

he has rejected the claim. Members will bear in mind that the person who would object is a private individual, an elector on the same roll; but the registrar can give notice that he has not enrolled the claimant, and he is rejected. Thereupon, the claimant can appeal. Again the appeal is set down for hearing before a magistrate, and if it is not heard and determined before the issue of a writ for an election, the claimant is entitled to be registered, but again with an asterisk put opposite his name, and with the liability, therefore, if he attempts to vote, to be asked the necessary questions to establish his qualifications.

There are also objections to persons who are enrolled. The procedure in those cases is somewhat similar, but different in one respect which I shall point out to the House in a moment. Anyone on the roll for the same electorate can object to any other person who is enrolled. Thereupon, having given the grounds of his objection and sent them to the registrar, a date is fixed for trial of the issue before a magistrate as to whether that objection is to be upheld or dismissed. Again if the trial does not take place before the issue of a writ, the elector whose name on the roll has been objected to, if the objector is a private individual, remains on the roll and there is no asterisk put opposite his name. The reason for that is simple. To ignore the fact that he has been already enrolled would be most unjustifiable. He has been challenged by an objector, but he himself, at the time of the challenge, stands as an enrolled person; and therefore everything is held up by the rule that the issue of a writ shall conclude it.

It is only right that the elector should have the full status that he enjoyed before the objection was made. On the other hand, if the registrar objects to some person whose name is on the roll, then the practice is that the registrar sends notice to that person that, if he does not receive from him within a certain fixed time set out in the notice, a notice of appeal he automatically will be struck off the roll. The difference only comes under these circumstances, that the elector who has received that notice from the registrar and who wants to take action, has to appeal against the notification by the registrar of intention to strike him off the roll. That appeal, if he adopts it, is heard by a magistrate. If the writ is issued before the determination of the appeal, then the name of the person upon whom the registrar has served notice of intention to strike his name off the roll, remains on the roll and he is entitled to vote; but, as in the case of claimants, his name has an asterisk put opposite it, and he is liable to be called upon at the polling place to make the declaration necessary to establish his claim or his right to remain on the roll.

The amendment proposes to strike out the words "issue the writ" and bring it to a later date, namely, the 14th day. As it is expressed in the amending Bill, the 14th day is the fourteenth day next previous to that fixed for the election. This, Mr. Speaker, is an instance of language being used which is anything but definite. What is the day fixed for an election? Obviously, we know by reading this amendment that what is meant is polling day. An election day is not necessarily a polling day. The election consists of four days; first, the issue of the writ; secondly, nomination; thirdly, polling; and last, return of the writ.

This amendment is therefore, I submit, on the face of it open to objection on the ground that it is indefinite. What it means and what it is intended to mean are quite different matters. It is intended to mean 14 days before polling day, to enable the matter to be dealt with notwithstanding the issue of a writ. I do not see any reason for that amendment. I have heard of no case where the present law imposes a hardship and therefore I do not propose to vote for this amendment, either. The next matter again relates to Section 47. A question arises on exactly the same grounds. I shall not detain the House by repeating it. As the law stands today, the determining date is that of the issue of the writ. If the amendment passes, the determining date would be this indefinite date represented by a period of fourteen days preceding the day fixed for the election which is meant to be, although it is not properly expressed here, the polling day. Again, it seems to me there is no justification for altering the date from that of the issue of the writ. Let me tell the House why it was—I recollect it well—that the final day was fixed as the date of the issue of the writ. It was to allow time to prepare the rolls.

Until some day is fixed when everything will be closed down and no further changes

made, we cannot start making an accurate roll. We all know, and have all had the experience, that even with the date fixed as the day of the issue of the writ, supplementary rolls and second supplementary rolls are published, because rolls cannot be prepared in a day or two. It takes weeks to compile a roll, and sometimes, with the help of the printing office, it takes months. All the time that is left in which the department may prepare its rolls is the interval between the date of the issue of the writ and the polling day. No candidate is satisfied unless he can get, some considerable time before the polling day, accurate information as to the roll. If we agree to the alteration suggested here, and provide for the period within 14 days of the polling day, what chance has the department of bringing out a roll or giving to candidates accurate information as to the electors?

I suggest that the date for the closing down of everything and allowing the department to prepare its rolls, should be fixed at the date of the issue of the writ. I now come to the next amendment which deals with persons who are eligible to be appointed as postal vote officers. At present the Minister has power to appoint any person whose name is submitted to him, and for whom he receives proper credentials. I do not know whether I have had exceptional experience or whether I am relating something that is common to everyone in the House, but every time I have been engaged in an election I have been told there is great difficulty in getting postal vote officers; that although there is a big class of men designated, very few are ready to put their services at the disposal of electors.

Under our law we are far more liberal than the Commonwealth in the matter of postal votes as, for instance, in the case of women who are ill or have reason to expect to be ill on or before the polling day. There is some difficulty, but it can be overcome by getting men appointed as postal vote officers, who are reputable men—otherwise the Minister would not appoint them. I have never yet heard of any complaint about a postal vote officer having exceeded his duty, although I have been told that some do so. If they do, the department sends immediately for their books and they are straightaway put off.

I altogether object to the idea that an official is such a superior person that he can always be appointed with great reliance. For instance, with all due respect to the Police Force, I do not think its members are any better than many other men who are prepared to act as postal vote officers; neither have I such a colossal admiration for postmasters, or the other classes of officials mentioned here. I am quite satisfied that if the Minister discharges his duty and requires proper evidence to be laid before him as to the qualifications and record of persons asked to be appointed, there is nothing in our present system that requires to be changed.

Now I come to the portion which seeks to insert after Section 99 a new section to provide facilities for what is called "absent voting." This is a system which has met with a large measure of success in the Commonwealth, and the reason is obvious, namely, the electorates are very large and the conditions entirely different from those that operate in the smaller electorates in the State. If the system of voting by post, which is in force in this State today, is carried out efficiently, there is no reason for absent voting.

The Minister for Education: Are you aware that recently 500 persons could not get a vote at Albany when they went to vote as absentees?

Hon. Sir NORBERT KEENAN: Absent from where?

The Minister for Education: They were on holidays.

Hon. Sir NORBERT KEENAN: I suppose they had been in Albany for some weeks before the election.

The Minister for Education: Quite possibly.

Hon. Sir NORBERT KEENAN: There is no doubt that if the candidates for the different electorates where they had come from knew of their presence in Albany, they would have given them the address of a postal vote officer, or two or three, in Albany, who could have taken their votes. That is done in almost every case.

The Minister for Education: I believe there were so many of them that the postal vote officers had exhausted all the ballot papers in Albany.

Hon. Sir NORBERT KEENAN: That is a new matter. It would be very simple to correct such a position. A telegram sent to Perth would mean new postal books being sent there.

The Minister for Education: Do you think it is fair to a postal vote officer to have to take 500 to 1,000 votes?

Hon. Sir NORBERT KEENAN: How many postal vote officers were there in Albany?

The Minister for Education: I do not know.

Hon. Sir NORBERT KEENAN: If the Minister does not know, I cannot do the division for him. If he could tell me, I would divide 500 by that number. One can only speak from experience, and apparently the Minister for Education has had a bad experience whilst I, on the contrary, have had the opposite. I have never known in my electorate—a big one—of any difficulty when a man's address was known. Where it was known that he had gone to Busselton, Bunbury or Albany, there was no difficulty in sending him instructions as to the local postal vote officer, who would take his vote. Where a system has proved reasonably successful—and I think our system of postal voting has proved to be that—I do not see any reason for making a jump in the dark to bring in a system the result of which no-one knows. I turn now to another of these scratchy amendments; a proposed new section. This is taken word for word from the Commonwealth legislation, but there is nothing in the margin to show that. One would think it was original wording on the part of a Minister or his satellites, but it is not. The proposed new section is as follows:—

> Notwithstanding anything contained in this Act, when any person who is entitled to be enrolled on the roll for a province or district claims to vote at an election at a polling place appointed for that province or district, and his name has been omitted from or struck off the roll owing to an error of an officer or a mistake of fact——

I stop there for a moment. Actually there has been a big grievance on the part of a number of electors because they have been disfranchised, but it has very seldom, if at all, been due to any act of an officer of the department. On the contrary, in almost every case, I understand, it has been because of errors that have occurred in the printing department. The printers are rushed by the Electoral Department to produce the rolls, and, so I believe, they work overtime. We have often been told that overtime work is not satisfactory. The rolls are certainly not satisfactory, because errors occur with great frequency. Another reason for error is that there are two rolls, the Commonwealth and the State rolls. The elections for the Commonwealth and those for the State are held not far apart.

The last State elections took place only a few months after a Parliamentary election had been held for the Commonwealth. Many people had gone to the polling place to vote for the Commonwealth election, and therefore were quite satisfied that they were on the roll, not knowing that the Commonwealth roll is entirely different from that of the State, and so, when they went to the polling place for the State election, they were exceedingly angry to find they were not on the State roll. But apart from that, I admit there are many cases where negligence is exhibited by someone, because I have known, for instance, of a married man and his wife being on a roll, and having lived in the same place for years—10 years in the case I have in mind—and yet for some extraordinary reason the man's name having been removed.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. Sir NORBERT KEENAN: I was endeavouring to place before the House my views on a new clause which is proposed in the Bill to enable electors whose names do not appear on the roll to record votes. I dealt with the first part in which an elector whose name has been omitted and does not appear on the roll, can record a vote, because his name has been omitted from or struck off the roll owing to an error of an officer or a mistake of fact. I was mentioning the number of people whose names had been omitted from rolls and with whom I have come in contact.

Among the principal causes, which I did not mention, is that at the time an election is pending an effort is made by the department to cleanse the roll and the department sends out various persons employed by it to ascertain how many electors on the existing roll are to be found at the address as shown. These people are not officers of the

department but are mere casuals employed for the purpose. I am sorry to say that they are given a small wage and they give a correspondingly small service.

Hon. J. B. Sleeman: Some of them are very casual.

Hon. Sir NORBERT KEENAN: Yes. I do not know whether the member for Fremantle thinks that is a joke or not, but if it is I might accept it. The fact remains that the men are not picked for their work because they are the only ones available at the money that the department apparently has to spend. I know personally, and I am sure all members know, that these men do their work in a most slipshod manner. For instance I am personally aware that in one case a man went to a house at the beginning of the street and asked the lady first of all to give him a cup of tea because it was a hot day.

He then asked her if she knew who was living in the rest of the houses in the street, which was a small one. She told him that she knew them all and he asked her to give him the names and he thereupon wrote them down. After he had left the lady remembered that she had made some mistakes but she could not find him and those mistakes appeared in the returns, and action was taken in accordance with those statements. I do not suggest that that is the conduct of every one of these persons employed for that purpose, but it is the conduct of some. Even with the best of them, if they knock at a door and do not get an answer, they go next door and ask the people living there who their neighbours are. If they do not get a definite answer from next door they scratch them off the rolls. That is one of the principal reasons why rolls are defective.

This amendment is aimed at curing the position, but in my opinion it is absolutely valueless. It says:—

> When any person who is enrolled on the roll for a province or district claims to vote at an election at a polling place appointed for that province or district and whose name cannot be found by the presiding officer on the roll, or his name has been struck out on the copy of the roll, under the provisions of Section 126 of the Act.

In 99 out of a hundred cases the polling clerk or presiding officer strikes out the name of the person who has recorded his vote and therefore he is no longer on the roll because he has recorded his vote and his name has been struck out. There are also cases of persons whose names are on the roll but the presiding officer cannot find them. I endeavoured to ascertain what on earth that meant because if it is on the roll it must be somewhere to the knowledge of the person who is claiming his vote, otherwise he would not be able to say that his name was on the roll. In the preparation of rolls by the printing office, very often the name is not in alphabetical order. For instance, the name "Doyle" might appear under the letter "T".

Mr. Marshall: It would then be "T. Doyle."

Hon. Sir NORBERT KEENAN: Yes, I suppose so. That is, however, not the meaning of this proposed section. What it means is that a person may claim a vote, because he has seen his name on the roll but if the presiding officer cannot find it, it is suggested that although the person could show him that it is not in alphabetical order, the presiding officer would not immediately say that that person could have a ballot paper. It is a position that could not possibly arise. That is another state of affairs under which by the provisions of this amendment the voter would be able to obtain a ballot paper. There is provision, of course, for the rolls to be supplied to the returning officer because in the principal Act it is necessary for the Chief Electoral Officer to say that every returning officer of every electorate, every presiding officer and every booth has a copy of the official roll on polling day. Supposing that is done, and the roll possessed by the presiding officer is wrong; there is a set of circumstances which I do not think has ever arisen or is ever likely to arise. However, they are provided for.

What apparently happens is that the person signs some statement to the effect that he has not voted and that he is a person who is entitled to vote and that his name should be on the roll. He will get a ballot paper which is folded in some manner which I suppose is dictated by regulation. He places it in a special ballot box and that ballot box is apparently handed over to the returning officer for the district. Before doing so it is signed, sealed and delivered by a number of people. The returning officer obtains it and sends it along to the Chief Electoral Officer. He

retains it and once more it is examined by him. He examines it to ascertain whether this man or woman who claims to vote has complied with the requirements of the regulations dealing with this class of vote.

Then apparently the Chief Electoral Officer decides whether it is to be determined as a ballot vote or not. There is no appeal. He could apparently spin a coin and say "heads the vote is accepted;" or "tails, the vote is not accepted." He does not have to prove anything. It is simply given to the Chief Electoral Officer with the data I have already mentioned. The farcical position is that the presiding officer at the booth has no authority except to receive the vote and the statement by the man who claims to be a voter. The presiding officer then sends the whole lot on to the returning officer of the district who in turn sends it to the Chief Electoral Officer. When we get down to the end of the section we suddenly come back to the presiding officer and find a paragraph which reads as follows:—

> Where the claim of any person to vote under this section is refused, the presiding officer shall make a note in writing of the fact of the claim and the reasons for the refusal thereof, and the presiding officer and a poll clerk shall sign the note in the presence of such scrutineers as are present. Any of those scrutineers may also sign the note.

The only persons left out are the public at large, otherwise it would be a universal signing of the document before being sent on. There is no power given to the presiding officer under the previous part of the section to refuse a vote as he has to send it on, but here we suddenly find there is power to make a refusal and that he must sign a document and send it on. That is a nonsensical and ludicrous way to treat the position. Let us first of all acknowledge the fact that the position exists where a number of people are not on the roll who should be on the roll and that they go along to vote and find they are not on the roll and they, of course, are considerably disappointed. Is there any proper or other way to deal with the position? Of course there is.

The Commonwealth makes use of another way. Under the existing law if anyone fails to be registered on the roll, his claim when received by the registrar, is acknowledged. That is all. The claim remains in abeyance while the registrar makes his inquiry and after 14 days the registrar, if there is no reason to suppose the claim is not genuine, endorses the fact that it has been registered and put on the roll. That person receives a certificate of registration, which unfortunately our Act does not provide, as a voter for a particular district and he can go to the polling booth of that district, advise the clerk that his name has been omitted from the roll and providing he can produce his certificate, he is entitled to vote. Of course he must satisfy the personnel that he is the same person mentioned on the certificate. That would solve the whole position.

In fact under the Commonwealth law, any voter who presents himself at a polling booth and whose name is not on the roll for any reason or for no reason, provided he has a certificate showing that his claim was admitted and that he was enrolled, may produce the certificate and be allowed to vote. All that happens is that the certificate is impounded and sent to the Chief Electoral Officer for verification. If it is found to be correct, the vote is allowed. There is a plain straightforward way of dealing with it instead of this cumbrous and nonsensical way. Talk about a presiding officer not being able to find a name on the roll when it is there and when the claimant would be in a position to point it out! So I do not find myself in favour of that proposal. It is very objectionable and quite unnecessary because provision can be made by amending a section of the Act to direct the registrar to send a certificate of enrolment to every person whose claim is approved and whose name is put on the roll.

There remains only one matter to which I wish to refer and that is an amendment which in fact upsets the law as laid down in Section 123 of the Act. It is the section that provides that no alteration of any sort shall be made to the roll after the issue of the writ except in respect of claims which were received 14 days before the issue of the writ or except in the case of purely formal amendments such as a notification from the Registrar of Deaths of the death of any person whose name is on the roll or where the description needs to be altered for an election for a province.

The same line of argument as I submitted against the other amendment applies here. Notwithstanding that provision, it is proposed to allow the roll to be altered up to 14 days before the election

which, as I have already observed is a phrase without any definite meaning. It might mean the issue of the writ, nomination day, polling day or the return of the writ, though it is meant to mean polling day. So there will not be an alteration of the roll after the date of the issue of the writ. Of course there comes a time when the curtain must be drawn and the department must say, "No more; we want now to proceed to issue the rolls and let the electors know who are entitled to vote." Why this further delay? I can conceive of no reason for it. Apparently it is because an objection might be lodged too late to be heard but that, as I have stated, is not expressed.

That is my attitude to the Bill. Speaking generally, I am reminded that a number of interpretations are to be found in the Interpretation Act and therefore Bills need not contain interpretations except for special reasons. That is quite true. But it is far easier and makes for better administration to have interpretations of special terms in a Bill, notwithstanding that the meaning may be found in the Interpretation Act. Take "stipendiary magistrate." The term is not defined in the Interpretation Act and so is included in the Stipendiary Magistrates Act.

So far as my experience goes, no Bill of this character has ever been passed by this Parliament except after having been referred to a Select Committee. The Bill of 1907 was referred to a Select Committee, which heard rather voluminous evidence and greatly changed the Bill. I was rather disgusted when that Bill emerged from the committee room. When I brought the Bill down I was stupid enough to think that proportional representation was desirable. Since then I have changed my opinion on that subject. Fortunately the committee threw that proposal out of the window. Another provision introduced dealt with preferential voting, and that was only saved with some difficulty because somebody pointed out that the man who finally got in was the man who received the smallest number of votes on the first count.

However, I was pointing out that there was a Select Committee in 1907 and that, because of the work of the Select Committee, the Bill, on being presented to the House, was adopted. I feel certain that if any Bill of this sort were referred to a Select Committee and evidence were taken, we should have very different proposals from those in the Bill. This measure is of great importance because it affects the people in the highest degree. There is no doubt that our present statute is sadly in need of revision. Therefore a measure of this sort, properly considered and presented to the House under the conditions I have suggested is entirely necessary. But not this Bill.

MR. HEGNEY (Pilbara) [7.54]: After the very lucid examination of the Bill by the member for Nedlands, I do not propose to deal with the measure in as much detail as I had previously intended. I am somewhat disappointed at the dearth of detailed information submitted by the Attorney General when moving the second reading. Though he made brief references to certain aspects of the proposed amendments, he did not submit very tangible or strong reasons for them, except for some of a machinery nature to which I do not intend to refer.

The first main proposal is to increase the residential qualification from one month to three months. This amendment has been dealt with by previous speakers. For my part, suffice it to say that the month's residential qualification has stood the test of time and the Attorney General did not offer any cogent reason to show why the period should be extended to three months. If we are going to tamper piecemeal with an Act of this sort we shall only create confusion in the minds of the electors of the State, who are also electors of the Commonwealth.

Under the electoral laws of the Commonwealth, any person who has resided for one month at a specified address is entitled to be enrolled. I am not quite sure but I think the Attorney General mentioned as a reason for extending the time that it meant a lot of detail work in the office if the residential qualification were to remain at one month. Naturally some extra office work would be entailed, but what would the additional office work be as compared with the principle involved? If that is the only reason why the Attorney General proposes to increase the residential qualification from one month to three months, there is no substance in the argument. If that is the only reason, then the Government

should scrutinise other of our legislation and see whether it cannot save labour on detail work.

The month's qualification has been in the Act and has operated for many years. If the three months' qualification were put into operation tomorrow, I have no doubt that numbers of people would be disfranchised. Under the Commonwealth law they know that, after a month's residence at a particular address, they are entitled to have their names placed on the appropriate roll. Yet they would not be entitled to be enrolled for a State electoral district until they had resided at that address for three months. I hope the House will refuse to approve of that amendment and that the provision in the Act will be retained.

There is another provision that appeals to me as being rather amusing in one respect, although it does seem to be tantamount to treating people like a lot of school children. The Attorney General or his executive officers, under this proposal, will cause people to hesitate to get on the roll. Section 42 of the Act is to be amended by adding a new subsection as follows:—

> The prescribed form (that is the form of claim) shall contain immediately above the space for the signature of the claimant a warning printed in red lettering.

Then follows a statement of things which, if done, will render the offender liable to a penalty. I thought the Attorney General would have been the last one in the House to agree to anything being printed in red lettering. Why not blue or brown or anything but red?

The Attorney General: You can make it blue, if you like.

Mr. HEGNEY: Why not print it in the ordinary lettering? If certain conditions are to be imposed, does not the Attorney General think the electors will be able to read them without having them printed in red lettering? When we find such a proposal made for inclusion in one of the most important of our Acts, all I can say is it is becoming a bit of a joke. The position regarding the objections to claims has been ably dealt with by the member for Nedlands, and I do not propose to detain the House in dealing with the position. The Bill contains a clause to increase the period from the time of the issue of the writ to the closing of nominations, from 30 to 45 days —a 50 per cent. increase—and also to increase the period from the closing of nominations to the day of the elections to 45 days. That, I take it, is the reason for the consequential amendment in connection with the time for the return of the writ, from 60 to 90 days. It is unique to find that the following proviso has crept in:—

> Provided that the date fixed for the nomination of candidates for any election in the North Province or in any district situated therein shall be not less than thirty-five days before the date fixed for the polling.

The Minister has not indicated why there should be extra time over and above the ordinary period required for elections in other parts of the State. He may advance as an argument that the people living in the North-West, or in the North Province, which corresponds in area to the four North-West State Assembly seats, are isolated. That is the only valid argument I can think of. Believing that to be so, I would like to say that conditions in the North today are different from what they were some years ago.

I shall turn to the remarks of the then Attorney General when he moved the second reading of the Electoral Districts Bill in 1947. This is also relevant to the clause with which I shall deal later in connection with the appointment of postal vote officers. The only reason for discrimination in connection with postal vote officers is on the grounds of the sparseness of population, vastness of area, and so forth. On the 26th November, 1947, the Attorney General, at Page 2197 of "Hansard" for that year, had this to say—

> In suggesting to the House that there should be a departure from what the Leader of the Opposition has referred to as a long-standing precedent, I would say that it is clear that conditions have changed very considerably from those which obtained 20 or 30 years ago. Then the only communications with the North were by sea or by a somewhat precarious and lengthy journey by road or track, but, as members know, there has been a revolutionary change, I am glad to say, brought about by air services, and in a few hours one can traverse frequently the distance from Perth to almost the remotest areas in the North.

The discrimination in the Bill is not justified on the score of isolation. I object to the clause. I now come to the matter of postal vote officers. It is proposed to restrict, in a large measure, the field from which postal vote officers may be appointed.

Hon. Sir Norbert Keenan: Not in the North.

Mr. HEGNEY: I intend to deal with that immediately following on my remarks in connection with the previous amendment. I see no reason for discrimination so far as the North Province is concerned. I do not propose to criticise the drafting of the Bill, but some other words could be used. The clause reads—

> All Returning Officers, Assistant Returning Officers or Officers employed in the State Electoral Office, Justices of the Peace, Commissioners for Declarations, Town Clerks of any Municipality, Secretaries of any Road Board, Members of the Police Force, Classified State Civil Servants and Classified State School Teachers, and any person residing within the boundaries of the North Province.

Does the word "person" include a youth under the age of 21 years, or a man of the half-blood?

The Attorney General: They may be appointed.

Mr. HEGNEY: It is just as well for the position to be clarified. Why should the North Province be permitted to allow any person to be appointed as a postal vote officer when for the balance of the State postal vote officers must come from the categories indicated in the amendment? The member for Kanowna said earlier that his district was as isolated, in many respects, as are some portions of the North-West. The most southern point of my electorate, Pilbara, is about 340 miles north of Meekatharra, and there the member for Murchison takes over, and his area is sparsely scattered. The difficulties the Attorney General seeks to overcome with respect to the North Province exist not only in the Murchison and Kanowna electorates but in many other isolated parts of the State. While a road board foreman, chairman of a road board, engineers, accountants and men of integrity amongst artisans—engineers, bricklayers and so on—and others may be just as capable and desirable as postal vote officers as many in the categories mentioned here, the Attorney General seeks to eliminate them from the right to be appointed. Why is not a road board chairman entitled to be a postal vote officer? He holds an honoured position and is just as entitled to be a postal vote officer as is a road board secretary.

Mr. Marshall: He is automatically qualified because he is a J.P.

Mr. HEGNEY: I could mention road board foremen and forests overseers, who are not classified civil servants. Why attempt to reduce the classes of persons who can exercise the duties of a postal vote officer? Every member here has had a fairly wide experience in respect to postal voting and postal vote officers. In many cases votes are required to be taken during the day and at certain hours in hospitals. One might go to three or four postal vote officers who, by virtue of their occupations, work from 8 a.m. to 5 p.m., or from 9 a.m. to 5 p.m., and so are unable to oblige, whereas some other person would be able to do so. But if the provisions of the Bill are written into our electoral law, they will be disqualified from holding office. I hope that part of the Bill will be deleted.

The measure contains another provision disallowing members of Parliament to act as scrutineers. As far as I know the Attorney General did not explain why a member of Parliament, either State or Federal, should not be entitled to act as a scrutineer. I would like him, when replying, to explain what prompted the inclusion of that provision. Let us examine it for a moment and see how it lacks substance and commonsense. You, Mr. Speaker, may be unopposed at the next election, and the Attorney General may be opposed, and he might ask you to act as scrutineer for him, but if the Bill becomes law you would not be allowed to act. What is the reason for that? If you, Mr. Speaker, were to act as scrutineer, you would have to abide by the electoral law as any other scrutineer would.

What evidence can the Attorney General put forward to justify this provision? I take objection to it as a citizen. If I were asked to act as scrutineer for some friend, I would feel personally aggrieved if the law prevented me from so acting. If I transgressed the provisions of the electoral law, the returning officer would take proper action. I hope members will unanimously agree to oppose this provision. Those are my main reasons for opposition to the Bill, but there is another which, while important, does not strike at the heart of the Act. It is in connection with voided elections. When an election has been upset it is proposed that the roll used for the general election shall be used for the by-election—I suppose that is the correct definition—unless the court decides otherwise.

This Parliament ought to decide which roll ought to be used. I have no hesitation

in saying that the up-to-date roll should be used, and, because of the many changes which take place not that which was used for the general election. If a number of new electors come into the district and qualify as electors, they should be entitled to exercise their vote, even if they were not there at the time of the general election. I hope that provision will not pass. In conclusion, I have no strong objections to the provisions dealing with absent voting.

Looking at the Bill by and large, however, it appears that the Minister has from various sources received evidence and information, some of which was reliable and some unreliable. I do not think there is justification for many of the amendments he seeks, and more particularly the provision for discrimination in connection with the North-West. I do not know where the Minister obtained his information, but from my experience most of the amendments are unwarranted. I hope the Bill will be defeated on the second reading.

MR. HILL (Albany) [8.15]: I listened with great interest to the able criticism of the Bill by the member for Nedlands. As reference has been made to postal voting, I feel I must tell members the position at the last election at Albany, at the height of the summer season, when the population of the town was practically doubled. A large number of postal vote books was supplied, and the Clerk of Courts, as returning officer, had the bulk of the work to do. He was very busy for several days before the election, and on two or three occasions the supply of books was exhausted and others were obtained. However, two or three days before the election the supply ran out altogether. A considerable number of voters do not realise that the Commonwealth and the States have different Electoral Acts. The result was that a considerable number of people went in on the Saturday morning expecting to be able to vote as absentee voters. Our present postal vote system is far better than that of the Commonwealth, and I would not like to see it altered. I think some form of absentee voting allowing people to vote anywhere on election day is essential.

MR. MARSHALL (Murchison) [8.18]: I suggest that the Government should drop this Bill altogether and give the matter further and more serious consideration. It is surprising to discover the inconsistency of the Government in matters as important as this. As the member for Pilbara pointed out, in 1947 the Attorney General claimed that the North-West portion of the State had been revolutionised, in comparison with the position existing in previous years. Such a revolution had taken place in transport and other facilities for the North-West that this Chamber robbed that area of some of its representation. Now the present measure is introduced, setting out to extend the privileges of the North-West on the ground that no revolution has taken place. The Government is beginning to make itself look more ridiculous, if that is possible—

Hon. A. R. G. Hawke: Why only beginning?

Mr. MARSHALL: Surely the Premier and others who have travelled through the more remote districts of the State realise what must be the effect of a measure of this sort, which would deny the residents of the outback postal voting facilities. If the Bill becomes law, postal voting will be entirely prohibited in such areas. I would draw the Honorary Minister for Supply and Shipping into this debate, because she has been to the North-West and has promised the people there a great deal. Of course, she helped to rob them of one of their representatives, but I do not think she would be party to a measure such as this, which will deny men and women of the North-West the right to vote. Only those meeting the qualifications contained in the Bill can become postal vote officers, and such people are to be found only in the larger towns or cities. What about the hundreds of men and women far removed from any such centre? Who is to take their postal votes?

In view of the restrictions on transport, due to the shortage of petrol and the lack of motor vehicles capable of travelling great distances over outback roads, how are many of our people to cast their votes, if the Bill becomes law? It has been the practice in the past, on the part of members representing those isolated areas, to get two persons on each station—perhaps the bookkeeper or the station-owner's wife and the station-owner—to act as postal vote officers. The reason for getting two such people to act was that one could take the votes of all the station employees and

others in the surrounding area and the second postal vote officer could take the vote of the first. Before that system was instituted, when only one postal vote officer was appointed in such an area, he could take the votes of all the others in the district and then had to travel to a polling booth in order to cast his own vote.

Under the measure, if it becomes law, all the people in an area such as that will be denied the right to vote. The Bill lays it down that only a registrar or a policeman can be a postal vote officer. There are no policemen in many parts of my electorate, where the people are all law-abiding citizens. Members speak in this Chamber of getting people to go on the land and inducing them to go out into the back country and pioneer those areas, and then a measure of this kind is brought down, denying such people the privilege of voting. I object also to the three months' residential qualification. Nothing could be more stupid than that provision when applied to the city. In the metropolitan area, a given street is the boundary between two electorates.

A person living on one side of the street might move to the other side and would immediately find himself in another electorate, but he would have to remain there for three months before changing his enrolment. An election might take place within that period, but, no matter how much he desired to vote in his new electorate, where he might intend to remain for the rest of his life, he would have to vote in the electorate he had left although he had no further interest in it. The Bill, if passed, will compel many people to vote in electorates in which they have no interest at all, and that is simply a farce—stupid in the extreme. In my own electorate, one of the larger mines recently closed down and the men shifted into the Mt. Magnet area. In a case such as that, they would have to live there for three months before changing their enrolment to the new electorate.

What justification can possibly be advanced for a provision such as that? Under a provision to which I referred a little earlier, the nomadic workers, such as road workers and others, who go into the more isolated parts of the State in groups, will be denied the right to vote. Hundreds of men in that category now work for the Main Roads Board, constantly moving from one electorate to another. Under the provisions of this Bill, they would never have the right to vote because they would probably never remain in any one electorate for long enough.

The Attorney General: They could nominate their residences.

Mr. MARSHALL: Is it so simple for the Minister to sit in his office in St. George's-terrace and tell men such as that what to do? It is a great pity that those men cannot, for a change, tell the Minister what he should do. It is about time the electors told some members here what they should do. I am tired of trying to defend the people against aggressive measures such as this. There might be some who would remain long enough in an electorate to qualify, but there are hundreds of them who will be disfranchised altogether. There is another aspect of the Bill that I do not like. I suppose the idea was to imitate a provision in the Commonwealth Act which requires one to declare one's age. One of the most embarrassing experiences I ever had was when I had to ask a lady the year she was born. I would like to know what good purpose such a provision serves.

Hon. A. H. Panton: Ask the Honorary Minister what year she was born.

Mr. MARSHALL: I would like to ask her what year she stated when she enrolled for the Commonwealth, and was she truthful?

The Honorary Minister: You would be surprised!

Mr. MARSHALL: What real reason is behind this provision? It serves no good purpose. Although our electoral laws may require amendment in certain directions, the fact remains that they have served the State well for many years. It is very true that people have offended against the Act, but is there any statute respecting which there have not been offences? Every law is broken by some citizen, sooner or later, in varying degrees. This House would be particularly foolish to depart from the statute that we know today, and in connection with which we can find so few faults. While it might be desirable to have the Commonwealth and State electoral laws as nearly uniform as possible, we must take into consideration the circumstances of both—the Commonwealth and the State.

What might be convenient and helpful respecting Commonwealth law, might be drastic in its effect if applied to Western Australia only.

The Commonwealth has a good deal to learn about electoral laws, seeing that it disfranchises hundreds of people in the northern parts of the State, people who have gone outback and pioneered the country and yet have no vote under the Commonwealth law. We certainly have nothing much to learn from the Commonwealth. I agree that if we can have a law applicable to Western Australia that conforms to the Commonwealth law, it will be quite satisfactory; but if we are to put our people to inconvenience and hardship in order merely to conform with the Federal law, I see no virtue in that course of action.

My great concern is as to what will happen if the Bill becomes law. I do not know about city members, but I want every country member to realise that there should be a certain amount of reciprocity between us. After all, they represent rural areas that are mere suburbs of Perth, and they should be sympathetic with their colleagues who are elected to serve the interests of constituents in rural areas far removed from the coast and many hundreds of miles inland. The people from those parts cannot visit the cities as frequently as can those from the nearer country districts. I hope the House will not agree to a measure that will persecute people who have the courage and tenacity to go out and develop the rural areas, and that any laws we pass will mete out equity and justice to all.

THE ATTORNEY GENERAL (Hon. A. V. P. Abbott—North Perth—in reply) [8.35]: As I said during the course of my second reading speech, the object of the Bill is to create stability and to ensure as far as possible correct enrolments.

Hon. J. T. Tonkin: Did you say the object was to create hostility?

The ATTORNEY GENERAL: No, I said no such thing. So far as I can see, a majority of members appreciate that the Bill does at least do something in the direction I have suggested.

Hon. A. A. M. Coverley: We appreciate that it is full of political dynamite!

The ATTORNEY GENERAL: The principal objection the member for Kanowna has to the Bill is that he would prefer a more comprehensive measure. If alterations are desirable, let us make them, and then later on we can consider bringing in a more comprehensive measure.

Hon. E. Nulsen: That has been going on since 1907.

The ATTORNEY GENERAL: Just so; but the hon. member himself had an opportunity to bring in a comprehensive measure, and he did not do so. His ideas did not prevent him from introducing amending legislation from time to time to effect improvements to the Act. There was some criticism regarding the three months' qualification. Surely we require stability in connection with the rolls, and a period of three months is not a great deal longer than one month.

Mr. Hegney: No, just three times as long.

The ATTORNEY GENERAL: The period is not a bit too long—

Mr. Hegney: Just two months too long.

The ATTORNEY GENERAL: —for people to get used to the district in which they may be living, and before they change to another district on a month's notice. I suggest that when Great Britain and New Zealand accepted the three-monthly period —as far as I know, it has proved successful in both those countries—and when a period of one month has not been found quite desirable in this State, it is surely time that we effected a change.

Hon. A. A. M. Coverley: In what direction has the period of one month been found unsuitable?

The ATTORNEY GENERAL: We should see whether the three-monthly period would not be more advantageous.

Hon. A. A. M. Coverley: Justify your provision, and show us why one month has not been suitable.

Hon. E. Nulsen: The Commonwealth still retains the period of one month.

The ATTORNEY GENERAL: That is so. The member for Nedlands discussed the Bill on a high plane. I have the feeling that he made up his mind in 1907 as to what was right, and he has not changed his opinion since. I think there is a good deal in that argument.

Hon. A. H. Panton: Anyhow, he is a sticker.

The ATTORNEY GENERAL: He has since found out that some of his criticism was not justified because the Interpretation Act meets some of his objections. I certainly do not propose to deal at length with all the objections he raised to the Bill.

Mr. Rodoreda: They would be hard to deal with.

The ATTORNEY GENERAL: The meaning of election day is absolutely clear; we all know what it means. I do not think there is much ground for objection in that regard. He also suggested that the clause with regard to the issue of a writ needed a better crystallising date. I suggest that is not so. I consider that 14 days before polling date is the better one to mention, because that does give the registrar an opportunity to consider the very large number of claim cards always put in before the writs are issued.

Mr. Hegney: But how could you get the supplementary rolls printed with all the names included?

The ATTORNEY GENERAL: I am advised by the Chief Electoral Officer that a period of 14 days is ample. I do not think there will be a great number of names on the supplementary roll; possibly there may be two or three, and they can be easily dealt with. I cannot see much objection to that provision. The member for Pilbara raised a number of points and he objected to persons being warned that it was a breach of the Act if certain things were done. Is it not customary to warn people that they are likely to incur penalties? Surely that is advisable.

Mr. Hegney: The reference is on the claim card now and it has to be signed before a witness.

The ATTORNEY GENERAL: That is quite correct, but we know how carelessly such documents are read. The man who is canvassing says, "Sign on the dotted line," and the prospective elector signs. This will provide an opportunity of giving such a person some notice that if he has not the necessary qualifications he should not sign the claim card. Every member knows that time and again people send in claim cards, whereas they are not entitled to enrolment at all. This provision will at least give such people a warning. Then again there was some comment about postal vote officers. They will be appointed as at present if required. The mere fact that they have to be commissioners for declarations does not prevent their being appointed as such where necessary.

Hon. A. A. M. Coverley: Why did you not put that provision in the Bill?

Mr. Kelly: At any rate, that applies mostly in the towns.

The ATTORNEY GENERAL: Commissioners for declarations are appointed wherever they are required and where they are needed to act as postal vote officers, they will be duly appointed. No person will be left without the opportunity to vote. That some recognition of responsibility is required with respect to people who take postal votes, surely is highly desirable. We heard some comment, too, about members of Parliament not acting as scrutineers. Lawyers are not entitled to act on juries. It is desirable in such a matter as elections, to keep all those that are intimately connected with results of the poll from taking part in that phase. That is highly desirable. We know that each party is closely interested.

Hon. A. H. Panton: What is wrong with a member of Parliament looking after his own interests at an election?

The ATTORNEY GENERAL: What is wrong with a lawyer acting on a jury?

Hon. A. H. Panton: A lot.

The ATTORNEY GENERAL: There is no difference, because a lawyer is so closely associated with the law that he must keep apart. So should a member of Parliament.

Mr. Styants: Because he knows too much about the Act. That is why you want to keep him off.

Mr. Hegney: Elections are no comparison.

The ATTORNEY GENERAL: I differ. Members of Parliament are much too closely connected with polling matters to warrant their taking part in the actual poll.

Hon. A. H. Panton: But the election will be over.

The ATTORNEY GENERAL: No.

Mr. Hegney: You are restricting the liberty of the subject.

The ATTORNEY GENERAL: There was some comment by the member for Pilbara as to what roll should be used, in the event of a re-election being necessary. The same roll should be used. If an election has been declared void, it is infinitely better to conduct the fresh election on the same roll. What objection can there be to that? There cannot be any. It is logical. I dealt with most of the questions raised by the member for Murchison when replying to the points raised by other members. We do not suggest for a moment that the man outback is forgotten. Far from it.

Mr. Marshall: I am not worried about your suggestion. I am worried about this Bill. Your suggestions are not worth a snap of the fingers.

The ATTORNEY GENERAL: The Bill is quite fair and caters for the man outback better than he has been catered for in the past. It at least gives him the right to vote for his own district, whenever he may be near a polling booth.

Mr. Marshall: That is entirely wrong, as I shall show you.

Mr. SPEAKER: In Committee.

Mr. Marshall: The man outback would not need to be near a polling booth.

The ATTORNEY GENERAL: Quite so.

Mr. Marshall: You are not going to put that rubbish over.

Mr. SPEAKER: Order!

The ATTORNEY GENERAL: Has the hon. member finished?

Mr. Marshall: Not half. Wait till the Bill goes into Committee.

The ATTORNEY GENERAL: There is still the provision for postal voting. As I have said, there is no reason why the necessary number of commissioners for declarations should not be appointed so as to ensure that every elector has the opportunity to vote.

Mr. Marshall: Rubbish!

The ATTORNEY GENERAL: As a matter of fact, in most country districts, the facility is already provided. Voting is not the only authenticated matter that is required of a man living in the country. He has to sign transfers, make declarations and deal with a hundred and one other documents, and due provision is made for him to do so. The mere fact that he has to do one more thing before a certifying officer does not put him at a disadvantage. What has to be done, and what will be done, is to ensure that there are sufficient postal vote officers to guarantee that every elector has the opportunity to vote.

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

Ayes	22
Noes	20
Majority for ..	2

AYES.	
Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Bovell	Mr. Perkins
Mrs. Cardell-Oliver	Mr. Read
Mr. Doney	Mr. Seward
Mr. Hill	Mr. Shearn
Mr. Leslie	Mr. Thorn
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Wild
Mr. McLarty	Mr. Yates
Mr. Murray	Mr. Brand (*Teller.*)

NOES.	
Mr. Brady	Mr. May
Mr. Coverley	Mr. Needham
Mr. Fox	Mr. Nulsen
Mr. Graham	Mr. Panton
Mr. Hawke	Mr. Reynolds
Mr. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Smith
Sir N. Keenan.	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Marshall	Mr. Rodoreda (*Teller.*)

Question thus passed.

Bill read a second time.

In Committee.

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Amendment of Section 17:

Mr. MARSHALL: I want the Minister to justify this clause. He merely brushed it aside, saying that it was what was required and was justifiable. Who asked for it?

The Honorary Minister: Everybody.

Mr. MARSHALL: I hope the Honorary Minister will make a trip to the North, which has been robbed of one representative, and where now people will be denied the opportunity to vote. I would like to be alongside her, too. The people of Subiaco are gradually waking up.

The CHAIRMAN: Order!

Mr. MARSHALL: What justification is there for this lengthy period, which will deny scores of people in the backblocks the right to vote? They will be unable to qualify, as they are forced to travel to secure employment and so will not be long enough in an electorate to qualify. The clause seems to be the result of a conspiracy hatched by members of the Liberal Party. The Minister has not been courageous enough to disclose the reason for it. How can he hope to win the confidence of two Independents in connection with this clause? The Minister has no reply.

Hon. A. R. G. HAWKE: It is rather sad when the Minister refuses to reply to discussions in Committee on an important principle of this nature.

The Attorney General: I am not refusing to reply.

Hon. A. R. G. HAWKE: The Chairman was about to put the clause and that might have closed the discussion. It is therefore obvious that the Minister did not intend to reply. I oppose the clause on the grounds mentioned by the member for Murchison, as well as on other grounds. Since our Electoral Act came into operation, the people of the State have become accustomed to the residential qualification of one month. The Commonwealth law on the point is the same as ours, so that if the Bill becomes law, the State will be in conflict with the Commonwealth. A person who goes from Merredin to Kalgoorlie would, at the expiration of one month's residence in Kalgoorlie, be entitled to claim enrolment for the Commonwealth, but would have to wait for a further two months to become qualified to enrol for the State. Members who have had experience of enrolling electors know that past practice has been to place the name on both Commonwealth and State rolls at the same time, as soon as the person concerned has completed the month's residential qualification for a particular area. If the present provision remains in the Bill the result will be that, as in the past, people will enrol in full numbers for the Commonwealth but not for the State. Having enrolled for the Commonwealth they will think their responsibility has ended.

The Minister for Railways: They think that now.

Hon. A. R. G. HAWKE: Yes, there is enough confusion on that point already. The position will be much worse if the residential qualification is for three months. The Attorney General has given no convincing argument in favour of the proposed change. He has not indicated in what way the one month's residential qualification has been found wanting, or in what way the three months' qualification would be better. As the member for Nedlands said, the present provision has worked well over a long period, and I have never heard an elector complain about it. The average elector, when he has moved to a new electoral district, wishes to establish himself there in every way as soon as possible and we should not place obstructions in his way by specifying a three months' residence in the new area before he is qualified to enrol. I hope the Committee will vote against the provision.

The ATTORNEY GENERAL: As members know, there is already provision in the Act for the person who wanders from place to place to declare his permanent residence.

Mr. May: What about the single worker who lives in a tent?

The ATTORNEY GENERAL: There is provision for any such elector to select his permanent residence. What is the objection to the three months' qualification?

Mr. Marshall: You justify the alteration instead of asking us what is the objection.

The ATTORNEY GENERAL: The alteration would make for stability in the rolls.

Hon. A. R. G. Hawke: Sterility, not stability.

The ATTORNEY GENERAL: It would make for stability and would overcome considerable administrative difficulties. I cannot see what is the objection to the proposal.

Hon. A. A. M. COVERLEY: Things have come to a pretty pass when the Attorney General places the convenience of officers of the Electoral Department before the interests of the electors, in saying that the provision would make for stability of the rolls. The electors realise that within 28 days of changing from one electorate to another they must fill in a fresh claim card, but if the period is extended to three months the majority of them will forget all about it and then they will be prosecuted for not being enrolled. The provision in

Section 17 of the Act, to which the Attorney General referred, is worth nothing to the elector. The average person does not understand the Act and canvassers are able to bluff him into signing a fresh card under threat of a fine of £2.

The Attorney General: They will not be able to bluff him, now.

Hon. A. A. M. COVERLEY: The provision is worth nothing and I hope the Committee will defeat the clause.

Hon. E. NULSEN: I cannot understand the attitude of the Attorney General and I feel sure there must be a nigger in the woodpile. The Attorney General says the three months' qualification will give stability to the rolls but I think it is more likely to sterilise them. If the present provision was satisfactory 30 years ago when transport was so much slower than it is today, I see no need for the alteration and I believe it would be a retrograde step. There must be something more in it than has been disclosed.

The Attorney General: There is nothing hidden.

Hon. E. NULSEN: Then why disfranchise the nomads of this State? The three months' qualification would really be four months, because there is a period of 21 days' grace and, after making application for enrolment, there is 14 days abeyance for objection. The one month is bad enough. If a man makes application immediately, at the expiration of one month he still has 14 days for objections. He cannot get on the roll for one and a half months. If he takes advantage of the 21 days' grace that brings him over the two months. What is at the back of the Attorney General's mind?

Hon. A. A. M. Coverley: Nothing.

Hon. E. NULSEN: I do not say that. He must have some reason for this provision. If it is a political reason he should let us know.

Hon. A. A. M. Coverley: It is political dynamite.

Hon. E. NULSEN: I do not know whether that is so or not. I can see no reason for the extension from one month to three months. The change may have been necessary 30 years ago but it certainly is not so today. Where is the nigger in the woodpile?

Hon. J. T. TONKIN: A very serious objection to the proposal is that it is contrary to the spirit and intention of the Electoral Act. When an election is held the purpose is to ascertain from the people in each electorate the representatives they desire to put into Parliament. We should aim at ascertaining from the residents of each electorate the persons they desire to represent them. The Act already provides the minimum period for qualification. The ideal system would be one which made a person eligible for enrolment immediately he resided in an electorate. His interests would be in that electorate because he had gone to live there. To provide against roll-stuffing a reasonable period of residence is allowed for.

All down the years we have regarded one month as a reasonable time with a view to preventing roll-stuffing. The idea is that we should not deny longer than is necessary the right of a person to enrol for an electorate where his interests are. As to the length of time a man is permitted to retain his qualifications for the district he has left, if we lengthen that time we act in opposition to the spirit of the Act which provides for a period of three months. That is a reasonable time to allow a man to get upon another roll. If we extend the period to six months we put a premium upon laxity and people will be encouraged to disregard their obligations as citizens. What right has a man who has no intention of returning to the electorate he has left to assist in deciding who shall represent that electorate? To show the absurdity of the present proposal all we need do is to extend the period to 12 months.

The ideal way is to provide a minimum time for a man to obtain the necessary qualifications for the new electorate in which he resides, and he should also be given reasonable time in which to retain his qualifications for the district he has just left. There is no justification for this proposal, which will do no-one any good. A man really forfeits his right to select a representative when he leaves the electorate, but that cannot be stipulated by law. The quicker a person qualifies for enrolment the better it will be for the rolls and the better will be the representation of the electorate in Parliament. Only people who have an interest in the district in which they reside should have a say in the representation it will have.

I hope the Committee will not agree to the proposal.

Hon. J. B. SLEEMAN: Our first consideration is to give everyone of age the right to get on the roll. When a person has resided for one month in the district he should have that right. The Attorney General has *something in mind* but he has not told us what it is. We know of no objection on the part of the Electoral Department to the period of one month. I desire to move that in paragraph (a) the words "one month" be struck out.

The CHAIRMAN: I could not accept that amendment because it is a direct negative. The object of the hon. member could be achieved if he voted against the whole clause.

Hon. J. B. SLEEMAN: I may be in favour of the latter part of the paragraph. My object is to retain the words "one month" as they appear in the Act.

The CHAIRMAN: The amendment proposed by the hon. member has reference to the parent Act.

Hon. J. B. SLEEMAN: Then I move an amendment—

That paragraph (a) be struck out.

Mr. MARSHALL: I support the amendment. The only argument advanced by the Attorney General in favour of the paragraph is that he wanted stability of the rolls.

Hon. A. R. G. Hawke: And less work for the Electoral Office.

Mr. MARSHALL: The Commonwealth roll is cleaner than the State roll.

Mr. Smith: And more stable.

Mr. MARSHALL: The stability of the Commonwealth roll is 50 per cent. better than in the case of the State roll. The reason for that is that the State roll is not looked after as is the Commonwealth roll. Why did the Minister adopt the period of three months? Why not make it 12 months, for surely then the rolls would have been perfect? When electors change their address, it is difficult to get them to enrol, and to allow extra time will not make for efficiency-because people will forget their responsibility. They do so now in the seven weeks that is allowed them. The Minister did not give any sound reasons for the alteration. Can he show where the provision in the Act has failed? Can he mention any organisation that has complained of the existing provision? Of course he cannot.

Hon. A. R. G. Hawke: Has the Minister received any petition for an alteration?

Mr. MARSHALL: I have not heard any complaint against the present period.

The Attorney General: You certainly have not listened.

Mr. MARSHALL: I have often listened to the Minister and learnt but little. I challenge him to show the necessity for the alteration.

Mr. HEGNEY: I am amazed at the silence of Country Party members on this proposed alteration. In country areas particularly, there is a risk of electors being disfranchised through not having been in the district for three months. Supporters of the Country Party have expressed distaste of the redistribution proposals and have indicated that the Liberal Party has scored a point. Are they satisfied with this proposal? The Attorney General said that the British and New Zealand Parliaments had adopted the three months' residential qualification and implied that Western Australia should therefore do likewise, but when Labour was in power and endeavoured to introduce the provisions of the British Parliament Act, he did not then adopt a similar argument. The month's residential qualification has operated for some 40 years and the proposed extension will merely create confusion in the minds of electors.

The Minister has assured us that we shall have uniformity of price-fixing throughout Australia. In every State but one and in the Commonwealth, the month's residential qualification prevails and uniformity there is equally desirable. I have no doubt that the Minister prepared this Bill under instructions from the Government. This clause is probably the result of advice tendered by the officers of the Electoral Department, or it may have been the result of conferences between the Liberal Party and the Country Party and Democratic League. From the remarks of the Attorney General, I should think the provision was recommended by officers of the Electoral Department, because he played on the word "stability." It would mean less work for the officers of the department.

Mr. ACKLAND: I had no intention of speaking on the clause, but the fishing of

the member for Pilbara has been good. I hope the Minister will stick to the clause. Opposition members have said that it will re-act against country people; what it will prevent is roll-stuffing just before elections. If the clause is agreed to, it will stop the transferring of a number of people to an electorate for engagement on public works.

Hon. J. B. SLEEMAN: Why does not the Attorney General confirm what the member for Irwin-Moore says? The Minister has no answer. He has not been asked to insert this provision in the Bill, not even by his boss, "The West Australian."

Hon. A. R. G. HAWKE: Apparently, the member for Irwin-Moore merely took part in the discussion for the purpose of being nasty.

Hon. A. H. Panton: As usual!

Hon. A. R. G. HAWKE: I suggest to the member for Irwin-Moore that he will not achieve anything by being nasty. Conceivably, the Chief Electoral Officer and those working with him would want to serve their own convenience by altering the Act in this way, as then they would have fewer claim cards to deal with. It would be better to provide even for six months' residential qualification, because that would mean still fewer claim cards to be handled and less work to do. What is of far more importance than the convenience of electoral officers, however, is the convenience of electors. Our aim should be to see that as many people as possible who are entitled to be enrolled for the district in which they reside are enrolled.

The member for North-East Fremantle made the most important contribution so far in the discussion of this principle. He pointed out it was desirable that people should be enrolled as soon as possible in the new district to which they had transferred so that they could have a voice in the election of the representative for that district, rather than that their names should remain on the roll for the district they had left, and in which they would not reside again. That is a convincing argument for the retention of one month instead of the three months proposed. Any alteration of the present residential qualification of one month will lead to confusion in the minds of electors who shift from one district to another.

There will be conflict between the State and the Federal law. People transferring will fill in a Commonwealth claim card after being in a new district for five or six days and, at the same time, will want to fill in a State claim card, but they will be told they cannot do so at that time as the period under the State law is longer than that under the Commonwealth. Many of them will, two or three months later, forget to do anything about their State claim card. I trust the majority of members will vote to delete this paragraph and thus retain the one month's residential qualification which has proved over the years to be convenient and satisfactory to the electors.

Mr. GRAHAM: If we look at the Act and the Bill we will see that there is not only ample time, but a ridiculously long period provided for. Under the Bill, an election may be held as late as 90 days after the closing date for nominations, and the period for the calling of nominations may be as long as 45 days. Enrolments in the Electoral Act are for a provisional period of 14 days, and a month's qualification of residence in a district means another 30 days, making a total of 179 days, or approximately six months which is possible, even retaining the one month's qualification. Any Government that felt like indulging in roll-stuffing would need to have an eye very much to the distant future in order to anticipate events.

The member for Irwin-Moore has made the charge that the Opposition, if it were the Government, would be liable to engage in such undesirable practices. What the Attorney General would do would be to make the total, instead of approximately six months, 239 days or just on three-quarters of a year. That is ridiculous. The month at present provided is in conformity with the Commonwealth Act, and it is ample. On the basis of logic, the Attorney General could surely give way on this point.

Hon. A. A. M. COVERLEY: The Attorney General, I thought, would at least have got up and replied to the challenge of the member for Murchison, who asked him where the pressure came from, or what was the reason for the alteration of the Act. I want to know where the sincerity is in the Government. Quite recently the Premier indicated that the Government desired to finish this Parliament within the next

nine days; yet a controversial Bill of this description is introduced.

The Attorney General: This should not be controversial.

Hon. A. A. M. COVERLEY: No. The Bill is so simple that the Attorney General cannot explain why it is necessary to alter the Act, except as a convenience to the officers of the Electoral Department. Parliament ought to be more concerned with the electors of Western Australia than with a handful of civil servants. I want the Minister to tell the Committee what organisation or section of the community has asked for an alteration in this manner. On the other hand, can the Minister tell us anything wrong that has occurred at elections to indicate that there is need for the alteration?

The Attorney General: I have told you why. It is for the greater stability of the rolls.

Hon. A. A. M. COVERLEY: The Attorney General wants to make the job easier for the Electoral Department. That is "stability" according to him. I am not prepared to support that.

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

Ayes	21
Noes	21
A tie	0

AYES.

Mr. Brady	Mr. Nulsen
Mr. Coverley	Mr. Panton
Mr. Fox	Mr. Read
Mr. Graham	Mr. Reynolds
Mr. Hawke	Mr. Shearn
Mr. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Smith
Mr. Kelly	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Rodoreda
Mr. Needham	(*Teller.*)

NOES.

Mr. Abbott	Mr. Murray
Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Seward
Mr. Doney	Mr. Thorn
Mr. Hill	Mr. Watts
Mr. Leslie	Mr. Wild
Mr. Mann	Mr. Yates
Mr. McDonald	Mr Brand
Mr. McLarty	(*Teller.*)

The CHAIRMAN: The voting being equal, I give my vote with the Noes.

Amendment thus negatived.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Amendment of Section 44:

Mr. MARSHALL: I hope the Minister will not press this clause. The question as to the age of a female elector is a feature that I detest with regard to the Commonwealth application form. It is of no value whatever, as everyone knows that a person must be 21 years of age before being entitled to enrol. I have never heard of a prosecution for a person having enrolled wrongly by being under the age of 21 years. I hope the Committee will vote against the clause.

The ATTORNEY GENERAL: The object of this provision is to secure proper identification. There are many people who have the same Christian names as well as the same surnames and the Chief Electoral Officer has reported that a great deal of difficulty is caused by the wrong person being struck off the roll on receipt from the Registrar of Deaths, Births and Marriages of notification that someone has married or has died. The information as to age is confidential to the Electoral Office and is not made public in any way.

Mr. MARSHALL: If the Minister's contention was correct there might be justification for the clause, but how would the Electoral Office know which of a number of people of the same name had died?

The Attorney General: The age would be given in the death notice.

Mr. May: There might not be a death notice.

Mr. MARSHALL: The department would not know which person of that name was concerned.

The Attorney General: It would be an additional assistance in identification.

Mr. MARSHALL: I repeat that the Electoral Department would not know which one had died. The age is not recorded on the roll at all, but only on the card.

The Attorney General: That is so.

Mr. MARSHALL: The only people that have access to the cards are those in the metropolitan area. Those outback do not have access at all. All the cards are forwarded to head office and are not kept in the centre where they are lodged. It is absolutely ridiculous to say that one would know by virtue of the age. The only chance of getting that information is by some person going to the registrar, or to a person

in charge of a roll and advising him. The department never checks up on the records of deaths as we see them in the Press.

The Attorney General: The department gets a formal notification from the registrar.

Mr. MARSHALL: I knew of one man whose name was on the Murchison roll for five years after he died. If the department had checked up and been advised by the registrar, surely that would have been discovered. There is no substance in the Minister's argument.

The ATTORNEY GENERAL: As the member for Murchison probably knows every death must be registered and amongst other things the age of the deceased must be given. The registrar formally notifies the Chief Electoral Officer of every death giving all the information that is disclosed on the certificate.

Mr. Hegney: That is not carried out in practice.

The ATTORNEY GENERAL: It is. Sometimes the Chief Electoral Officer, having got that information, finds it extremely difficult to decide which person it affects, because there may be four people who have the same name in that district. Consequently sometimes the wrong person is struck off the roll and then there is a complaint. If the age is given on the claim card and it coincides with the age given on the death certificate it is a strong point for identification.

Mr. HEGNEY: I do not propose to offer any objection. I would like the Minister to assure the Committee that this will not have retrospective application to those already enrolled, but that it will apply only to those who are to be enrolled in the future.

The Attorney General: That is so.

Hon. E. NULSEN: I know of the difficulties of the department and what the Minister has said is quite correct. If the age is given on the claim card it can be checked with the age given on the death certificate, and that will prevent many people from being struck off the roll. It might be embarrassing to ask ladies where they were born and their age, but I consider it is essential. The Commonwealth goes further and asks the former name of each person where a marriage has occurred, but I consider the provisions as outlined by the Attorney General are essential for checking purposes. Mistakes are made and people crossed off the roll, but mistakes must occur everywhere.

Hon. J. T. TONKIN: I am wondering whether the Minister has considered including the colour of the eyes and the hair and any identification marks that might be present on the body.

The Attorney General: I might accept an amendment.

Hon. J. T. TONKIN: In that case I move an amendment—

That Subparagraph (c) of paragraph (a) be struck out.

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

Ayes	18
Noes	22
Majority against	4

Ayes	
Mr. Brady	Mr. May
Mr. Coverley	Mr. Needham
Mr. Fox	Mr. Panton
Mr. Graham	Mr. Reynolds
Mr. Hawke	Mr. Sleeman
Mr. Hegney	Mr. Smith
Mr. Hoar	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Marshall	Mr. Rodoreda (*Teller.*)

Noes	
Mr. Abbott	Mr. Murray
Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Nulsen
Mr. Doney	Mr. Seward
Mr. Hill	Mr. Thorn
Mr. Leslie	Mr. Watts
Mr. Mann	Mr. Wild
Mr. McDonald	Mr. Yates
Mr. McLarty	Mr. Brand (*Teller.*)

Amendment thus negatived.

Clause put and passed.

Clause 8—Amendment of Section 47:

Mr. NEEDHAM: Section 47 deals with objections to claims for enrolment and represents a most importnat part of our electoral machinery. After each election, we hear many complaints from people whose names have been struck off the rolls without their receiving any notification. Repeatedly, statements are made by men and women who have resided in their respective homes for upwards of 15 years that they have been struck off the rolls without any intimation to them. I cannot see that the clause will rectify that serious position. The section provides for people to be noti-

fied of objections to their enrolment and for objections in that regard by electoral registrars, but in neither instance does it indicate what method should be adopted with regard to the notification to be served upon the persons concerned. The proviso to paragraph (h) in the new paragraphs set out in the clause reads—

Provided that the registrar shall place a mark in the prescribed manner against the claimant's name when enrolled, and no such person whose name is so marked shall be entitled at any election to obtain a ballot paper and record his vote unless he has delivered to the presiding officer a declaration duly made by himself in the prescribed form.

We should attempt to devise some means whereby we shall be as nearly certain as possible that the person objected to shall receive the requisite notice. The system adopted in the past has been for a departmental canvass to be undertaken immediately prior to an election, but that canvass is very often not carried out in the proper manner. A person may be absent from his home for some reason when the official calls, and forthwith an objection is lodged against that person's name being on the roll, with the result that, without that individual having any knowledge of the fact, his name is removed. After the last general election, I heard members on both sides of the House deploring the fact that the names of so many people had been struck off the rolls without any justification. In my own constituency such a complaint was made by at least 70 electors who had lived in their respective homes for upwards of 12 years. In order to overcome this difficulty, I move an amendment—

That at the end of the proviso to paragraph (h) the following words be added:—"Provided further that no person objected to shall be prevented from obtaining a ballot paper unless such person has received notice of objection by registered post."

A registered letter has to be signed for and, although this proposition might involve a little extra expense, if it will ensure that the person objected to shall receive the notice of objection in time to enable him or her to reply, it is worthy of trial. Every member desires the electoral rolls to be as clean as possible. No names should find a place thereon that are not entitled to appear there, and no names should be removed without justification. The Act has been in existence for 41 years, and no election has yet been held without complaints such as I have referred to.

The ATTORNEY GENERAL: I cannot accept the amendment, which would entail an enormous amount of work and cost a tremendous amount of money. We have attempted to achieve by Clause 21 what the member for Perth desires. Provision is there made that if anyone has been wrongly struck off the roll, he may get his vote and thus escape the sense of frustration and aggravation that an elector feels when he is wrongly deprived of the vote. To send registered letters and obtain signatures would be a sheer impossibility. This is something that is not done elsewhere in the Commonwealth.

Mr. HEGNEY: I cannot agree that it would be a sheer impossibility. In some cases there would be nobody at the address to give a signature. Notices of objection to claims or enrolment should be sent by registered post.

The Attorney General: Then a signature would be necessary.

Mr. HEGNEY: If the notice were sent by registered post, the department could prove that the requisite notice had been issued whereas, if sent by ordinary post, there would be no proof that the potential elector had received the notice. Considerable expense would not be entailed.

The Attorney General: Thousands of pounds every week.

Mr. HEGNEY: Even if there were some cost, would it not be worth while for the sake of getting the electoral machinery to work more smoothly? In some places mails are irregular and men working in the bush may not come into the town for several weeks. As the registrar has to give a minimum of seven days' notice, the time would have expired and the names would have been removed from the roll. Provision is made that objection may be lodged up to within 14 days of the election. That would make the time short for ensuring that presiding officers, particularly in outlying centres, were apprised of the position.

Hon. E. NULSEN: The Minister might well consider having notices sent out by registered post. There would not be a great number and the cost would not be heavy. The work of preparing and sending out the notices has to be done, so it would only be a matter of registration.

Hon. A. A. M. COVERLEY: The Minister should give serious consideration to the amendment. In 1933, my opponent at the Kimberley election lodged objections against 72 names. One of the persons was A. T. Woodland, who was the manager of the Government Moola Bulla Station. His address on the roll was given as the Ord River Station, and therefore under the Act he was wrongly enrolled. Mr. A. P. O'Leary was enrolled as a bookkeeper at another station; but he was the secretary of the road board at Halls Creek. He was also an honorary electoral officer, postal vote officer, etc. A business man at Halls Creek who was conducting a general store was on the roll as a gardener at Ord River Station. Those three instances are on a par with the remainder of the 72. All the men had been living in the district for 20 years or more, but their addresses were not correctly stated on the roll. The objection cards were sent to those addresses, and the consequence was they were not delivered to the persons concerned until after the court had been held in Broome.

I was in Perth and wired to a few of the persons with whom I could get in touch at Halls Creek, asking them to appoint me their agent. They did so. I communicated with Broome by air mail, but my letter reached there after the case had been heard. I wired to the magistrate, stating that I had been appointed agent and desired to appear in person to give evidence, but three days after the case was concluded I received a wire from the Clerk of Courts, stating that, after evidence, instructions had been given to strike the 72 names off the roll. If the amendment were agreed to, all these objections could be sent by registered post; the person would have to sign for the notices and also sign the acknowledgment of receipt, which would be returned to the electoral officer and thus be proof that the person had received the notice. This procedure would not be expensive and would not entail much work for the department.

Hon. J. T. TONKIN: In practice, there have been very few objections until close up to an election. The department then sends out canvassers who ascertain when, going through a street, that certain persons are not residing in houses shown on the index. The then occupiers of the houses cannot say where the former occupiers have gone, so the canvassers report them as having left the district. The registrar would have no idea how long it was since the people had left the district and, to make sure, he sends out an objection notice. What earthly hope would that notice have of reaching the person for whom it was intended under the new provision, seeing that he might have been out of the district for six months?

I have been in the Electoral Department immediately prior to some elections and have seen bundles of notices which the registrar has said he would refrain from sending out because, in the circumstances, it would be unfair to do so. According to the law, these notices should have been despatched, as the registrar had reason to believe that the persons no longer resided in the district and therefore had not retained their qualifications for voting. I have had many instances of persons who have been in a district for years, bringing objection notices to me. Some have been so irate that they have torn them up with the result that they have been struck off the roll. That has happened, in my experience, dozens of times. Under the Bill there is every reason why notices for objection should reach the persons to whom they are sent. I am in favour of the amendment even if it will mean additional cost to the department; and it might not because the department would be more careful in sending out these notices. It is far better that a person entitled to vote should do so than that he should be deprived of his right through over-zealousness on the part of the department.

Mr. NEEDHAM: The Minister raised the excuse of increased expenditure and also increased work. The latter is a reflection on the officers of the Electoral Department. No officer of that department would object to extra work if he were sure it was for a good purpose. Surely the Committee is not going to accept the excuse in regard to expense as a reason why electors should not get proper notification of any objection. The legislation in this connection is one-way traffic. An obligation is laid on the person objected to, to communicate with the registrar in a certain way, but there is no mention in the Act as to the method whereby the registrar shall get in touch with the person objected to. The result has been,

as shown tonight by the member for North-East Fremantle, that dozens if not hundreds of objections never reach the persons for whom they are intended, and people are struck off the rolls without receiving the notices.

If there is an obligation on members of this Parliament, it is to see that every person entitled to a vote at an election has his or her name on the roll. The amendment is an honest endeavour to ensure that a person objected to will receive notice. If it becomes law, there will not be so many complaints on future occasions, and to those persons who do complain we will be able to say, "You got the notice of objection by registered post and you did not put in your defence. The blame is on you."

Mr. RODOREDA: It seems to me that the amendment should be worded a little differently if it is to be effective. The clause deals solely with claims made for enrolment, and not objections to people being on the roll. That is dealt with in Clause 9. If the amendment can be worded to carry out the intentions of the mover, it will be a good one. The Minister has objected to it mainly on the grounds of cost and impracticability. I cannot see that there will be much cost involved. The only time I can imagine objections being made is just prior to elections.

The main reason for objection is that the residential qualification is not present. I cannot envisage electors signing claim cards and putting in the wrong place of residence, or something of that nature. The member for Kimberley pointed out that people were objected to for being on the roll, and not for claim. The amendment has more to do with being struck off the roll than a claim being objected to.

The ATTORNEY GENERAL: The amendment is in the wrong place, but I allowed the argument to continue, on general principles. The matter was given a good deal of consideration, and the idea of registered post has been discussed. Members should know that thousands of objections are going out all the time. It applies to objections to registration and to enrolment. We could not have registered post for the one and not for the other.

Mr. Hegney: It applies equally to claims for enrolment.

The ATTORNEY GENERAL: I cannot accept the amendment in either case. It would entail a great deal of expense. The chief objection is that somebody might be struck off, and there is provision—

Hon. J. T. Tonkin: That provision is not worth twopence.

The ATTORNEY GENERAL: It is, because if an elector is struck off owing to a mistake he gets his vote.

Hon. J. T. Tonkin: We both know it is never counted.

The ATTORNEY GENERAL: It will be counted among the absentee votes.

Hon. J. T. Tonkin: If the name is not on the roll the returning officer throws the vote out.

The ATTORNEY GENERAL: They will be checked by the Chief Electoral Officer and included with the absentee votes, and the object will be achieved in a better way. This idea has been thought of on a number of occasions.

Hon. J. T. Tonkin: Yes, and stubborn Ministers have prevented it going into the legislation.

The ATTORNEY GENERAL: I cannot accept the amendment.

Mr. RODOREDA: The essential principle of the Electoral Act should be to ensure that as nearly as possible 100 per cent. of the people are allowed to be enrolled and are given facilities to vote. They should not be struck off the roll or have their claim cards refused. Under the present system the registrar can object to a person being on the roll if he has shifted to another district or is wrongly enrolled in the district for which he is enrolled and the registrar has then of necessity to send the objection to the place where he knows the man no longer resides. His job is then done. Surely we could devise something better than that. The amendment would ensure that the elector concerned received the objection. Can the Minister give any reason why claims should be objected to? If the Minister can give figures as to how many are objected to I will listen to what he has to say. I contend that there are not many claims objected to except just prior to an election, and the expense of objecting by registered letter would be infinitesimal. Let us have a registered letter sent out when the claim is objected to.

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

Ayes	18
Noes	22
Majority against .. .	4

Ayes.	
Mr. Brady	Mr. May
Mr. Coverley	Mr. Needham
Mr. Fox	Mr. Nulsen
Mr. Graham	Mr. Panton
Mr. Hawke	Mr. Reynolds
Mr. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Kelly	Mr. Tonkin
Mr. Marshall	Mr. Rodoreda (*Teller.*)

Noes.	
Mr. Abbott	Mr. Nalder
Mr. Ackland	Mr. Nimmo
Mr. Bovell	Mr. North
Mrs. Cardell-Oliver	Mr. Read
Mr. Cornell	Mr. Seward
Mr. Doney	Mr. Shearn
Mr. Hill	Mr. Thorn
Mr. Leslie	Mr. Watts
Mr. McDonald	Mr. Wild
Mr. McLarty	Mr. Yates
Mr. Murray	Mr. Brand (*Teller.*)

Amendment thus negatived.

Clause put and passed.

Clauses 9 to 12—agreed to.

Clause 13—Amendment of Section 70:

Mr. HEGNEY: It is sought to increase the time from the issue of the writs to nomination day from 30 to 45 days. Over the years, 30 days has sufficed for the purpose of holding an election and giving the people an opportunity to vote. As on other sections of the Bill, the Minister's speech was conspicuous by its lack of reasons to justify the amendment. If there is any justification for an increase in the period, then arguments could have been advanced 20 or 30 years ago. In these days, transport has considerably improved, and we now have aerial transport, as well as communication by land and sea. I would like to know what prompted the Minister to suggest that the period should be increased. The clause also specifically refers to the North Province, and states that the date fixed for the nomination of candidates shall be not less than 35 days before the date fixed for polling. The Minister has not advanced any reason why 35 days should operate or why there should be any discrimination. It will mean that the time from the issue of the writ to polling day will be 80 days.

Mr. Rodoreda: It could be more.

Mr. HEGNEY: Yes, it could be up t three months. Experience has shown tha the department has ample time to conduc an election. If I remember rightly, th last Pilbara election was upset on the 20t June, 1947, and the by-election was hel on the 20th August. It was something ove seven weeks from the issue of the writ t the date of the election. I can see no rea son for any discrimination for the North West portion of the State. If I did, would certainly support the Minister. strongly oppose the measure, and hope th Committee will defeat the clause as i stands.

The ATTORNEY GENERAL: It ha been found that there has been difficult regarding postal votes in the North-Wes and on some occasions they have not arrive in time for the poll. It is to remedy thi position that the clause is inserted in th Bill. I can see no objection to it. If i was to cut down the time instead of in creasing it, I could see some objection, bu not as the clause reads.

Hon. J. T. Tonkin: This is not a dodg to lengthen the term of the present Govern ment, is it?

The ATTORNEY GENERAL: No.

Hon. J. T. Tonkin: You are sure?

The ATTORNEY GENERAL: Yes. Le us get on with the Bill.

Mr. Rodoreda: Why?

The CHAIRMAN: Order!

The ATTORNEY GENERAL: This wil ensure that every voter is able to cast hi vote in a proper manner.

Mr. RODOREDA: I am not so much con cerned with paragraph (a), but I am vitally concerned with the proviso. The Minister is altering the 30 days to 45 days and tha may be something which the department re quires, and I have no great objection to it but the proviso is altogether different. The date fixed for the nomination of candidates for any electorate in the North Province is dealt with in Section 71 of the Act. So, for a start, this amendment is in the wrong place.

The Attorney General: It deals with nominations.

Mr. RODOREDA: Of course it does, but it is out of place. Section 71 deals with the date fixed for polling and Section 70

deals with the date for nominations after the issue of the writ. Surely the Minister, with his keen legal brain, can see that. The Minister said that the object of the clause is to get in all the postal votes. I can remember at one election we only had a fortnight between nomination day and polling day and that time was quite satisfactory.

The Attorney General: To whom?

Mr. RODOREDA: To the candidates concerned, and they are the people desirous of getting the votes in. No objection has been raised in the outlying areas until recently and the percentage of people voting of those enrolled has been higher in the North-West electorate than in any other in this State. That speaks for itself. Getting votes in is only a matter of organisation. The shorter the time between nomination day and polling day the better because if a candidate has to spend a longer period than necessary in that area it entails much expense. From my own experience and from that of others who have contested North-West seats it is agreed that three weeks is ample time. If the maximum period were 35 days I would not strenuously oppose the clause. Surely the Minister will listen to the experience of men who are mostly involved. There have been no complaints from the electors in the North or petitions from road boards or anybody else, so why is the Minister doing this? If he considers it essential for the North Province it is as essential to the Murchison, Mount Magnet and other electorates outside the North Province.

Mr. GRAHAM: The position is rather extraordinary. The Minister told us how essential some extension of time is because it is important that every person possible should be given the opportunity to exercise a vote. If he knew anything about the clause he would know that it refers solely to the time permitted for the lodging of nominations. The position is extraordinary because the Act provides for as short a period as seven days from the issuing of the writ to the calling of nominations, yet it is proposed to extend the period up to 45 days. If there is any reason in the amendment why is not the minimum period considerably extended? If the Minister proposed that there should be a minimum of 21 or 28 days and a maximum of 45 days then there would be some consistency, but an increase of time from seven days to 45 days is ridiculous in the extreme. It is more than likely that under the second portion of the clause there will be a certain amount of confusion between the northern parts of the State and the other portions of Western Australia.

I know that electors are supposed to be enlightened and to understand the finer points of the electoral machinery but the fact remains that they do not. Therefore, anything that might tend to cause confusion in the minds of the people should be avoided. That is why I have unsuccessfully sought to have every possible uniformity established respecting all phases of elections —that is, for the Commonwealth to assume full control of enrolments and the rest of the electoral machinery insofar as it concerns every other State. I would have no objection if 45 days were regarded by the department as a reasonable period, but, as the member for Roebourne pointed out, there has been no demand for an extended period.

After all, the Electoral Department should know best the period that is necessary to ensure that the electoral machinery and the necessary details are put into operation. I therefore do not oppose the extension of the period to possibly 45 days, but a period of seven days for the calling of nominations from the time of the issue of the writ is ridiculous. Under the proviso, there could be a differentiation, and that would be most undesirable. If 35 days is considered necessary for the North-West, surely the minimum period could be extended to 35 days so that in all circumstances the needs of the North-West would be met! The Bill seems to have been introduced without proper consideration as it bristles with anomalies and inconsistencies.

Hon. J. T. TONKIN: I doubt whether any member has a full understanding of what is involved in these amendments. Does the Minister intend that the elections in the North Province shall be on a different day from those in the rest of the State? That seems to be a possibility. Apparently, upon the date fixed for the North Province will depend the date for the rest of the State. Surely we ought to know what we are doing! I have been trying to fit in the figures and decide how they will apply, and cannot make head or tail of them. Seemingly

the ultimate result of the proviso will be to create difficulties with regard to the fixing of polling day.

The ATTORNEY GENERAL: There is no difficulty at all. The proviso simply stipulates that, so far as the North Province or any district in it is concerned, the date of polling shall be 35 days from the date of nomination.

Hon. J. T. Tonkin: What does that involve?

The ATTORNEY GENERAL: That the dates for nomination and polling shall be 35 days apart.

Mr. GRAHAM: The Minister's statement is definitely wrong because the next clause provides that the date fixed for polling shall be at least 14 and not more than 45 days from the date of nomination. I consider that the Minister has given false information.

The Attorney General: It is not false.

Mr. RODOREDA: Irrespective of its merits, I hope that the clause will not be retained in its present form. It should be inserted as a proviso to the succeeding section of the Act. The first portion of the clause works from the issue of the writ, but the proviso works backwards from nomination day. Clauses 13 and 14 could account for 80 days out of the 90 days allowed between the issue and the return of the writ, and I cannot see any reason for that length of time. For 40 years we have worked on a minimum of seven days and a maximum of 30 days between the issue of the writ and nominations, and we should be told in what way that has proved to be unsatisfactory.

The Attorney General: There will be postal voting.

Mr. RODOREDA: This has nothing to do with postal voting. We are dealing with the period between the issue of the writ and nomination day. Why is the alteration necessary from the point of view of the department? What difference would it make to the Electoral Department or to anyone if nomination day were fixed ten days after the issue of a writ? I move an amendment—

That paragraph (b) be struck out.

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

Ayes	..	..	18
Noes	..	..	20
Majority against		..	2

Ayes.		Noes.	
Mr. Brady	Mr. May	Mr. Abbott	Mr. Murray
Mr. Coverley	Mr. Needham	Mr. Ackland	Mr. Nalder
Mr. Fox	Mr. Nulsen	Mr. Bovell	Mr. Nimmo
Mr. Graham	Mr. Panton	Mrs. Cardell-Oliver	Mr. North
Mr. Hawke	Mr. Reynolds	Mr. Cornell	Mr. Seward
Mr. Hegney	Mr. Sleeman	Mr. Doney	Mr. Thorn
Mr. Hoar	Mr. Styants	Mr. Hill	Mr. Watts
Mr. Kelly	Mr. Tonkin	Mr. Leslie	Mr. Wild
Mr. Marshall	Mr. Rodoreda (*Teller.*)	Mr. McDonald	Mr. Yates
		Mr. McLarty	Mr. Brand (*Teller.*)

Amendment thus negatived.

Clause put and passed.

Clauses 14 to 16—agreed to.

Clause 17—Amendment of Section 90:

Mr. MARSHALL: Notwithstanding the Minister's explanation when replying to the second reading debate, this clause contradicts the theory advanced by him. The clause will deny the people in isolated parts of the State the right to vote.

The Attorney General: No. Postal vote officers could be commissioners for declarations also.

Mr. MARSHALL: Let us see how logical the Minister is. Why did he include in the clause the words "and any person residing within the boundaries of the North Province"? The Minister does not know his own Bill; that has been disclosed on every clause we have discussed. One of the main difficulties is to get persons who will accept the responsibility of a postal vote officer; yet now we propose to load him with further responsibility and make him a commissioner for declarations. What does the Minister know about the out-back country? Nothing more than he knows about the city or about his profession!

The Attorney General: Do not get personal.

Mr. MARSHALL: I will not allow any Government to deny my electors a vote. If

the Attorney General wants to deny any elector a vote, let it be an elector in the city. One of the greatest privileges the outback people have is the right to choose their representative, and the Attorney General is not going to persecute them if I can help it. They would all have to be appointed commissioners for declarations before they could become ordinary postal vote officers, and then they would have the additional responsibilities of a commissioner for declarations. They would refuse to accept the position. I have not seen so much legislation interfering with the rights of the outback people as has been presented this session. Is it any wonder that people have a tendency to come to the city? I suppose during an election residents in the metropolitan area do not have to walk more than a quarter of a mile.

The Attorney General: What do you want?

Mr. MARSHALL: I want the same facilities to continue as we now have.

The Attorney General: Why do you not set about trying to achieve that object?

Mr. MARSHALL: The Bill was not introduced until Standing Orders were suspended. More Bills have been introduced since then than previously.

The CHAIRMAN: Order! The member for Murchison must get back to the Bill.

Mr. MARSHALL: There is not much possibility of moving an amendment. The only thing to do is to vote against the clause.

Hon. A. R. G. Hawke: Move to delete paragraphs (b) and (c).

Mr. MARSHALL: We can only vote against the clause.

The ATTORNEY GENERAL: The member for Murchison is to some extent right in that the conditions of his electorate compare with those of the North-West. If he will accept my assurance, I will try to discuss the matter with him with a view to having an amendment moved in the Upper House.

Hon. A. R. G. Hawke: Defeat the clause.

Mr. Marshall: If you give me an assurance that you will draft a suitable amendment to meet the situation I have outlined, I shall be satisfied.

The ATTORNEY GENERAL: I give that assurance.

Hon. A. R. G. HAWKE: I am not prepared to leave this matter to be dealt with in another place because members there might not want to do what is now suggested, in which case the clause as it stands would become law. The assurance the Attorney General has given on this occasion is valueless. I object to the clause on a number of grounds. It is an insult to a large number of efficient postal vote officers.

The ATTORNEY GENERAL: The first provision in the clause seeks to delete the words "at which he is entitled to vote" which appear in Section 90, Subsection (1) (a) of the Act. It is necessary for those words to be struck out. Paragraphs (b) and (c) of the clause could come out.

Hon. A. R. G. HAWKE: That is what I suggested when the member for Murchison was speaking, because I want the existing position with regard to postal vote officers to remain. The aim of paragraph (c) is to reduce to a small select number those persons eligible to be appointed as postal vote officers. Over the years I have found very few of the people set out in this group to be very helpful. Most have advanced all sorts of reasons and excuses for not taking votes—generally that they were too busy. The group set out in the Bill is far too small. It excludes absolutely from consideration tradesmen, storekeepers, foremen, gangers on Government construction works and a number of other men and women whose efficiency and willingness to work as postal vote officers have been proved over the years and still exists. There is ample protection in the hands of the Minister as to who shall be appointed as postal vote officers.

The Attorney General: You agree that some investigation should be made?

Hon. A. R. G. HAWKE: When a nomination comes to the Minister, he is entitled to make investigations and appoint only persons whom he considers fit and capable for the job. The restriction of appointments as postal vote officers to those mentioned in the Bill would mean that in some areas none would be appointed and many people would accordingly be denied a vote. I might add that not all people wish to be appointed justices of the peace or

commissioners for declarations. I move an amendment—

That paragraphs (b) and (c) and the proviso be struck out.

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

Clause 18—agreed to.

Clause 19—Amendment of Section 114:

Mr. HEGNEY: I appeal to the Minister to agree to the deletion of this clause. When replying to the debate, he pointed out that with respect to acting as scrutineers at the polls, members of Parliament were in the same position as were solicitors in relation to a jury. There is no comparison, as all that a member of Parliament would do would be to act in accordance with the provisions of the Electoral Act. To stipulate that no member of Parliament shall act as a scrutineer is unthinkable and I do not know how it got into the mind of the Attorney General. I want the same right as any other citizen. Why should I be refused the right to act as scrutineer for one of my friends? Has the Attorney General received any complaint from the Chief Electoral Officer or from returning officers as a reason why this provision should go into the Act? I hope the Minister will agree to withdraw this provision, or that, if he will not do so, the Committee will agree to strike out the clause.

Mr. NEEDHAM: In this clause we are asked to join with a number of irresponsible people in the community who are always casting reflections on members of Parliament. If this provision became law, it would mean that because a man was a member of Parliament he could not be trusted. I can understand a law which forbids a member of Parliament taking an active part in an election when he is a candidate, and that is quite right, but this provision would mean that a member of Parliament, either Commonwealth or State, who was not a candidate at that particular election, could not act as scrutineer; in other words, that he could not be trusted. If a member of Parliament broke the law when acting as scrutineer, he would have to pay the penalty, as would anybody else. In the name of commonsense, I ask the Attorney General to withdraw this clause.

The ATTORNEY GENERAL: I think it is highly desirable that members of Parliament at election time, after the poll is closed, should go quietly home and await the results. They should not be hanging around booths whether they are helping or not.

Hon. A. A. M. Coverley: What harm do they do?

The ATTORNEY GENERAL: Because of party politics. There is no reflection on them at all and it was never intended that there should be any reflection, but I consider that members of Parliament do not want to take part in the election of any other members.

Hon. J. T. Tonkin: If that is so they should not appear on the platform at an election.

The ATTORNEY GENERAL: I am not suggesting for a moment that a member would interfere but I do not think he wants to be hanging around a polling booth.

Hon. A. R. G. HAWKE: If members will accept this clause they will accept anything. I consider it constitutes a reflection on members of Parliament, and it will prohibit them from the right of acting as a scrutineer either during the course of polling or during the course of the counting of votes. Many members would not desire to be scrutineers in either instance but that is entirely a matter for them to decide. Why should Parliament refuse any member the right to do that which he desires to do? Not every member is opposed at an election and unopposed members should not be prevented from acting for one of their colleagues as a scrutineer.

The Attorney General: But it is not desirable, is it?

Hon. A. R. G. HAWKE: It is desirable if a candidate thinks it is, and if the member concerned thinks likewise. This legislation will interfere with the liberty of the individual. Why should any Federal member of Parliament in this State be prohibited from acting as a scrutineer on a State election day?

The Attorney General: In my opinion they should not take part in the polling at all.

Hon. A. H. Panton: Why do you not prevent them from having a vote and be done with it?

Hon. A. R. G. HAWKE: There is no shred of justification for the Minister's attitude in allowing this obnoxious provision to be included in the Bill. It interferes with members' rights as citizens and electors. Every elector should be entitled to be appointed as a scrutineer if he is willing to act as such. We would be overstepping the bounds of decency and reason if we allowed the clause to be passed. If the Attorney General feels that he does not want to act as a scrutineer then why should the member for Mt. Marshall, if he so desires, be deprived of the right to act? I hope the Committee will not agree to the clause.

Hon. A. H. PANTON: I am unable to see the justice of this clause. I have been contesting elections since 1924, and in that time I have had one unopposed election only and on each occasion I have been my own scrutineer at the count.

The Minister for Education: You are not attending as a scrutineer; you are attending as a candidate in person.

Hon. A. H. PANTON: I cannot imagine that members of Parliament would themselves scrutineer when contesting an election because there is plenty of other work for them to do. In the Federal elections I have always been at the Oxford-street booth. It is a waste of time with the returning officer that we have, but the people desire it and I do not think there can be any objection to it. Nobody has ever objected before. It should be left to the discretion of the member himself. I hope the Committee will stand up for itself and show itself to be at least as good a body of citizens as any other.

The Attorney General: That is not the suggestion.

Hon. A. H. PANTON: The Attorney General cannot make any other suggestion out of it. If he will read "The Workers' Star" next week he will find in big black type the fact that members cannot trust themselves and Saw will probably have a big cartoon in the "Daily News" tomorrow depicting the fact, and he will be quite justified in so doing.

Mr. STYANTS: This is a most remarkable and undesirable amendment. The Minister has told us everything except what is actually at the back of it. I believe it does not represent the Minister's opinion at all. I have a strong suspicion that it has been incorporated in the Bill on the suggestion of electoral officers because a member of Parliament has a fairly intimate knowledge of the provisions of the Electoral Act and can quickly detect any irregularity that may take place. When I say that I do not mean wilful irregularity. I have been a scrutineer on many occasions and it was quite obvious that the returning officer was a novice. When there were doubtful votes he had to refer to the typewritten sheet sent to him by the Chief Electoral Officer in order to determine whether a vote cast in a particular manner was valid or not. In the first place, the Minister tried to draw an analogy between a member of Parliament acting as a scrutineer and a lawyer sitting on a jury.

Mr. Needham: There is no analogy.

Mr. STYANTS: No, for the simple reason that the lawyer is barred because of his intimate knowledge of the law and he will be able to run rings round the laymen on the jury. But there is no suggestion that a member of Parliament would try to influence an electoral officer unduly. There is no comparison between the two cases at all. The Minister seemed to suggest a delicate sense of propriety in that members should not be associated with the counting or the taking of votes. Apparently he has no objection to soliciting votes on the public platform or from house to house. If the clause is passed it will create a most derogatory idea in the minds of the public respecting members of Parliament. The people will want to know why a member is debarred from acting in a matter of which he should have intimate knowledge. It is because of this knowledge that a member of Parliament is a particularly suitable person to act as a scrutineer at a polling booth or at the count.

Mr. HEGNEY: It is up to the Premier to say something on this matter because it is not a party Bill. In the final analysis there will not be many members involved and even if there were the position would be the same. I have not heard the opinions of individual members of the two parties occupying the Government benches but I hesitate to believe that they would subscribe one hundred per cent to this clause.

The Minister's statement that a member should be free to go home after the poll will not hold water. In the Act there is provision for a member and his wife to be on the roll for the district he represents although he does not live in it. That was written into the Act because he represents the people in that district and his political interests are there. While the Minister seeks to debar a member of Parliament from acting as a scrutineer, there is nothing to prevent his opponent from acting as a scrutineer for someone else. I do not think that every member of the Government knew that the clause was being included in the Bill nor were they aware of the implications or injustice of it. They should induce the Attorney General to withdraw the clause.

Hon. J. B. SLEEMAN: After what has been said, I hope the Attorney General will show commonsense by withdrawing the clause.

The Minister for Education: It cannot be withdrawn.

The Minister for Lands: Why not let it go to the vote?

Hon. J. B. SLEEMAN: The provision is tantamount to saying that a member of Parliament cannot be trusted to act.

Clause put and negatived.

Clauses 20 to 30, Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

Bill read a third time and transmitted to the Council.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Council's Message.

Message from the Council received and read notifying that it insisted upon its amendments Nos. 1, 2, 6, 7, 8 and 9 to which the Assembly had disagreed.

BILL—LAND TAX.

Returned from the Council without amendment.

BILL—WHEAT POOL ACT AMENDMENT (No. 2).

Received from the Council and read a first time.

House adjourned at 12.36 a.m.
(Wednesday).

Legislative Council.

Wednesday, 1st December, 1948.

CONTENTS.

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