On many farms, the carrying capacity has increased beyond the number of cows that can be handled by the available labour; and instead of the farmers attempting to raise only dairy steers—which, although they grow readily and are quite marketable, are not so attractive to the butcher as beef or beef cross animals—they are being definitely encouraged to breed a number of cross-bred beef animals from their inferior dairy cows and, later, animals of more specifically a beef type. This is being done by the inclusion of beef bulls in the artificial breeding service.

This move will assist the production of beef in the south-western districts, which are already contributing the major portion of the beef supplies to the city of Perth and country towns. The artificial breeding service, which so far has proved most successful, will also mean that an increasing number of farmers will be breeding their dairy cattle to the superior bulls which are kept at the centre. For example, in the first 12 months of the scheme, 1,500 cows were bred in this way. At the moment, there are 190 farmer members of the scheme, and the total number of cows which have been offered for the coming 12 months is 8,000.

The need for legislation such as the Dairy Cattle Improvement Act, therefore, has been lessened. These latter developments have occurred on the initiative of the Department of Agriculture since the Act came under fire at the annual conference of the dairying section of the Farmers' Union; and it is now agreed that, in the light of these developments, the request made by the union for the repeal of the Act should be met. I move—

That the Bill be now read a second time.

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

House adjourned at 5.18 p.m.

Legislative Assembly

Thursday, 1st August, 1957.

CONTENTS.

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

QUESTIONS.

HOSPITALS.

(a) "C" Class, Licensed Premises, etc.

Mr. ROSS HUTCHINSON ask the Minister for Health:

(1) Will he list the "C" class hospitals in the metropolitan area?

(2) Which of these have been so licensed from January, 1955, till the present time?

(3) Who has the responsibility of checking these "C" class hospitals, in order to ensure that all conditions are completely suitable as to standards?

(4) Have any complaints been made regarding overcrowding or any other unsatisfactory conditions with reference to any of these hospitals?

The MINISTER replied:

(1) and (2)—

Registered Before January, 1955.

Alfred Carson—Claremont.
Bethel—Guildford.
Brentwood—North Perth.
Cairngorm—Darlington.
Faversham—Mundaring.
Grosvenor—Beaconsfield.
Harrow—Subiaco.
St. John of God—Mosman Park.
Undercliffe—Greenmount.
Lady Lawley Cottage—Cottesloe.
Silver Chain Cottage—Perth.
James T. Pollard—Guildford.

Licensed Since January, 1955.

Lucy Creeth—Mosman Park.
Edgar Reade—West Midland.
Shan Bryde—Gooseberry Hill.
Daughters of Charity—Guildford.
Craigie House—Mundaring.
Montrose—Claremont.
Kilmar—Mundaring.
Braille Society for the Blind—Victoria Park.
Annesley—Victoria Park.
Annesley—Mt. Lawley.
Hammersley—Subiaco.

(3) The Commissioner of Public Health.

(4) No.

(b) F. C. Dean's Hospitalisation, Files.

Mr. COURT (without notice) asked the Minister for Justice:

Will he reconsider his decision of the 18th July and table the files in connection with Francis Christine Dean, deceased?

The MINISTER replied:

No, only on a motion.

EDUCATION.

(a) Domestic Science Centre, Bunbury.

Mr. ROBERTS asked the Minister for Education:

(1) Is it considered that students attending the domestic and home science centre in Bunbury receive modern and up-to-date ironing tuition by the supply of 60 ancient flat irons to that centre?

(2) Why are not more than two electric irons supplied to such centre, especially in view of the fact that 286 students attend the centre?

(3) Will immediate consideration be given to supplying modern equipment and generally modernising the centre? If so, when can action be contemplated?

The MINISTER replied:

(1) The department agrees that the supply of additional electric irons and other electrical appliances is desirable at Bunbury and many other centres. However, efficient instruction is given with the equipment available.

(2) The equipment at all centres is being progressively improved as finance permits.

(3) An item for the erection of new home science centres at Bunbury is included in the building programme and will be put in hand as soon as funds are available, having regard to other urgent requirements.

(b) Bunbury High School, Students, Classrooms and Teachers.

Mr. ROBERTS asked the Minister for Education:

(1) How many students at present attend the Bunbury High School?

(2) How many classrooms are there at the Bunbury High School?

(3) How many teachers are there at the Bunbury High School?

(4) What is the estimated number of students who will attend the Bunbury High School in each of the following years:—1958; 1959; 1960?

(5) What is the Government's intention with regard to the future building programme of classrooms at the Bunbury High School, and when is it proposed to carry out such intentions?

The MINISTER replied:

(1) 622.

(2) 26.

(3) 35.

(4) On present trend—

1958	725
1959	765
1960	850

(5) Subject to the availability of finance, manual training and home science centres are included on the 1957-58 building programme.

Future requirements are not yet known.

(c) School Children's Insurance Scheme, Results, etc.

Mr. HEARMAN asked the Minister for Education:

(1) To what factor or factors does he attribute the apparently unsatisfactory results of the school children's insurance scheme, from the viewpoint of the State Insurance Office?

(2) Why is the percentage of claims rising?

(3) Is it considered that any premium increase is imminent?

(4) Is it correct that parents whose families are insured under other health insurance schemes, can make a profit out of school children's accidents?

(5) Does he consider that this scheme is soundly based by generally accepted indemnity insurance standards?

The MINISTER replied:

(1) As with all new insurance schemes, initial premiums are determined without experience but are subsequently adjusted when an experience is available. Existing rates of premium should produce satisfactory results.

(2) Because children who without the insurance scheme may not be sent to doctors are now receiving medical attention for comparatively minor injuries.

(3) Not beyond the increase which became operative on the 1st July, 1957.

(4) Yes. Any individual can take any number of personal accident policies and is entitled to benefits under any such insurance for which he is paying premiums.

(5) Yes.

(d) Septic Installation, Yuna School.

Hon. D. BRAND asked the Minister for Education:

(1) Has a decision been made regarding installation of a septic tank system at the Yuna school?

(2) As the road board, through the health authority, has pressed all local residents to provide septic systems, is he not bound to approve the allocation of necessary funds to enable the school and quarters to be equipped?

(3) What is the estimated cost of the installation proposed?

The MINISTER replied:

(1) Yuna school is included in the list requiring septic installations. Progress with these works depends on finance.

(2) No.

(3) Not available.

KING'S PARK BOARD.

(a) Policy Regarding Indigenous Flora.

Mr. ROSS HUTCHINSON asked the Minister for Lands:

Will he ascertain from the King's Park Board what their policy is regarding the preservation of the park's indigenous flora?

The MINISTER replied:

The broad policy of the board is to manage, maintain, and develop the park in a manner beneficial to the people and with particular thought for the preservation and reforestation of its indigenous flora area, the latter consistent with public usage and need, and the vegetative condition of such area.

(b) Appointment of Ecologist.

Mr. ROSS HUTCHINSON asked the Minister for Lands:

Will he give consideration to the appointment of a trained ecologist to the King's Park Board?

The MINISTER replied:

The board has persons of high scientific qualifications amongst its members, and the advice of Government officers, such as the botanist, plant pathologist, entomologist, agrostologist and others, is readily obtainable, and so the appointment of a trained ecologist to the board is not considered necessary.

HOUSING.

(a) Allocation of Houses, Bunbury.

Mr. ROBERTS asked the Minister for Housing:

(1) Owing to the acute shortage of houses in Bunbury, will he during this financial year, ensure that a greater number of homes are allocated to Bunbury under each of the schemes administered by the State Housing Commission?

(2) If not, why not?

(3) If so, how many additional houses under each scheme are proposed to be built within the boundaries of the Municipality of Bunbury during this financial year, as compared with last financial year?

The MINISTER replied:

(1) War service homes are allocated from applications received subject to the waiting period controlled by the Director of War Service Homes, Canberra.

Under the Commonwealth-State housing agreement the commission increased the allocation to the Bunbury Building Society to assist in meeting the demand for homes. The number of rental homes to be built this year is the maximum which the commission is able to undertake with the funds available.

State housing programme is also based on the maximum number of homes which can be built with funds available, having regard to priority date of applicants.

(2) Answered by No. (1).

(3)—

	1956-57	1957-58
Commonwealth-State housing agreement	49	30
State Housing Act	32	15
War Service Homes Act	13	6
	94	51

In addition, 59 homes were under construction at the 1st July last, and will be completed during the current year.

(b) Housing Commission Homes Vacated and Rents.

Mr. COURT asked the Minister for Housing:

(1) What are the rents currently charged by the State Housing Commission?

(2) What variations have been made in the last three years?

(3) How many people vacated homes controlled by the commission during the 12 months to the 30th June, 1957?

(4) How many commission-controlled homes were vacant at the 30th June, 1955; 1956; and 1957?

The MINISTER replied:

(1) Rentals are assessed in accordance with the Commonwealth-State Housing Agreement Act and based on the cost of homes. Rents range from £1 15s. 6d. to £4 3s. per week.

(2) Variations made have been to cover increased rates, cost of additions and sewerage connections.

(3) Rental, 1,510; purchase, 38.

(4)

	Rental.	Purchase.
1955	29	6
1956	79	10
1957	92	15

These figures include all houses under renovations prior to reletting.

I might add that one of the reasons for the additional number of houses vacant at any given time is that there is a larger turnover in houses in recent times than there was previously; and in the great majority of cases a certain amount of attention to the houses is necessary before they are made available to the subsequent tenants, or purchasers where the houses are subject to purchase.

RUNNER BEANS.

Gazettal of Regulations for Grading.

Mr. NORTON asked the Minister for Agriculture:

(1) Have any further steps been taken to gazette regulations for the grading of runner beans?

(2) If not, when will these regulations be gazetted?

The MINISTER replied:

(1) The draft regulations for the grading of runner beans are being prepared by the Crown Law Department for submission to the Executive Council.

(2) Answered by No. (1).

POLICE.

Departmental Vehicle, Carnarvon.

Mr. NORTON asked the Minister for Police:

(1) What is the age of the police vehicle at Carnarvon?

(2) What mileage has it covered?

(3) What has been the cost of repairs and replacements for each year?

(4) Does he consider the present vehicle to be the most suitable type for the district in which it is used?

(5) Would it not be more economical if police vehicles, used in the North-West, were replaced with new ones before they required major repairs?

The MINISTER replied:

(1) Three years 6 months.

(2) To the 30th June, 1957—33,220 miles.

(3) 1953-54—£8 13s. 5d.; 1954-55—£119 10s. 1d.; 1955-56—£140 2s. 7d.; 1956 to 30/6/57—£174 19s. 2d.

(4) Yes. The alternative four-wheel drive type is better in the Kimberleys in mud and on rough bush tracks, but in dry areas and on roads, the present type, if well cared for, is preferable.

(5) Yes.

PHOSPHATE.

(a) Availability of Supplies.

Mr. BOVELL asked the Minister for Agriculture:

(1) Has an appraisal been made of known phosphate supplies available to Australia, and if so, what is the prediction regarding future availability?

(2) What prospects are there of further sources of supply?

(3) Has any authoritative assessment been made of the islands near Esperance as a potential source of supply?

(4) If the answers to Nos. (1) and (3) are in the negative, will the Government take immediate action on the lines indicated and inform the House accordingly, as soon as possible?

The MINISTER replied:

(1) Australian requirements of phosphate rock are drawn from Nauru and Ocean islands in the Pacific and Christmas Island in the Indian Ocean, some 1,400 miles north-west of Fremantle. Supplies on Nauru and Ocean islands are estimated to be 74 million tons and on Christmas Island 25-30 million tons. A further 16 million tons of refractive rock may be available if present experiments on methods for extraction are successful.

(2) This matter is at present being investigated by the Commonwealth Government.

(3) An investigation of these islands was made in 1943 by the British Phosphate Commissioners. Their report was not optimistic regarding either the extent or the quality of the deposits in that area.

(4) Answered by Nos. (1) and (3).

(b) Probable Life of Deposits.

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

Further to his reply to my question relating to the known phosphate supplies available to Australia, in which he gave the answer in tons, can he indicate the number of years that the supplies available to Australia will last, or if he has not the knowledge at present, will he ascertain it and advise the House as soon as possible?

The MINISTER replied:

I will get whatever information is available on the question. The requirements of phosphate rock depend entirely on population requirements and as the country's population expands, the demand for phosphate rock will become heavier. However, I think the department may be able to give an indication, but that is all it will be.

WHOLEMILK INDUSTRY.

Justification of Prosecutions by Milk Board.

Mr. I. W. MANNING asked the Minister for Agriculture:

In view of the findings of the research carried out by the Department of Agriculture, as published in the "Journal of Agriculture," March, 1949, is the Milk Board of Western Australia justified in prosecuting farmers for selling milk below the required solids-not-fat standard where there is no question of adulteration?

The MINISTER replied:

The regulation prescribes a standard for composition of milk, and the Milk Board is charged with the responsibility of ensuring that milk sold complies with that standard. Farmers are not prosecuted by the Milk Board without warning and unless they subsequently do not take adequate steps to overcome the deficiency.

TRAFFIC.

Details of Survey Held in May.

Mr. COURT asked the Minister for Works:

(1) Further to his answer to my question on the 10th July, 1957, has the Perth traffic origin and destination survey information been collated?

(2) If so, are the results available to members?

The MINISTER replied:

(1) The origin and destination survey information collation has not been completed.

The magnitude of the information derivable from such a survey may not be generally appreciated. There were 24 recording stations and 50 external zones set out for determining traffic origin and 21 internal zones for the recording of destination. Altogether, there would be well over 1,000 combinations of results. There were nine questions on the cards, and the department initially will be interested, particularly, in 36 different sets of pairs of origin and destination. This will particularly supply information regarding bypassable traffic and information about present parking facilities in relation to storage.

The coding of the cards is being done by inspection by officers of the traffic engineering branch of the Main Roads Department. All of these cards, after coding, are then punched in accordance with the Hollerith system and the subsequent sorting and accounting to obtain specific answers to traffic movement questions is carried out by the Hollerith electric sorting machine. The stage is being reached where the coding of the cards is well in hand and the punching could take a further two or three weeks, after which initial accounting will be carried out by machine in order to determine some of the answers to traffic movement questions which were necessary in connection with the department's traffic planning.

(2) Answered by No. (1).

GOVERNMENT BALANCE SHEET.

"Stores" and "Stores Accounts."

Mr. COURT asked the Treasurer:

(1) What is meant by "stores" and by what methods are the items under "stores accounts" in the Government balance sheet arrived at?

(2) To what extent are the figures used for these items in the balance sheet, supported by physical stocktaking procedures?

(3) Are the Government balance sheet figures meant to cover all Government stores, regardless of which department or Government instrumentality holds them?

The TREASURER replied:

(1) (a) "Stores" mean materials and equipment, but the figures in the Government balance sheet do not purport to show stocks on hand—hence the title "Stores Accounts."

(b) In the case of the Government Printer and Tramway stores accounts, the amounts shown at the 30th June, 1956, were the unexpended balances at that date, of appropriations from the General Loan Fund for the purchase of stores.

The figures given for the Government and Railway stores accounts at the 30th June, 1956, were the amounts expended at that date, in excess of appropriations from the General Loan Fund for the purchase of stores.

(2) Fully.

(3) No.

ELECTRICITY SUPPLIES.

Collie Power Station, Cooling System, Papers.

Hon. D. BRAND asked the Minister for Works:

(1) Will he lay on the Table of the House all papers dealing with the proposed power station at Collie—especially those of the commission on the problems of obtaining economically sufficient water for cooling purposes?

(2) As 5,000,000 gallons per hour are required for cooling purposes at South Fremantle power house, what quantity of water will be needed for a station of similar size at Collie if an evaporated cooling system is used?

The MINISTER replied:

(1) Yes—for two weeks.

(2) Approximately 120,000 gallons per hour.

FISHING INDUSTRY.

New Fremantle Mart, Decisions Made and Pending.

Mr. ROSS HUTCHINSON (without notice) asked the Premier:

(1) In view of the answer given by him to my question asked yesterday, the 31st July, in the matter of a proposed new fish auction mart at Fremantle, wherein he stated that the reason for the delay in arriving at a decision was "the non-availability of a site which the Government could agree to make available," is it not true that the Minister in charge of harbours some time ago approved a site near the fishermen's jetty?

(2) Is it not also true that the Fremantle City Council has approved the plans in regard to the proposed fish auction mart?

(3) Is the investigation being made at present by the Town Planning Commission along the lines—

(a) of considering ways and means of approving the proposed site or

(b) of seeking a new site?

(4) Will he kindly inform the House why it is that an early decision cannot be made on the proposed site?

The PREMIER replied:

I thank the hon. member for providing me with a copy of his question early in the day. The answers are—

(1) A tentative qualified approval was given at one stage by the Minister mentioned in the question.

(2) The Government has no knowledge of the matter contained in this question.

(3) The investigation now being made by the Town Planning Commissioner covers both of the points set out in this question.

(4) An early decision was made and following that, the persons involved appealed to the Government for a reconsideration of that decision because it was unfavourable to the applicants. It is the appeal for reconsideration which has been responsible for the investigation now being pursued by the Town Planning Commissioner.

Mr. Ross Hutchinson: But is it not a fact that the first refusal was not of the present site but one near to it?

The PREMIER: The refusal by Cabinet was in respect of the site in which the applicants are still interested.

SATURDAY CLOSING OF BANKS.

Reference to Premiers' Conference.

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

(1) In view of the Commonwealth-wide nature of the problem, will he attempt to have a decision made at the next Premiers' Conference with a view to obtaining uniformity between the mainland States in regard to the Saturday closing of banks?

(2) When will the next Premiers' Conference be held?

The PREMIER replied:

I thank the Leader of the Opposition for having made available to me a copy of these questions. The replies are—

(1) Any attempt which might be made at a Premiers' Conference to reach agreement on this question would be exceedingly difficult and at the best only a majority decision, I think, would be obtained. Some of the Governments represented at such a conference are not altogether progressive and, therefore, I think they would not agree to a proposition of this kind.

Hon. D. Brand: You are not thinking of New South Wales, are you?

The PREMIER:

(2) I would advise the Leader of the Opposition that no arrangements have been made or are in hand for the next Premiers' Conference. In the normal course of events the next such conference would be held in May of next year unless for some special reason—and this suggested reason would not be important enough for that—the Commonwealth Government or a majority of the State Governments seeks an earlier conference.

Hon. D. Brand: The Premier did not say whether, when the conference was held, he would put forward the subject I have raised.

The PREMIER: In progressive moves of this description, experience teaches us that one State has to make a break, as

it were, and then the other States gradually, if not quickly, fall into line and follow the good example which has been set by the most progressive of the six State Parliaments.

Mr. Roberts: Tasmania has already made the break.

The SPEAKER: Order, please!

The PREMIER: Therefore, I think the best course to be followed in this matter by the Parliament of Western Australia would be to approve of the Bill now before this House, following which I would certainly be happy to bring before the Premiers' Conference to be held next year, the advisability of all the other States falling into line.

BILLS (2)—THIRD READING.

1, Justices Act Amendment.

2, Bees Act Amendment.

Transmitted to the Council.

BILL—LOCAL COURTS ACT AMENDMENT.

In Committee.

Resumed from the 30th July. Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

Clause 6—Section 130 amended (partly considered):

Hon. J. B. SLEEMAN: I moved that progress be reported because I did not care for the clause as it stood. Since then I have made one or two inquiries and I still do not like it. It seems that the duty of a magistrate may be conferred on the clerk; the clerk will hear the case and before anything definite is done, it will be referred back to the magistrate even though he has heard none of the evidence. He would have to take whatever results were given to him. Also, in the case of anyone not complying with a judgment, will the clerk be able to deal with him also?

To my mind, it is up to the magistrate to do his job although in some places I believe 30 or 40 judgment summonses are awaiting hearing. In some small towns where the local policeman is also the clerk, he is the representative of a dozen and one other different organisations and altogether has about 12 or 13 jobs. Therefore, I do not think he would have much time to deal with such cases and I do not know whether he could do the job as well as a magistrate.

Mr. EVANS: Unlike the member for Fremantle, I am in complete agreement with the clause. The other evening I listened with interest to the Leader of the Country Party and I was impressed with what he said. I could see there might be instances where evil things could be done under this clause. But since that time I have made a few inquiries and I think my fears were groundless.

Mr. Oldfield: The whip has been cracked.

Mr. EVANS. That is not correct. No whip has been cracked. Apart from the matter of expediency, it would appear that one of the reasons for the introduction of this clause is because of the dire shortage of magistrates in Western Australia. The obvious answer to the problem is to appoint more magistrates. But I would suggest that it would be better to appoint at least five new judges in Western Australia similar to those operating in New South Wales and Victoria; they are superior to magistrates but do not have the same rank as judges of the Supreme Court—in other words, they are county court judges. I believe that towns such as Albany, Bunbury, Kalgoorlie, Geraldton and other big towns should each have a county court judge, appointed to deal with these matters. At present a magistrate can hear a case in the local court where the sum involved is less than £500; where the sum is larger than that, it is necessary for him to be recognised as a commissioner of the Supreme Court.

Mr. Cornell: How often does he do that?

Mr. EVANS: If a magistrate one day is incapable of hearing a case in the court, how can he, the next day, be capable of hearing the same case? That is just too ridiculous. The clerks of court who would have the authority set out in the clause delegated to them, would be experienced men. They would be living in the towns in which the cases were heard and in a small town they would know each individual in the town much better than any magistrate who would be brought there to hear a case, and they would be able to give a fairer adjudication.

Mr. BOVELL: I spoke on this matter previously. Our system of administering justice is the best in the world; the men we select to sit on the bench are highly skilled in their profession and when I say that I am not reflecting on clerks of courts. But as I said before, clerks have so much to do that they would not be able to devote sufficient time to the problem of solving cases that might come before them. They have to perform such duties as registering orchards, selling duty stamps, performing marriages and, in some cases, they are the district registrars. They have many jobs to do and it would not be fair to call upon them to act as magistrates. Because they would not be able to devote the time to it, they might make a wrong decision in certain cases. The only way to solve the problem is to appoint more magistrates.

Mr. OLDFIELD: People who are anxious to have this legislation enacted are probably taking the attitude that the best way

to overcome the shortage of magistrates is to thrust added duties on our clerks of courts without any further remuneration being paid to them for their added responsibilities. I do not think it would be fair to agree to a proposition such as this. Those officers are appointed to record the court proceedings and to carry out certain other duties imposed upon them. In many instances they act as agents not only for the Crown Law Department but also for other offices. They are the district registrars for births, marriages, deaths and so on.

If we agree to this provision we will find that this power will be delegated not only to clerks of courts but also to police officers. The same question can be asked: Is it fair to ask a policeman to deal with a judgment summons in the courts? It could follow that a policeman could be appointed to carry out the duties of a magistrate. It could happen.

The Minister for Justice: It never will.

Mr. OLDFIELD: It may never happen while the present Minister is in office, but if we place this provision in the Act, it could possibly be that in the future a policeman could be assigned these duties. Therefore, if it is not fair for a policeman to carry out this work, it is not fair for clerks of courts to perform it.

Hon. A. F. WATTS: I listened with considerable interest to the member for Kalgoorlie.

Hon. J. B. Sleeman: He will give you 10s. each way.

Mr. Evans: And five bob straight out.

Hon. A. F. WATTS: If it were possible to foresee the prospect of county court judges being appointed and the circuits of the magistrates being reduced—as they could be quite substantially—I suggest that the Bill would be quite unnecessary and the Minister would never have introduced it. So it is quite obvious that there is no immediate prospect of such a happening. Therefore, we can only look at the question in the light of existing circumstances, namely, that there are no such county court judges available and the magistrates will continue to have the circuits they have now and perhaps, in some cases, they will have another court or two added to their circuits as the districts grow, because the Minister has assured us that it is extremely difficult to obtain magistrates.

So if the Bill becomes law we are going to have the clerks of courts carrying out the duties that the Bill proposes they shall perform, and we are going to see exercised the unfairness that I and one or two others have already mentioned. So, for the life of me I cannot agree to this proposition. At present, of course, a magistrate has no power to delegate his authority to a clerk of courts to hear judgment summonses but I have known magistrates in country districts who have used every available means to avoid coming to centres where there are only a few judgments to be served, and I have also known magistrates who have carefully avoided visiting those places where coroner's inquiries have to be made because they were not anxious —and I sympathise with them—to increase their travelling to perform such work.

Coroner's inquiries have been passed to justices of the peace for their attention and efforts have been made to postpone them for hearing before the next court. I speak from experience. Those things have happened, and they happen repeatedly. If I wished to be unpleasant, I could give the name of one of the magistrates who is not now in office, but that would not be fair to him. Suffice to say that those things have been done. A magistrate has acted in this way in the desire to lessen the responsibilities upon himself because even at that stage they were too great. It is now intended to grant him power to delegate that authority to clerks of courts. If any magistrate feels in that humour, he will take advantage of such a provision.

It is there that we come up against what I think is the main stumbling block, namely, the inability of the clerks of courts to perform such duties—that must apply in some cases such as those referred to by the member for Mt. Lawley—because of the overworked condition of these men. We come to the question of whether it is fair, and I say it is not; neither to them nor the persons who will come before them. I admit that some judgment summonses are dealt with in a very short time. On occasions, however, the defendant is unable to pay and the decision has to be made whether a court order shall be made against him in order that proceedings may be instituted for default or for him to pay so much per week. That is not an easy matter to decide, and it is not dealt with in five minutes. In those circumstances, I have known judgment on a debtor to take an hour.

So if there were a number of judgment summonses one can easily realise the number of hours they would take to hear. Then we come to the second point made by the member for Kalgoorlie; that is, how much better it would be for a local man to form an opinion on the capacity of these people to pay.

Mr. Bovell: That is the child-mind working.

Hon. A. F. WATTS: First of all, it is his duty to form that opinion upon the evidence and upon nothing else. He cannot form it on hearsay or upon the colour of the debtor's motorcar. He must form that opinion upon the evidence that is presented to him. That would be his duty as it is the duty of the magistrate today. Contrary to what is said by the member for Kalgoorlie, I can imagine a

clerk of courts being in a rather difficult position. As a general rule, a magistrate [illegible] five-sixths or six-sevenths of [illegible] courts held a long way [illegible] where he lives. Even the place where he lives is more or less set apart from the people. However, that is not so with a clerk of courts.

I can imagine the invidious position of a clerk of courts, who is also a member of the local parents and citizens' association, ordering the chairman of that organisation to serve 28 days gaol or pay £2 a week and then seeing him later at a meeting of the association. That is more likely to be the position than that suggested by the member for Kalgoorlie; it will certainly not be of any benefit to him. That is a normal sort of happening in a small community and not a very satisfactory one. We should not have this type of legislation. We should seek ways of arranging the courts either by adopting the first suggestion of the member for Kalgoorlie, if practicable, or some other means so that magistrates can deal with the business of local courts and not be given power to delegate them. I am just as much opposed to the clause as when I started, and I will continue so.

The MINISTER FOR JUSTICE: It is possible that there are some members who do not know what a judgment summons is because that has not been explained by the Leader of the Country Party.

Hon. A. F. Watts: I explained it in broad outline.

The MINISTER FOR JUSTICE: I have some notes here which describe what a judgment summons is and for the benefit of the Committee I propose to quote from them. They read as follows:—

> A judgment summons is a summons directed to a judgment debtor to appear before the court to be examined on oath touching the means he has or has had since the date of the judgment, and to show cause why he should not be committed to prison for default.

Hon. A. F. Watts: Hear, hear! That is exactly it.

The MINISTER FOR JUSTICE: That is the whole point. On the other hand, they have already got a verdict and they know he owes a debt.

Hon. A. F. Watts: You are going to give the clerk of courts power to examine him and put him in gaol.

The MINISTER FOR JUSTICE: This will give the clerk of courts power to examine him, but if after the examination there is no opposition, then the decision can be set aside.

Hon. A. F. Watts: Then the clerk of courts is wasting his time.

The MINISTER FOR JUSTICE: This provision is to be used in an emergency in order to save hundreds of miles of travel, merely because one or other of the party wants a decision.

Hon. A. F. Watts: The Bill does not say that.

Mr. Bovell: What about this business of opposition?

The MINISTER FOR JUSTICE: If the defendant is not satisfied he has the same privileges as a creditor. There is no discrimination and the member for Vasse knows it.

The Premier: Of course he does!

The MINISTER FOR JUSTICE: The note I have continues—

> It is the alternative to a warrant of execution—against goods or land—where the debtor does not possess assets, as a means of enforcing judgment. The court may direct payment by instalments and may from time to time vary or rescind such order. Only if the court is satisfied that the judgment debtor has the means and refuses or neglects to pay, can the court commit the person to prison.

There are not many creditors who would want to send a person to prison because if they did, they would run the risk of not being paid. The creditor only takes action because he wants his money.

The Premier: It would be just the same as if a magistrate dealt with it.

The MINISTER FOR JUSTICE: Exactly the same. I asked the Under Secretary for Law for his opinion and this is what he had to say—

> The reason for seeking parliamentary authority to enable clerks of courts in certain circumstances to act in the place of magistrates in dealing with judgment summonses was to avoid magistrates having to travel long distances solely for the purpose of hearing judgment summonses.

This is for judgment summonses only, where the person is guilty and a verdict has been given. To continue—

> There are many clerks of courts with long years of experience who would be quite competent to deal with judgment summonses. It is anticipated that this action would only be needed in cases of emergency where either of the parties concerned in the action is anxious to have the matter dealt with before the normal business of a magistrate, or in the case where a magistrate might find it extremely difficult to make a visit to a remote centre. It has been mentioned that clerks of courts already have multifarious duties to perform.

I want members to take particular note of this.

> This is true, but in no case can it be claimed that a clerk of courts or his officers are overloaded with work.

Mr. Bovell: My word they are!

The MINISTER FOR JUSTICE: I am sure if anybody was aware of the position, it would be the Under Secretary for Law.

Mr. Bovell: I am not questioning the Under Secretary's bona fides but those people are certainly very heavily worked.

The MINISTER FOR JUSTICE: As far as Busselton is concerned, and indeed as far as places like Katanning and Narrogin are concerned, this legislation will not be used. To continue with the opinion given by the Under Secretary—

> To the contrary, in many centres there is scarcely enough work to occupy them full-time.

Mr. Bovell: That is a great big laugh!

The MINISTER FOR JUSTICE: That has been my experience. I have the greatest sympathy for the clerks of court; they are most courteous and helpful to everybody.

Mr. Bovell: The clerk has to look after the business of every State Government department that is not represented in the town.

The Premier: You told us that the clerk of courts at Busselton spent a lot of his time talking to the people who wandered in.

Mr. Bovell: I said they go in to see him to conduct their business. He has to be courteous, as he always is.

The MINISTER FOR JUSTICE: I have been on the Goldfields—and I think you will bear me out in this, Mr. Chairman—and I know that although the work done by the clerks of courts is highly satisfactory, and done most courteously, in some cases there is no question of overwork. There might be a few isolated cases to the contrary. These people have been provided with every facility such as cash registers, typewriters and typists.

Hon. D. Brand: You even sent a fan to Mullewa!

The MINISTER FOR JUSTICE: There is no clerk of courts there.

Mr. Cornell: Do you say that where a policeman is clerk of courts, this provision will not apply?

The MINISTER FOR JUSTICE: It will not, because he would be only acting. A magistrate would not think of appointing a policeman, who is acting clerk of courts, to act as a magistrate. The Under Secretary for Law goes on to say—

> Where it is necessary they are supplied with assistants and the fact that they may be called upon on rare occasions to deal with a judgment summons would not add materially to the weight of their duties. It is recognised that the appointment of additional magistrates will be necessary . . . .

We know that.

> but at the present juncture it would not be a practicable arrangement, as there is a dearth of suitable persons available and qualified for appointment as magistrates. It has been the experience that legal practitioners do not apply for positions in remote areas when advertised.
>
> It is emphasised that clerks of courts can only act in respect of judgment summonses when so requested. The purpose of a judgment summons is to ascertain the defendant's means to pay the sum in respect of which he has made default, or has refused or neglected to do. Proof must be given that he has the means before any order can be made for his committal to prison. The bench may direct that any debt due in pursuance of a judgment may be paid by instalments, and may from time to time vary or rescind such order. It is also emphasised that any order by a clerk of courts, acting as so requested by a magistrate in a judgment summons, is suspended until the order is reviewed by the magistrate who may confirm, vary or set it aside.

So there is every precaution.

Mr. Bovell: If a clerk of courts committed an offender to gaol, that offender would not be imprisoned until the magistrate had reviewed the position?

The MINISTER FOR JUSTICE: That is right. There would be no danger in that respect. This is only emergency legislation to assist the Administration ove the present difficulty. There are in this State many clerks of courts who are quite experienced and quite capable. There is a clerk of courts at Meekatharra who is acting as the resident magistrate, and he is doing a very good job. The Government has the power to appoint any clerk of courts to act anywhere as a magistrate, even at Busselton.

Mr. Bovell: As long as he did not have both jobs.

The MINISTER FOR JUSTICE: We are not going to overwork anybody, even if members opposite are inclined in that direction. We are not going to persecute people. We do not expect them to do more than they are capable of doing. I have heard a lot of criticism of civil servants but it seems to me that members opposite are saying the reverse of what they have asserted previously, that is, that civil servants are not overworked.

Mr. Bovell: Who said that?

The MINISTER FOR JUSTICE: I have heard comments from the opposite side of the House.

The Premier: From the member for Moore.

The MINISTER FOR JUSTICE: I shall not mention any names. This is only emergency legislation designed to meet the needs of the public. It is only to operate in between the visits of a magistrate when it is not possible for him to get to some town in a circuit. We have found it very difficult to get qualified men to take up positions as magistrates. As both the Leader of the Opposition and the Leader of the Country Party know, there is a dearth of solicitors in Western Australia today and very few of them would apply for such positions if they had to take their turn in being stationed in the outback, starting off at Carnarvon, Cue, and so on. They can make more money in private practice than they can as magistrates. As far as police officers being delegated this duty, that was never intended. I spoke to the Crown Law officers only this morning and I am informed that police officers are appointed only to act as clerks of courts, and that the proposed legislation is to apply to permanent clerks of court.

Mr. Bovell: The Bill does not define that clearly.

The MINISTER FOR JUSTICE: The appointment of more magistrates is the answer. The Government would like to be able to obtain them, but at the present juncture that is not possible, except by attracting legal practitioners from Britain, and that is not likely. There is only one young man in the Civil Service who is qualified by examination to act as a magistrate. There is a shortage of personnel in the legal profession, as there is in the medical profession.

Hon. J. B. Sleeman: Is it not a fact there are men in the State Civil Service who have passed the magistrate's examination and cannot get these positions?

The MINISTER FOR JUSTICE: That is not true. There is only the young man I have referred to, and he will be appointed shortly.

Hon. J. B. Sleeman: There is a person in the Police Department who has passed that examination but he has not been appointed.

The MINISTER FOR JUSTICE: That is a different matter altogether. He has made application on numerous occasions for such appointment, but while I am the Minister for Justice, I shall not recommend a police officer—I am not making derogatory remarks about members of the force—to be appointed as a magistrate because it would not be fair to the public or to that person himself. I do not think such a person would make a suitable magistrate and, in consequence, he will not receive my recommendation. I trust that the Committee will pass this measure to help the Government out. As soon as we can get more magistrates, this emergency legislation will not be used.

Mr. W. A. MANNING: I would like the Minister to clarify one or two matters. He said that this legislation will not apply in the major towns, of which he gave a list, and I presume the reason is that when the magistrate visited those towns, he would have many cases to deal with besides judgment summonses. So it will not suit every purpose. The Minister also assured us that the legislation will not apply in towns where police officers act as clerks of court.

If the major towns are deleted, and they are the towns with clerks of courts who are more capable than anybody else there to administer this measure, there will not be very many towns left in this State where the legislation will apply. Will the Minister accept an amendment to exclude specifically the towns he has named and also a proviso that this clause will not apply to policemen acting as clerks of courts? That might present a different outlook to the Bill.

Mr. OLDFIELD: I oppose the clause and see no necessity for it. The Minister has stated that it will not apply to the major towns in the State or to towns where police officers act as clerks of courts. In that case, there would be very few towns left where this legislation would apply. The Minister also assured us that he would not delegate the powers to police officers who are acting as clerks of courts, but we must realise that the Minister is not the only person concerned in this regard and the magistrate can delegate the powers contained in this Bill without reference to the Minister.

Another reason given for the desirability and necessity of this clause is to save the time of the parties—so that they will know what the judgment is—and also the travelling time of the magistrates. When we look at Subclause (7), we see that such is not the case. Certainly, the clerk of courts will hear the case and give a judgment, but under Subclause (7), such judgment shall be suspended and will not take effect until such time as the magistrate goes around in his normal travels and reviews it. Under Subclause (8), the magistrate has power to confirm, vary or set it aside.

The Minister for Justice: What is wrong with that?

Mr. OLDFIELD: Why must a clerk of courts, who has to listen to the case, give a judgment to which no effect is given until it has been reviewed sometime in the future when the magistrate goes round. That would probably satisfy some litigants but, having stated their case to the clerk of courts, they are refused the right to

place it before the magistrate. The clerk of courts tells the magistrate the particulars of the case.

The Minister for Justice: No, the latter can rehear the case.

Mr. OLDFIELD: He has to review it and the clerk of courts tells him of the evidence and the magistrate, who hears the evidence, may take a different view. It could prove very costly for a person to appeal to a higher court where it was necessary.

Mr. Lawrence: Don't you think it gives the magistrate time to get round to do it?

Mr. OLDFIELD: The decision is not given effect until the magistrate reviews it. I cannot agree to this clause, and I cannot follow the Minister's line of argument in this instance.

Hon. A. F. WATTS: The member for Mt. Lawley is correct. Every order made by the clerk, if he is allowed to make one, is to be referred to the magistrate unless, this is something ancillary to some other subclause. I do not suggest that the Minister is trying to mislead the Committee, because I am satisfied he would not do that willingly. He has given us the report of the Under Secretary for Law. However, I do not think the Under Secretary has ever spent a day with a country clerk of courts to see what he does have to do and his submission that these clerks have not much work to do is worth less than my opinion or that of the member for Vasse or any other member of this Chamber.

The Minister for Justice: The Under Secretary and I have visited many country towns and have stayed for hours.

Hon. A. F. WATTS: The Under Secretary probably did not see the work they do.

The Minister for Justice: I have been in the country and have not been able to find the clerk of courts on occasions.

Hon. A. F. WATTS: He has probably been down at the bank depositing Government revenue. That is one of his duties. The Minister made it clear when a judgment summons applies. He made it clear that a judgment summons is not usually issued against people who have property as the bailiff can seize the property under an execution order. It is served on people who have no asset that is readily available for sale or who have an asset which is encumbered and not worth reselling.

They are the people who can be examined by a clerk of courts. After he has heard the evidence, he may order the payment of such instalments as he thinks fit. If they do not comply with the payments when the order is effective, they receive imprisonment for a certain number of days. That does not extinguish the debt. It still continues and they are liable for another judgment summons after serving their term of imprisonment. It is not proper to impose such a task on top of the other duties of clerks of courts.

Lastly, the Minister says that nothing is going to be done where there are fairly big courts or where there are police constables acting as clerks of courts. The Bill does not say anything of the kind and if it did it would be quite valueless because there would be no places where it would be worth-while bothering to apply the Act.

The Minister for Justice: What about Cue, Meekatharra and such places?

Hon. A. F. WATTS: Are there any acting-clerks of courts there?

The Minister for Justice: No. There is a clerk of courts at Cue.

Hon. A. F. WATTS: There will be one or two, but not many. The Bill does not say anything about it. It simply provides that the Minister or magistrate may delegate authority to the clerk. I venture to say that the magistrate would do what was most convenient at the time. I oppose the clause and I hope the Committee will throw it out.

THE MINISTER FOR JUSTICE: I hope the Committee will not throw it out. If the authority is delegated, invariably the position will be accepted by the magistrates. Every protection is provided in regard to a debtor. This is only something to help us out in the meantime.

Hon. D. Brand: Would the Minister be prepared to put a time limit on its application?

THE MINISTER FOR JUSTICE: I do not think there is any need for that. We can easily rescind this portion later when it is not necessary to have it. I do not like this very much myself because by delegating this authority to outsiders, it takes away a certain amount of work that should be done by the magistrates. But this matter was gone into pretty thoroughly, and I think that most of the decisions given by the clerks of courts will be accepted by the magistrates and, in consequence, this will be of assistance to the administration of justice in the State.

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

Ayes	22
Noes	16
Majority for	6

Ayes.

Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Hall	Mr. Nulsen
Mr. Hawke	Mr. O'Brien
Mr. W. Hegney	Mr. Potter
Mr. Hoar	Mr. Rhatigan
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. May

(Teller.)

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

Pairs.	
Ayes.	Noes.
Mr. Rodoreda	Mr. Thorn
Mr. Tonkin	Mr. Grayden
Mr. Moir	Mr. Mann
Mr. Heal	Mr. Perkins
Mr. Graham	Mr. Wild

(Teller)

Clause thus passed.

Clauses 7 and 8, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT (No. 1).

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 10 amended:

Hon. A. F. WATTS: I move an amendment—

> That after the word "case" in line 10, page 2, the words "if such Deputy Commonwealth Crown Solicitor is a barrister or solicitor of the High Court of Australia or the Supreme Court of a State of not less than two years standing" be inserted.

The Minister will remember that I discussed this question during the debate on the second reading and he indicated that he was agreeable to the amendment.

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

Title—agreed to.

Bill reported with an amendment.

Sitting suspended from 3.45 to 4.9 p.m.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE.

Message.

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

Second Reading.

THE MINISTER FOR WORKS (Hon. J. T. Tonkin—Melville) [4.8] in moving the second reading said: This Bill seeks to continue the operations of the Rents and Tenancies Emergency Provisions Act, 1951-56, and has as its origin the rents legislation that was passed during the last war. Since then it has been found necessary to continue rent control in various forms, including protection from eviction, so that there may be legislative supervision.

The existing Act has actually six parts to it, the main provisions being those relating to the establishment of a fair rents court and related matters dealing with rent fixation. These provisions expire on the 31st December this year. The eviction provisions which refer to the recovery of premises, expire on the 31st August this year; hence the reason for consideration being given to this continuing Bill. With respect to the rent provisions, these provide for the right of approach to the court by either party in order to secure a determination of fair rent. The rent must be assessed by the court to show a net return on capital of not less than 2 per cent., nor more than 8 per cent. The court has actually fixed a return—which is operative at present— at 6 per cent, for private dwellings, and at 7 per cent. for investment properties.

In the rent provisions of the Act there is also the right of the rent inspector to determine a fair rent on parts of premises, and his assessments are fixed in a manner similar to those fixed by the court. These rent provisions, however, are nullified to some extent, and in some cases they are rendered completely inoperative, because of the existence of a section of the Act which provides that premises let for a term of at least three years are outside the scope of the Act.

There have been cases where, after an approach has been made to the court and a fair rent has been fixed, the landlord has been able to get around the provisions by forcing his tenant to accept a three years' lease, in which case the rent determination is not applicable. I am not asking the House to do anything about that. I am only asking for a continuance measure of the existing provisions. I merely point out that that is a very definite weakness in the Act, and it permits landlords to find a way of dodging a decision of the fair rents court. But despite this weakness, it is considered that there is sufficient of value in the Act to justify its continuance.

Mr. Court: Do you think that so-called weakness is real today, with the greater availability of both retail and office premises?

The MINISTER FOR WORKS: It is still there, because tenants are approaching the court—not in as many numbers as previously, but they are still approaching the court—each quarter, for a rent

determination; and after that rent determination has been obtained, I am advised that there have been instances where the rent has not applied because the landlord has confronted the tenant with this alternative, that at the end of three months he will be pushed out unless he signs a lease for three years. If he signs a lease for three years, then it must be on the landlord's terms, and the rent fixed by the court is not applied at all. That, I am assured, actually happens from time to time.

Mr. Court: There would be very few cases today because they are struggling to let these shops and offices under present conditions.

The MINISTER FOR WORKS: Only because the rents are too high. They could let them quite easily if they would bring the rents down. Most of these flats and shops are empty today only because the landlords and owners are demanding too high a rent.

Mr. Court: I can assure you that is not so in many cases today.

The MINISTER FOR WORKS: I know of a number of instances where these premises are empty, and I also know their rents are too high. I do not know of a single instance—although I do not claim there is none—where there are premises offering at a reasonable or low rental, and remaining empty.

Mr. Court: There is a complete transformation in regard to office accommodation and residential accommodation, and the fair rents court ceases to be of value to tenants because they can more or less quote their own terms.

The MINISTER FOR WORKS: We have evidence to show that rents being asked and paid today, in quite a number of instances, are much higher than they ought to be; pounds higher than they ought to be. Accordingly, it is felt that if this legislation is not continued, the immediate result will be an appreciable increase in some rents.

Mr. Court: Are you referring to residential commercial or professional accommodation?

The MINISTER FOR WORKS: I am referring to residential and commercial accommodation. If there is an increase of rent for dwellings, that will be reflected in the basic wage, and there will be a general increase in costs. So it is considered that if this legislation is continued, it will act as a brake against such an inflationary tendency.

With regard to the eviction provisions which deal with the recovery of premises, these provide, firstly, a 28 days' protection for all tenants, after which action may be taken through the court to evict. Ordinarily with this Act seven days applied. The Act ensures that a tenant shall have at least 28 days after notice has been given by the landlord that he requires the premises. We believe that is not unreasonable. It has worked pretty well and we feel that amount of time is desirable.

Where a tenant approaches the court and asks for the determination of a fair rent, there is an undoubted tendency for the landlord to give his tenant notice immediately. A number of tenants who have felt that their rents were too high have approached the rent inspector seeking to have action taken, and upon being advised that the probable result would be that they would be given notice to get out, have declined to have the matter pursued further.

The Act provides that in cases where a landlord might be disposed to give his tenant notice because of an approach to the fair rents court, he cannot do so for at least three months after the action. That is an undoubted protection which has been of considerable value to tenants who have felt so strongly about the rent they have been asked to pay, that they have been prepared to take the consequences of an approach to the court. It is considered not unreasonable that in such circumstances they should have at least three months protection in order to give them an opportunity to find other accommodation, should the landlords concerned wish to evict them because of the action they have taken.

A further provision of the Act states that where a determination has been made by the court—and I emphasise by the court and not by a rent inspector—and that determination is below 80 per cent. of the rental which has been charged, or asked by the lanlord, then there shall be 12 months' protection for the tenant against a landlord who wishes to evict him. It is not unreasonable to ask for that provision to be retained. If those three special conditions which I have enumerated are not re-enacted, then the position will be this: Unless it is specifically agreed, the tenant will have no more protection than seven days.

There is another important aspect of this matter which must be kept in mind, and that is in regard to the provision which gives protection to certain classes of ex-servicemen and their dependants. They are classified in the Act as, firstly, pensioners receiving pensions for total and permanent incapacity under the Repatriation Act; secondly, widows of deceased servicemen with children under the age of 21; thirdly, certain classes of servicemen engaged overseas. All those persons under these three classes are designated

as protected persons under Section 22 of the Act. They are entitled to 28 days' notice, as I have already mentioned, and after that time before they can be evicted, the State Housing Commission is required to provide alternative accommodation within a period of six months of the hearing of any proceedings for eviction. If this Act is not continued, such protection would be taken away from those ex-servicemen and their dependants.

The provision further ensures that until a house has been made available, the court shall not make any order unless it is satisfied that a refusal to make an order would cause substantially greater hardship to the owner of the premises than to the tenant; so there is a degree of discretion allowed to the magistrate and he is called upon to decide in cases where protected persons are under consideration whether it will cause greater hardship to the owner of the premises to deny him possession, than to the tenant. It is highly desirable that that protection should also remain.

There is ample evidence to show that rents in the vicinity of £5 to £6 per week, and even higher, are being demanded in cases where the fair rental would be in the vicinity of £3 10s. to £4 per week. With regard to the evictions, it is considered that to revert to prewar conditions —that is, the giving of seven days' notice —would provide too little security for a family in distressed circumstances, particularly as there is a degree of unemployment in existence today. If we were undergoing a period of full employment, and if that were the situation today, it could be argued that there was no need for this protection, but there is a degree of unemployment and some families are in difficult circumstances, so it is desirable that there should be some protection for them.

Before concluding, I would emphasise that this legislation has, since it was originally re-enacted, been modified from time to time, both with regard to the eviction provisions and the fair rent provisions. So, actually, there is not a great deal of protection in the existing Act. But such as there is is of real value and should be retained, especially the provisions relating to ex-servicemen and their dependants. Those are of very great and real value because they ensure that such people will not be left without a roof over their heads, the protection being that the court will not grant possession to the owner until a certain period has elapsed and the Housing Commission has had an opportunity of providing alternative accommodation.

It would be a very bad and backward step to deprive those persons of the protection which it has been considered desirable to give them. I hope the House will not contemplate such a step. I think that the continuance of this measure is highly desirable. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILL—BILLS OF SALE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [4.28] in moving the second reading said: This is a very small Bill. The object of the measure is to increase the fees payable under the Bills of Sale Act. These have remained unchanged since they were fixed in 1899 and 1914. A lengthly period has elapsed since any adjustments have been made and the increases are considered reasonable. While altering the existing scale of fees, the opportunity is taken to amend the legislation to provide that in future such fees shall be prescribed by regulation. That is now the usual practice. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILL—HEALTH ACT AMENDMENT.

Message.

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

Second Reading.

THE MINISTER FOR HEALTH (Hon. E. Nulsen—Eyre) [4.30] in moving the second reading said: A number of important amendments are embodied in this Bill. Some difficulty is experienced by the Public Health Department when the boundaries of local authorities are changed or a road board is converted into a municipality in regard to the application of by-laws, as local authorities constituted under the Health Act are usually the road boards and municipalities existing throughout the State. The amendment in the Bill will continue in force delegated legislation which is in operation immediately prior to an alteration in boundaries.

There is a proposal to increase the maximum fee for inspection of sewerage installations, and the fee the commissioner may charge for examination of plans and specifications for public buildings. The standard fee for septic tanks is now £2 and this is also the maximum. Therefore, an installation of 250 gallons capacity is charged the same fee as one of 2,500 gallons. The time spent on supervision is, of course, very different and justifies a

higher fee for the larger installation. A similar position exists in relation to public buildings.

The amendment to which I shall now refer is an important one. During the last several years, many people have built self-help homes. In order to assist them, local authorities have permitted them first to erect a garage or shed on the land and to live there pending the completion of the house. In a number of instances, after completion of the house the owner has rented the shed as living accommodation to other persons. Once the house is completed, the permit is null and void. It is an offence to occupy this type of accommodation without a permit, but it is not an offence for an owner to rent such premises to other people to be used as living accommodation. The amendment will rectify this.

The Health Act imposes certain obligations on the owner, occupier, manager or trustees to submit plans for approval before a public building is erected or opened. Some contractors, without the knowledge of the owner, have not built to approved specifications, and thereby have pruned costs. In such cases it has been open to the department to prosecute the owner, occupier, manager or trustee; but it has refrained from doing so because it has been known to the department that the builder was the guilty party. One or two builders are taking advantage of the situation, as they are aware that proceedings cannot be taken against them. The breaches, while not being of such a magnitude as to justify refusal of permission to open the completed building, represent a paring down of internationally accepted safety standards.

Another amendment requires meat from branded carcasses to be used in meals served for reward. A number of areas which usually correspond to local authority districts have been declared as meat-branding areas. Within these areas it is unlawful to sell fresh meat unless it has been inspected and branded by a health inspector. Instances have occurred where people owning dining-rooms have served meals containing cooked meat which has come from distant slaughter-houses and has not been certified as fit for human consumption. The amendment will protect customers of such businesses.

Members will be aware that the department is progressively interesting itself in diseases which, while not being of the infectious type, can be prevented or alleviated by planned action following adequate investigation. For example, blindess, cancer and eclampsia (toxaemia of pregnancy). The amendment inserts a new part in the Act empowering the Governor to require the notification of any disease process and any physical or functional abnormality, which may be prescribed. This will enable control measures to be taken just as when a medical practitioner notifies a case of an infectious disease. No person will be required to submit to treatment without his consent.

Another amendment is brought about by the advent of the Salk vaccine. It was decided that initially the immunisation arrangements should be controlled directly by the Commissioner of Public Health. The intention is that some local authorities are to co-operate in the administration of Salk vaccine under departmental supervision. However, their power is limited to providing immunisation facilities for diphtheria, whooping-cough and tetanus. The amendment will put this matter in order. It will also extend to the Commissioner of Public Health the power to immunise persons against certain diseases.

There is a section which abolishes minimums for penalties and increases maximum penalties of less than £20 to an amount of £20. If a greater sum is prescribed, the greater sum is the maximum pecuniary penalty for the particular offence.

This Bill is long overdue. If it is passed it will be of great help to the people generally and to the Commissioner of Public Health. It is a protective measure, and I see no reason why there should be any objection to it.

Mr. Ross Hutchinson: Could you tell us whether the Bill was drawn up as a result of the experience of departmental officers or whether there have been requests for it from various sources?

The MINISTER FOR HEALTH: It is the result of the experience of departmental officers.

Mr. Ross Hutchinson: There have been no requests?

The MINISTER FOR HEALTH: Not so far as I know. I move—

> That the Bill be now read a second time.

On motion by Mr. Ross Hutchinson, debate adjourned.

BILL—JURIES.

Message.

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

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [4.40] in moving the second reading said: Last year a select committee of the Legislative Council was appointed to inquire into and examine the Juries Act. It used as a basis for consideration the draft of a Bill to consolidate and amend the law relating to juries

which was prepared in 1945. The select committee reported its findings. Its recommendations and the 1945 draft Bill have been considered by the judiciary, the Master of the Supreme Court, the Acting Commissioner of Police, the Solicitor General and the Chief Crown Prosecutor.

A new measure has been prepared and is now submitted to Parliament. The Bill is divided into 10 parts and has three schedules. It will come into operation on a date to be fixed by proclamation. Part I contains transition provisions and ensures the continuity and validity of proceedings commenced before the date of the coming into operation of the Act. Part II covers the qualifications and exemptions of jurors.

Provision is made for women to serve on juries. To be qualified a person must be between 21 and 65 years of age and be on a Legislative Assembly roll. A person is not qualified if he or she is not a natural born or naturalised subject of Her Majesty, has been convicted of a crime, is an undischarged bankrupt, or cannot read and write the English language.

A woman is permitted to cancel her liability to serve by giving written notice to that effect to the jury officer for the jury district in which she lives. A woman who has cancelled her liability to serve as a juror, and who subsequently wishes to render herself liable to serve, may make written application after the expiration of two years from cancellation. Persons exempt from serving are listed in the Second Schedule.

Part III deals with the constitution of jury districts. A jury district shall consist of the whole or part of an Assembly district. There are transition provisions for alteration or abolition of Assembly districts and for alteration or abolition of jury districts. Under the next part the Governor is empowered to appoint the clerk of petty sessions to be the jury officer for each jury district, other than the Supreme Court. The jury officer for the latter is the sheriff.

The following clauses detail the procedure to be followed in the preparation of the jury rolls. They will be compiled from the Assembly rolls, which will provide a much greater potential of jurors to be listed. In the first instance, the Chief Electoral Officer shall prepare draft rolls, which he shall send to the sheriff. He shall select the names by ballot. As far as is practicable, one-half of the jurors selected shall be men and the other half women.

The draft rolls shall be available for inspection in the jury districts. Claims for exemption may be made. There shall be a jurors' book compiled annually, for each jury district. For a criminal trial the jury shall consist of 12 persons; for a civil trial the number shall be six. Then follow machinery provisions for choosing juries.

Part VI embodies provisions dealing with proceedings at criminal trials. It also provides that, where a jury in a criminal trial—not being a trial for an offence punishable with death—has deliberated for at least three hours and has not arrived at a unanimous verdict, the decision of not less than 10 of the jurors shall be taken as the verdict of all.

The next part sets out the proceedings at civil trials. A majority decision is to be accepted after three hours. Penalties are provided where officials neglect to perform duties or where an offence is committed by the sheriff or jurors. Newspapers are prevented from publishing names, etc., of jurors on criminal trials, and from publishing the evidence of the preliminary trial where the accused is committed for trial. I move—

That the Bill be now read a second time.

On motion by Mr. Bovell, debate adjourned.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from the 25th July.

HON. D. BRAND (Greenough) [4.50]: I noticed, when the Minister for Justice introduced this Bill, that he said it was slightly contentious, but, as he proceeded, he considered that it would not prove to be so. So far as I can make out, with the exception of a few minor amendments, the whole of the Bill is highly contentious.

The Minister for Justice: I should not think it would be.

Hon. D. BRAND: I am speaking from this side of the House, of course, and that would make a great difference I should imagine. The first major amendment in the Bill is that aimed at restoring the residential qualification of one month in lieu of three months, the Minister putting forward the argument that some degree of confusion has arisen as a result of the Commonwealth having a residential qualification of one month compared with the period of three months as a residential qualification for State elections.

From what I can gather, the three months' residential qualification exists in New Zealand and in England and I feel that those countries, as a result of long experience, would have arrived at the right decision on what was a reasonable period of residential qualification for an elector. The argument advanced in favour of that period is that an elector who comes to reside in a new district is hardly settled in a month. He has to get to know the district and he has to be given sufficient time to enrol. After all is said and done, why should an elector be forced to hurry along to the electoral office to effect his enrolment?

The Minister for Justice: That is so with the Commonwealth.

Hon. D. BRAND: That may be, but in this regard I think the Commonwealth should come into line with the State and make the period of three months the uniform residential qualification.

The Minister for Justice: We are trying to make the period uniform with the Bill.

Mr. Ross Hutchinson: It is the wrong way, though.

Hon. D. BRAND: In any case, I oppose the amendment. I would suggest that there has been created, away back in the past, a certain suspicion that Governments, from time to time, might practice what we call "roll stuffing"; the transferring of certain numbers of individuals in order to enlarge a roll in a certain direction. I know such a facility is available to both sides; that both parties could engage in that practice from time to time. However, if the residential qualification were three months, it would make it more difficult for that to be done in regard to State elections and for that reason I suggest it is a timely safeguard.

There is evidence that Governments throughout the Commonwealth have adopted certain methods to get around the Electoral Act by gerrymandering the electorates. There have been accusations made in this regard in Queensland and there have been accusations made against Sir Thomas Playford in South Australia. The Premier now grunts, but he did not grunt when I referred to Queensland. We would not expect, however, a party of a Labour denomination or one with a Liberal denomination to be accused of practising gerrymandering of one kind or another.

The Minister for Justice: It is very confusing now for an elector in having a period of one month for the Commonwealth and three months for the State.

Hon. D. BRAND: Nevertheless, the period of three months helps an elector to settle in and also gives him time to attend to his enrolment. I think more often than not the period of one month is not sufficient. There are several other amendments which I consider are not necessary in this Bill which, incidentally, is quite a large piece of legislation by way of an amendment to the Electoral Act. The other major change proposed in the Bill is new, namely, the proposal to place the party designation on the ballot paper.

The Minister for Justice: You have advocated that change yourself.

Hon. D. BRAND: No, such a suggestion has not been made in this House. I believe there was a move made by a private member in another place but it did not receive the support and approval of Parliament. Therefore, the decision that was made in another place on that suggestion would indicate that our party did not approve of it. It is true enough that a great deal of confusion does arise during a Senate election when 20 or 30 candidates are listed on the ballot paper. Of course, we have already reached the stage where the various candidates have been grouped, even to the extent of making a group of Independents and the other bits and pieces, as it were.

It is true that it could be said that it is quite practicable to indicate that each group represents a party. However, surely the time has not arrived when we are going to take the step of placing the party designation on the ballot paper and thereby making it a party election and eliminating the right of the individual to stand for Parliament representing a small party, or as an Independent. If the party tag is placed on the ballot paper, the individual no longer exists. It becomes an election of a party.

Hon. A. F. Watts: Particularly if he cannot get endorsement.

Hon. D. BRAND: That brings me to what I consider the extremely important change included in this Bill. Let us agree for the time being that there may be some argument in having the party designation printed on the ballot paper. As one reads through this Bill, the machinery of a candidate obtaining the approval of the electoral office and of obtaining the approval of his party for designation on the ballot paper is something that leaves me very confused, and I wonder why all the details set out in the Bill are necessary.

It would seem to me that if this Parliament were to agree that it was necessary for us to go to the people as parties and not as individuals, then all that would be necessary would be to prove, by means of some statutory declaration to be accepted by the electoral office, that everything was in order. In recent years we have seen individuals putting up for election as members of "Progressive Parties" and as parties representing various religious denominations and the like.

Hon. J. B. Sleeman: It would be awkward for your party; you would be changing your name all the time.

Hon. D. BRAND: As a matter of fact, the party to which the hon. member belongs not only seems to be changing its name, but also it is changing its policy.

The Minister for Mines: I do not think your party has one.

Hon. D. BRAND: We have not seen a great deal of the Government's policy, except in regard to the lack of funds. I will leave the discussion at that point. In respect to any political party obtaining the approval of the electoral office, I am of the opinion that it is not necessary to grant all the authority that is intended by this Bill.

The Minister for Justice: You are in favour of party designation, are you?

Hon. D. BRAND: No, I am not, I am merely assuming, for the time being, that even if we were in favour of the party designation, we are certainly not in favour of the machinery set out in this Bill. As I see it, the Bill seems to indicate that the Government is planning to prevent a certain event happening.

The Premier: Is that preventing a merger?

Hon. D. BRAND: It seems to me that the Government is anxious about there being two Labour parties at the next election. Through this Bill it intends to give to the Chief Electoral Officer certain rights to query applications, and the Bill has laid down a basis. One of the reasons on which the Chief Electoral Officer might query an application is that the name of the party might be misleading. I instantly thought of the Democratic Country League and the Liberal and Country League.

I felt that the Premier or whoever had the say on the preparatinon of the Bill, had in mind the confusion arising out of those two names. It could be that the Australian Labour Party, the Democratic Labour Party, the Democratic Socialist Party and all other Labour parties would be equally as confusing. So far in Western Australia we have not seen so much of the Democratic Labour Party as in the Eastern States, but it could happen that at the next State election there might be the other parties.

In order to obtain the approval of the Electoral Department and, therefore, the designation on the ballot paper, an application has to run the gauntlet of the provisions in this Bill. One of them relates to the name of the party. One of the provisions prescribes that a ballot application shall be made in the manner prescribed but shall include the name of the party; shall include particulars of the offices whose occupants constitute the executive of the party; shall include specimen signatures of those officer-bearers and particulars of the respective offices held by each. It almost demands to know what an applicant is wearing on the day he makes the application.

The Bill also seeks to give a right to the Chief Electoral Officer to call for papers and documents of the political party. It seems to me to be absolutely unnecessary for all that authority to be vested in the Electoral Department. No matter what Government is in office, surely it is not necessary to go so far in respect of the approval of a political party which comes up for registration, as it were, in order that it might get a place on the voting paper.

The Minister for Justice: Your party would have nothing to hide.

Hon. D. BRAND: Certainly not, and I hope that the party to which the hon. member belongs also has nothing to hide. Nevertheless, I do not think it is right that the Government, through the Electoral Department, should have the right to call for documents, and thus obtain confidential papers which can be used in a way to damage a political party. In fact, this provision achieves nothing at all. We understand, of course, that it is undesirable to have 101 political parties standing at elections.

The Premier: Why not?

Hon. D. BRAND: Because it would bring about unstable Government as is the case in France.

The Premier: That is not the reason for unstable government in France. It is only a symptom.

Hon. D. BRAND: It appears to me, and to many other people, that the basic reason for unstable government in France is the multiplicity of parties which cannot get together to form a united party with a majority in both Houses.

The Minister for Education: You are having a little difficulty in that regard here.

Hon. D. BRAND: The hon. member wants to be careful about this.

The Premier: This merger will reduce the number of parties.

Hon. D. BRAND: If an application for the approval of the name, or for the registration of the party is refused, there is to be a right of appeal to an appeal board which is to be composed of one representative of the appellant, one of the respondent, and the chairman will be none other than the Chief Electoral Officer. Here is a case of an appeal from Caesar to Caesar. What hope would an appeal have with one member of the board being a representative of the respondent, and another representing the Electoral Office? If there is to be any justice, the appeal should be made to a magistrate.

Hon. J. B. Sleeman: The people get mixed up when they see names like the Country Democratic League and the Liberal Country League.

Hon. D. BRAND: As they will when they see names like Labour Party, Democratic Labour Party, and perhaps an Evatt Labour Party.

Mr. Court: There might even be a W.A. Labour Party.

Hon. D. BRAND: As my deputy suggested, there might even be a W.A. Labour Party. The Labour Party in this State has been able to carry on so far—

The Premier: There is a W.A. Labour Party. We are it!

Hon. D. BRAND: All that rigmarole is unnecessary, if it is only to achieve the purpose of having a party designated on the ballot paper.

The Premier: In the event of the principle of party designations being established, there would have to be some supervision.

Hon. D. BRAND: I agree. I know the Premier asked the question in order that I might commit myself to some extent. If Parliament agreed to the principle, there should be some means of supervision. If the Premier were to look at the details contained in the Bill, he would scratch his head and say that it was going a little too far. There are other provisions, such as the one which deals with the amount of money to be spent on an election campaign. It is intended to remove the limit of expenditure and to permit of unlimited expenditure. In this regard we have a very open mind. This provision of the Electoral Act has been very hard to police, and it has been ignored over quite a number of years. Nevertheless, it might be a good idea to provide some safeguards by having a limit on the expenditure which a candidate may spend on his election campaign.

Mr. Rodoreda: How would that be policed?

Hon. D. BRAND: That is the difficulty. Evidently, from time to time Parliament has thought fit to place a limit on the expenditure of a candidate.

Mr. Rodoreda: What is meant "from time to time"?

Hon. D. BRAND: It has amended the provision from time to time and retained the limitation. It might be as well to retain some limitation in the Bill. Originally it was felt that the person who was more affluent had a better chance in an election if there was no limitation to expenditure on publicity associated with his campaign, than a person who was without means.

There is also an amendment which aims to bring into line the distance at which canvassers, who hand out how-to-vote cards, will have to place themselves from a polling booth. The Bill reduces the distance of 50 yards which applies at present to 20 feet. We agree with that provision. I am of the opinion that the Bill has been presented in such a manner that from the beginning we cannot support the provisions. In some ways they are dangerous. We can hardly justify passing a Bill of this nature to bring about this amendment. I oppose the second reading.

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

House adjourned at 5.10 p.m.

Legislative Council

Tuesday, 6th August, 1957.

CONTENTS.

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

MOTION—MUNICIPAL CORPORATIONS ACT.

To Disallow Uniform General Building By-laws.

HON. A. F. GRIFFITH (Suburban) [4.36]: I move—

> That Uniform General Building By-laws Nos. 1 to 505 inclusive made under the Municipal Corporations Act, 1906-1956, as published in the "Government Gazette" on the 5th June, 1957, and laid on the Table of the House on the 9th July, 1957, be and are hereby disallowed.

I would like it made clear at the outset that in moving to disallow these regulations and treating them in total from No. 1 to No. 505, it is not my intention that all the by-laws should be disallowed, but I am moving the motion in this manner in order that it may be a protection in view of some of the circumstances that have taken place in connection with the gazetting and tabling of the by-laws.

As the motion indicates, the by-laws were gazetted on the 5th June and tabled on the 9th July. Immediately after the 5th June they became law; and local authorities generally throughout the whole State were thrown into turmoil because they suddenly found, without any notice whatsoever, that they were obliged to reject plans they had received in their offices the day before and deal with them under these by-laws.

The result could easily have been disastrous for some people because a lot of money could have been involved in architectural fees for the preparation of plans and specifications for buildings in the metropolitan area and, for that matter, anywhere. These by-laws, coming down