watertight compartment, as it were. That is borne out by my own somewhat superficial examination of the facts.

Although most of the privately owned railways in America are having the same difficulties, and many of them are on the verge of bankruptcy, it is interesting to note that one railway, the Chesapeake & Ohio, is doing very well and its labour force is at a record high. The reason for this is that the president of the Chesapeake & Ohio is not a railwayman but, according to the information I have received, had his training in the coal business. The vice-president came from General Electric, and these two men brought a lot of new ideas into railway working. They did not accept the idea that it is impossible to determine what railway costs are.

They found that a determination of costs could be accomplished by normal business practices, even though they had to be modified in some respects. I do not suggest that there are not other factors to be considered, but what I have said shows that it is not always necessary to have a man with a railway background as a senior railway administrator.

Mr. Brady: You will have to get some of those men in the wool industry in this State.

Mr. HEARMAN: The Minister may not like what I have to say, but I believe there is something in it and that if we obtain the services of a man such as I have suggested we will be able to put our railways on a better basis.

The MINISTER FOR TRANSPORT: I move—

> That the hon. member for Blackwood be given leave to continue his speech at a later sitting.

Motion put and passed.

House adjourned at 6.15 p.m.

Legislative Council

Tuesday, the 16th September, 1958.

CONTENTS

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

QUESTIONS ON NOTICE.

DERBY AND EASTERN GOLDFIELDS SCHOOLS.

Attendances and Domestic Science.

1. The Hon. J. M. A. CUNNINGHAM asked the Minister for Railways:

What are the comparative figures for the school at Derby and the Eastern Goldfields High School in respect of the following:—

(a) children attending;

(b) students attending domestic science;

(c) proposed cost of new domestic science accommodation;

(d) proposed cost of new equipment and fittings for domestic science?

The MINISTER replied:

(a) Derby, 141; Eastern Goldfields High School, 618.

(b) Derby, 11 at present, but this will be increased in 1959; Eastern Goldfields High School, 152.

(c) Completed at Derby, £4,285; proceeding at Eastern Goldfields High School, value of existing portion of building—£5,000, additions to building—£2,686, total—£7,686.

(d) Derby, £1,148; Eastern Goldfields High School, £3,749.

KALGOORLIE NATIVE RESERVE.

Cost of Ablution and Sanitary Facilities.

2. The Hon. J. M. A. CUNNINGHAM asked the Minister for Railways:

(1) What was the original estimate for the erection and installation of ablution and sanitary facilities at the Kalgoorlie native reserve near Parkeston?

(2) What is the actual cost to date?

(3) What is the estimated cost when completed?

The MINISTER replied:

(1) Public Works Department estimate, £1,400.

(2) Progress payment to date, £400.

(3) The estimated cost is £1,400. The original contract was let in July, 1957, for the work to be completed by November, 1957. The contract was cancelled in May, 1958, because the contractor would not complete the work.

A further contract was let but was cancelled in August, 1958, because no work had been done, and the contractor had gone bankrupt. Latest advice from the Public Works Department is that no further contract has so far been let.

QUESTION WITHOUT NOTICE.

UNIFORM GENERAL BUILDING BY-LAWS.

Opinions of Crown Law Department.

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

Recently I asked two questions of the Minister regarding the uniform general building by-laws in respect of the opinion that had been given by a gentleman who was visiting this State. In view of the fact that the uniform general building by-laws came into operation yesterday, the 15th September, has the Minister anything further to report on the opinions of the Crown Law Department?

The MINISTER replied:

I am able to inform the hon. member that his request was referred to the Chief Secretary, who in turn, has referred it to the Crown Solicitor. Because the by-laws were legally brought into force as from yesterday, local government authorities have been asked by circular to withold enforcing the by-laws for two weeks until the Crown Law opinion has been obtained.

LEAVE OF ABSENCE.

On motion by the Hon. E. M. Davies, leave of absence for twelve consecutive sittings granted to the Chief Secretary (the Hon. G. Fraser—West) on the ground of ill-health.

BILLS (6)—THIRD READING.

1. State Housing Act Amendment. Returned to the Assembly with an amendment.
2. Plant Diseases Act Amendment.
3. Junior Farmers' Movement Act Amendment.
4. Argentine Ant Act Amendment (Continuance).
5. Rural and Industries Bank Act Amendment.
6. Broken Hill Proprietary Steel Industry Agreement Act Amendment.

Passed.

ACTS AMENDMENT (SUPERANNUATION AND PENSIONS).

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [4.45] in moving the second reading said: This Bill proposes to amend the Superannuation and Family Benefits Act of 1938-1957, and the Superannuation Act of 1871-1957, both of which were amended last year. It was thought that a provision in last year's Bill would ensure that the pensions which were being paid prior to the 31st December, 1958, would be increased in many cases, and would not be reduced in any one case.

However, the Crown Law Department has advised that owing to faulty wording the amendment is of no legal effect. This Bill seeks to overcome this legal fault.

The first amendment in the Bill deals with the 1938 Act. It provides that where a person was contributing for less than eight units and on or before the 31st of December of last year reached the elected retiring age, but the benefits of superannuation were to become payable to him after that date, he should be entitled to the benefits which would have been payable to him prior to that date. In other words, he should not, as a result of the passing of last year's amending Act, suffer any reduction in the pension to which he would otherwise have been entitled.

This particular amendment will cover, among others, those who elected to retire before the compulsory retiring age, but who continued to work after the elected retiring age. There is a provision in the 1938 Act which allows contributors to the superannuation fund to elect to retire at an age earlier than 65 years, so long as the elected retiring age is 60 years or somewhere between 60 and 65 years.

Several employees of the Government who were contributors to the fund, and still are in some instances, agreed to continue in Government employment after they had reached the elected retiring age. Consequently it is desired that their pension, when they do finally retire, shall not be reduced below the pension which would have been payable to them had they retired prior to the 31st December last, or prior to the actual date on which they finished their employment.

The amendment in Clause 3 of the Bill to the 1871 Act will provide that where pensions have been adjusted by the formula in the Act, and where they exceed £208 per annum, but do not exceed £1,000 per annum, and the adjustments as a result of the application of the formula reduce the present pension payments to a figure less than the amount which was being paid in any particular instance prior to the 31st December, 1957, the amount to be paid shall not be less than the amount which would have been paid prior to the 31st December last.

The Hon. A. F. Griffith: I suppose they will take up the lag, will they?

The Hon. H. C. STRICKLAND: I don't know about that part.

The adjustments to be made, where reductions have already occurred since the first of this year, will be made on a retrospective basis which will mean, of course, that the pensioners concerned will receive the adjusted and increased pension as from the beginning of this year until the Act comes into operation; and thereafter they will receive the adjusted pension regularly. I move—

That the Bill be now read a second time.

On motion by the Hon. A. F. Griffith, debate adjourned for one week.

LAND TAX ASSESSMENT ACT AMENDMENT BILL.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [4.50] in moving the second reading said: This is a simple measure, similar to that which has been before this House on previous occasions. The primary purpose of this Bill is to permit the continuance of the levying of a tax on improved rural lands. There are also several amendments of a minor nature in the Bill. The land tax imposed by Western Australia is at a somewhat similar rate to those in other States, and does not tax Western Australian land holders any heavier than their Eastern States fellows. In some cases, the Western Australian tax is lower.

Hon. members will recollect that the Bill to provide for the taxing of improved rural land was agreed to by Parliament in 1956, and included an amendment inserted in this House to limit the tax to the 30th June, 1958. This amendment was made to paragraph (g) of Section 10, Subsection (1) of the Act. There is little need for me to remind hon. members that the State is facing a difficult financial situation. To assist in providing the existing services to the State, especially to rural areas, it is essential that current sources of revenue be maintained in this financial year. The collections from the primary industry land would amount, under the existing tax scale, to approximately £300,000 per annum.

There is no doubt that the farming community are deriving many benefits provided by the Government under the existing level of services and charges. No general increase in rail freights has been imposed since 1953. Water supplies to country areas have been generally extended, and the burden on the State Revenue Fund has risen to over £1,750,000 a year. In addition, approximately £1,000,000 is being spent each year on various activities by the Agricultural Department for the benefit of the primary producer. I would also point out that under the complementary legislation for the Vermin Act, at least £100,000 of the Land Tax collections is set aside in the Vermin Trust Account, and the collection of an additional vermin tax is abolished.

When the Government brought down the 1956 Bill to re-impose a tax on improved rural land, it took that action, mainly, in preference to increasing railway freights. At that time the railway deficit was very substantial and was increasing, and it was imperative for the Government to take action through Parliament to obtain increased revenue. After giving the question of increased railway freights, as against a tax on improved rural lands, long and careful consideration, the Government agreed that the better of the two methods would be a tax on improved rural lands. There is not any doubt about the need for this particular amount of revenue to be reserved to the State and there is no doubt about the need for this taxation to be collected in this financial year, and probably for several years to come.

Most of the service of the Railway Department is given to people living in the country areas, and the heaviest losses incurred by the department are in connection with some of the commodities carried to and from the farming areas. Therefore it can be said that the operations of the Railway Department are carried on, at least to some substantial extent, in the form of a subsidy to farmers who occupy improved rural lands.

In addition, the water supplies provided by the State to country areas have been very substantially extended in recent years, with the result that the net loss to the Consolidated Revenue Fund of the State has now risen to the very high figure of £1,750,000 per annum. This

does not include water supplies to townships. None of us would condemn or criticise the incurring of those heavy losses, in the carrying on of essential water supply services to the country areas; because we know that indirectly the value of these water supply services to the people in the country, who are fortunate enough to have them, is very great indeed, and undoubtedly permits a much greater production of wealth from the land than would otherwise be possible.

It is quite easy to understand that water supplied by the State to farming properties would have to be supplied at a very heavy loss; therefore, the Government considers it would be better to have this tax on improved rural lands continued, rather than to have any upward adjustment in railway freights, and rather than have any very substantial upward adjustment in the charges which are imposed for water supplied to country areas. The services of the Agricultural Department impose a net cost upon the Consolidated Revenue Fund of approximately £1,000,000 per annum. So it can be seen very clearly that the farmers, who occupy improved farming properties, receive very much back in return for the land tax they pay. The Government accordingly does not consider it unreasonable that the land tax on rural land should continue at its present level.

The other minor amendments to which I referred earlier are, firstly, to Section 8 of the principal Act, where reference is made to the liability to pay land tax at such rate as Parliament imposes "per pound sterling of the assessed value of all land . . ." The amendment deletes the word "sterling", for obvious reasons. Section 8 provides also that in the case of an owner of land who has not been resident in Australia during any portion of the year next preceding the year of assessment, the rate of tax shall be increased by 50 per cent.

This penalty has never been applied to foreign companies, that is companies whose registered office is outside Western Australia. However, comparatively recent court decisions have decided that, even though a foreign company is carrying on business in the State, if it owns land, it is an "absentee owner" for the purposes of the Land Tax Assessment Act. The proposal in the Bill will remove these companies from the operation of this provision and ensure continuance of the present practice of not imposing the 50 per cent. penalty on foreign companies.

The next amendment is designed to correct an anomaly which arose as a result of amendments made to the 1956 Bill. Prior to the introduction of that Bill, the position relating to improvements was that Section 9 of the principal Act, 1907-1948, divided land into two broad classes for the purpose of ascertaining if it was deemed to be improved. The classes were: (a) Primary industry land; and (b) other land. Primary industry land was deemed to be improved if improvements had been effected to an amount equal to £1 per acre or one-third of the unimproved value of the land, whichever was the lesser, or to the amount prescribed by the Land Act.

Other land, that is land not used for the purposes of primary industry, was deemed to be improved if improvements had been effected to an amount of not less than one-third of the unimproved value of the land, with an upper limit of £50 per foot of frontage. However, in amending the Act in 1956, the distinction between primary industry land and other land disappeared. It could not be argued that improvements to the value of £1 on, say, suburban land, could render it improved land, and that it should be taxable at the lesser rate of tax. In the Bill it is proposed to restore the circumstances which existed prior to the 1956 amendment; so that primary industry land is taxable at the lesser rate of tax, if improvements to the lesser amount of £1 per acre or one-third of the unimproved value, have been effected. Other land will be taxable at the higher rate unless improvements to the amount of one-third of the unimproved value have been effected.

Clause 5 (a) of the Bill merely brings up to date the references made to Commonwealth legislation in the existing paragraph (f) of Section 10 of the principal Act. It does not vary any of the exemptions in that section. The last amendment merely removes unnecessary words so as to facilitate a reprint of the Act whenever required. The main objective of the Bill is to continue the tax on rural land. Looking through the Pocket Year Book for 1957, with which all members have been supplied, I notice that the cultivated acreage in Western Australia is approaching 22,000,000 acres; that is land cleared or cultivated and used for cropping or fallow. If we divide the £300,000 which the Bill proposes to collect in taxation by that acreage of land, it will be found to average at somewhere about 3d. per acre. If we compare a tax of 3d. per acre, on highly productive and profitable land, with the taxation on perhaps a quarter of an acre of land on which a worker's home is built—or half an acre, perhaps, on which a company director has his residence—we see that the rate of tax per acre is simply astounding—

The Hon. H. K. Watson: You're telling us!

The Hon. H. C. STRICKLAND: Depending on where it is situated—

The Hon. A. F. Griffith: It is crippling.

The Hon. H. C. STRICKLAND: Somebody has to pay tax on land. I pay some tax and do not begrudge it. Somebody has to pay for the water supplies that are

extended in the country areas and which represent a loss to the State of £1,750,000, for instance.

The Hon. J. M. A. Cunningham: Don't say the country people do not pay!

The Hon. H. C. STRICKLAND: No, they do not like paying for it, but the people in the towns and the cities pay for this service, also. It must not be forgotten that when water is taken into an agricultural area the value of the land is increased tremendously. The same applies to any development in the suburbs or in the city. With that development the value of the land must improve and therefore the owner, in turn, is taxed at a higher rate on the improved land. On the other hand, he is also earning in some cases, an increased increment by the provision of the services which, through various forms of taxation, are provided to the general public.

I do not think it is unfair to ask primary producers to contribute this tax on the land that they occupy. I was looking through some of the speeches made last year and the year before and the effect on farmers, except in some rare individual cases, is not very great. I remember the hon. Mr. Watson telling us in this House of one landholder who paid approximately £900 in tax. As he remarked, that man was not too happy about having to pay it, but, on the other hand, if the contribution had to be made by him, he had no alternative.

When we look at this tax in its true perspective I consider the Government is justified in asking Parliament to allow it to continue. If hon. members will compare this form of taxation on rural land with the land tax imposed in other parts of Australia, they will find it is comparable and not inconsistent. There is another point that is worthy of a great deal of consideration, namely, that land tax is a charge against the income derived from the property. So, after all is said and done, if a man is enjoying a high income, he is making a contribution, by means of this tax, direct to the State Treasury instead of direct to the Commonwealth Treasury.

I know that the Bill will receive a good deal of earnest consideration by members. It is not a simple task and certainly not a pleasant one for any Government or Parliament to tax the community, but on the other hand, no Government can carry on its administration without revenue. It has been said that this is a sectional tax, but I do not think it is. There are many taxes and many forms of legislation that we can single out as being sectionalised and no doubt they are but, on the other hand, they are necessary. That is the reason why, as legislators, we are called upon, at various times, to consider these questions which arise and which mean that one or more sections of the community have to pay a little more in tax.

I noticed in my notes on this Bill a very good case which was instanced to show that this tax does not represent "one way traffic". The farmer is not being taxed out of existence. I do not know what the average farmer pays in tax, but if one spreads this tax over the total acreage of cultivated land it amounts to only 3.1d. per acre. This is certainly not a high price to pay in return for those services, such as railways, roads, and water supplies which are extended into the country areas. I move—

That the Bill be now read a second time.

THE HON. H. K. WATSON (Metropolitan) [5.5]: The Minister has reminded us that this Bill is virtually the same as the one introduced last year, but which did not reach the statute book. It would appear that the Government is not greatly inclined towards giving any serious consideration to suggestions which have been made by members of this House after mature consideration. The Bill could have been passed last year, but the Government, in its wisdom, allowed it to lapse in another place. Yet, this session, we see that this measure has been brought down in much the same form as it was introduced last year and without any of the amendments which were moved and carried in this House at that time.

I am surprised at some of the reasons which have been advanced as to why this Bill should be given a passage. We are told that the Department of Agriculture costs £1,000,000 to administer. We are told that the railways are making a deficit of many millions of pounds a year. We are told that the country water supplies are costing Consolidated Revenue £1,750,000. So, all told, several million pounds are being lost to the State each year and if I understand him aright, the Minister seriously suggests that adequate compensation for all the items I have enumerated will be met by imposing a land tax on rural lands which is going to return £200,000; that is, £300,000 gross, but offset by £100,000 which would be collected under the vermin tax.

So it seems to me that if we are to consider a proposition which seeks to make a levy on the agricultural community of £200,000, we must find some other argument than to say that that amount is being imposed in order to make up the millions of pounds I have just mentioned.

The Hon. H. C. Strickland: That was not so.

The Hon. H. K. WATSON: If the Country Water Supplies Department is running at a loss and if it is felt that Consolidated Revenue should obtain more than it is for that service, the proper

method of approach is to have a look at the water rates and not meet the loss by imposing a land tax.

The Hon. L. C. Diver: You have not heard the full story yet.

The Hon. H. C. Strickland: A little bit of each.

The Hon. H. K. WATSON: As a rather simple-minded person it would appeal to me as a proper approach; and similarly with rail freights. The Department of Agriculture, could probably charge some fees for any service it renders. It seems entirely illogical to me to impose land tax to yield the relatively small amount of £200,000, in order to deal with losses runing into millions of pounds.

The Minister mentioned that when this Bill was being amended in 1956 I quoted a case where a taxpayer would have to pay £900 and, if I understood the Minister aright, he implied that I more or less supported the proposition. Far from it! When I quoted the figures in 1956 it was in very definite opposition—wholehearted opposition—to the proposals then being introduced; and the opposition which I then expressed is just as valid today.

I submit that land tax is a tax that is unjust and illogical. I fail to see why anyone should be taxed simply because he happens to own land.

The Hon. A. F. Griffith: Didn't you want it to be reviewed every 12 months?

The Hon. H. K. WATSON: Up to 1956 the amount collected was not particularly large. Although it was an irritant, it could certainly be endured; but the impositions which went on in 1956 have been crippling. As the Minister said, the land tax which is payable by the householder, and by every other land owner, particularly in the metropolitan area, is astounding—and that is putting it mildly. I think it is fair to say—I am merely stating a fact—that our Land Tax Act, as it exists at the moment, is probably more harsh than any similar Act throughout Australia—

The Hon. H. C. Strickland: I bet it is not.

The Hon. H. K. WATSON: —relating to taxation of land. The rates are particularly heavy. We find that properties owned by churches and non-profit making organisations are taxed much more heavily here than they are in the Eastern States. In most of the Eastern States they are exempt.

The Hon. H. C. Strickland: Are they not here?

The Hon. H. K. WATSON: Under the old Commonwealth Land Tax Assessment Act they were also exempt, but here they pay very heavy taxes; heavier than before 1956. They are taxed in a manner which seems to me to be very unfair. Then there are life assurance societies. We find that in all the other States—also under the old Commonwealth Act—special concessions are granted to life assurance societies which, after all, are simply the aggregation of thousands of thrifty persons imbued with the idea of saving. But there is no such concession in our local Act. Moreover, up to 1956 it was standard practice to grant a 50 per cent. rebate on all land which was improved, but the rebate was withdrawn in that year.

It seems to me that if we are going to amend in any way at all the alterations which we made in the Act in 1956, then the matters which I have just mentioned are entitled to some consideration. If this were a Bill to remove all the anomalies in the existing legislation, there might be a little more merit in it; but it is not. It leaves 99 per cent. of the major anomalies untouched, and it proposes to continue the exaction and extraction of between £200,000 and £300,000 per year from rural land.

Having regard to the state of the agricultural industries at the moment, particularly during the last season with the deplorable drop in wool prices and harsh conditions generally, I feel this is no time to be talking of continuing existing liabilities or imposing new ones. It seems to me that on the merits of the case, instead of attempting to increase liabilities, one ought to be trying to ease them. For all those reasons, I intend to vote against the second reading of the Bill.

THE HON. L. A. LOGAN (Midland) [5.18]: As one who opposed the imposition of this tax in 1956, I intend to do the same again. Hon. members will recall that this tax was passed by the House on the vote of two Country Party members—plus others—because at that stage they had received an assurance from the Treasurer that there would be no increase in rural freights. This, to their way of thinking, would have cost the country folk much more than the imposition of the land tax. I believe their reasons have been justified.

I was one of those who opposed the measure, because once a tax is imposed, it is difficult to get rid of it. We were fortunate in having that tax taken from the statute book, but now the Government is endeavouring to reintroduce it. The Minister, in introducing the Bill, said the State was passing through a difficult period. Surely the State is not alone in that! The Minister must realise that the producer is going through a difficult time with the price of wool well below the cost of production.

The Hon. H. C. Strickland: What is the cost of production?

The Hon. L. A. LOGAN: The Minister should work it out for himself. It is costing the producer £16 to £17 per ton for super on the property, and he should

be using at least 50 tons on every 1,000 acres; and he is receiving only 42d. per lb. for his wool, and he is carrying probably less than a sheep to the acre.

The Minister can work it out for himself and he will find out what some of the costs of production are. This is only a small part of it. We had a visit from the central council of War Service Land Settlement. Some accounts were produced which showed that these people were going further into the red all the time. On the basis of the assessment used by the War Service Land Settlement authorities, if the settlers endeavoured to maintain the present methods, they must go further into the red. No further extension of costs can be borne by them. Any such extension to these fellows and to the dairy farmers must be written off by the State and the Commonwealth Governments. The Government is imposing a tax on these fellows which, eventually, we will have to wipe off.

It is a well known fact that for a number of years many dairy farmers—I am talking of the butterfat producers and not the whole milk producers—have never got beyond the stage of earning more than the basic wage. I would say that applies to 95 per cent. of them; and I would go so far as to say that 90 per cent. of them have been below the basic wage. Yet this is another imposition that is to be put on them. Those hon. members who sit on the same side of the House as does the Minister, want the worker to get the best conditions; and we agree with that, but we want our fellows to have the same conditions. But the Government is trying to reduce them below the basic wage, and below their present standard of living.

The Minister says that the Government is subsidising the country water supplies. How many country people is the Minister subsidising in this way? There would not be 5 per cent. of the producers who would benefit from that subsidy.

The Hon. H. C. Strickland: It will cost a lot when the rest of them get it, then.

The Hon. L. A. LOGAN: It probably will. On top of that, many of these producers which the Minister reckons are now being subsidised, are themselves spending thousands of pounds for their own water supplies. Does the fellow in the city put in a water supply? Of course not. As soon as a Housing Commission area is developed, water supplies are installed and all that the house owners have to do is to turn on a tap.

The Hon. H. C. Strickland: And they pay for it.

The Hon. L. A. LOGAN: The Government does not put a land tax on them, but takes it off.

The Hon. A. F. Griffith: The comprehensive water scheme was inaugurated by the previous Government.

The Hon. L. A. LOGAN: The number of people being subsidised is less than 5 per cent., and others are putting in their own water supplies. Fortunately a few of these people are able to get water at a fairly cheap cost, but others, as the Minister well knows because of representations we have made in the House and to the Minister himself, just cannot afford to pay for the cost of boring and the cost of supplying casing and installing windmills and tanks. Water supplies are costing some people thousands of pounds. The Minister talks about subsidising the country. He wants to have another look at the position!

The Hon. H. C. Strickland: But it is a fact.

The Hon. L. A. LOGAN: Let us look at hospitalisation. The Government reckons it is helping the country people in regard to this matter.

The Hon. H. C. Strickland: I did not mention it.

The Hon. L. A. LOGAN: No, but I am telling the Minister. It is the policy of the Government, of which the Minister is a member, to make the residents of a country town responsible for finding one-third of the cost of any capital improvements to hospitals, before it will effect those improvements. This principle applies in the country, but not in the city. Extensions are being made to the hospital at South Perth—a maternity wing is being built there—but the people of the district are not asked to contribute to the cost.

The Hon. A. F. Griffith: If the South Perth people had not started the project, there would never have been a hospital there.

The Hon. L. A. LOGAN: Those people found £19,000 out of £123,000. The hon. member can work out the percentage himself. Our fellows have to find one-third of the cost. When the Government talks about subsidising the country, it should have another think.

The Hon. H. C. Strickland: That is a fact.

The Hon. L. A. LOGAN: Of course it is. To give the Premier his due, he upheld his promise that he would not increase rail freights.

The Hon. H. C. Strickland: You cannot growl about that.

The Hon. L. A. LOGAN: No, I said I would give him his due. But what about the poor unfortunate from whom the railways were taken? What has been his added cost since the railways were taken from him? It has been plenty.

The Hon. H. C. Strickland: How much?

The Hon. L. A. LOGAN: More than he would have paid in land tax.

The Hon. H. C. Strickland: Which area are you talking about?

The Hon. L. A. LOGAN: This applies to pretty well every part of the State.

The Hon. H. C. Strickland: In your electorate.

The Hon. L. A. LOGAN: Yes, in my electorate. I know what the Minister is going to say, namely, that we have our wheat carted more cheaply by road transport than we did by rail.

The Hon. H. C. Strickland: That is right; and a bag of flour costs a little more.

The Hon. L. A. LOGAN: I agree with the Minister about wheat, but it is only one commodity. There are others on which country people, pay a real increase because of the road transport freight. In other areas particularly the Eastern wheatbelt, the increases because of road transport costs, are terrific. I think this point was explained in answer to a question the other day.

The Hon. J. D. Teahan: That shows what a good job the railways were doing on a cheap rate.

The Hon. L. A. LOGAN: That is quite likely, and the railway rate could have been cheaper had the railways been administered properly all the way through; but I am not blaming any particular Government for that. When we tried to impress upon the Government—and we tried to impress this upon our own Government as well—the lack of administration in the Railway Department, we were practically told that we did not know what we were talking about. Since then it has been proved that what we said was perfectly true. The Government should have started on the administration of the railways, and not have worried about closing the lines. If you had started—

The Hon. J. J. Garrigan: Who is "you"?

The Hon. L. A. LOGAN: You.

The Hon. J. J. Garrigan: And your own Government.

The Hon. L. A. LOGAN: All right; I agree with that, too. We get down to the basis of incurring added expense to the producer, and I say that by so doing we inflict an injustice on that section of the community.

It may be said that if we oppose this measure we will be politically unstable because we will refuse the Government the right to this tax. The Government also claims that it is using the tax to subsidise the country people through the school bus services. Now, the school bus services have been operating for a long time. No tax was needed to subsidise them in the first place. What is more, the school buses were introduced to save expenditure; to obviate the erection of school buildings, the employment of some teachers, and so on. But the Government is now saying it wants the tax to help subsidise the school buses. I do not see much justification in the argument.

The Hon. H. C. Strickland: I did not say that.

The Hon. L. A. LOGAN: Probably not, but the Premier said it, and he is the Government when all is said and done.

The Hon. H. C. Strickland: Have a go at my arguments.

The Hon. L. A. LOGAN: I am having a go at the Government's arguments as well as those raised by the Minister. I think I have given sufficient reasons for this House not to allow the tax to continue. The Minister, I know, will say there are many prosperous farmers in Western Australia today.

The Hon. H. C. Strickland: The biggest percentage, yes.

The Hon. L. A. LOGAN: I would say that there are many farmers whose properties are mortgaged more than they really should be. I will admit that over the last few years producers have earned a considerable amount of money; but before the Minister says that they should have put some of it away for a rainy day, he should look at conditions which existed prior to the good times. The Minister should look at the condition of the farms, the machinery, the houses, the stock and everything else; it has cost most producers considerable sums of money to bring their farms up to standard. Also, many of those farms were not big enough to enable producers to take advantage of the really high prices; what is more, many producers did not get the high prices—only a small percentage of them were able to take advantage of the very high wool prices and the others received much lower returns.

The Minister should realise that not all farmers are in a prosperous state; many of them cannot afford any further imposition without reducing their standard of living or increasing their overdraft. On those grounds alone we are entitled to oppose this measure; and I intend to do so.

THE HON. L. C. DIVER (Central) [5.31]: In 1956 I was one of those members who supported the introduction of State land tax, and I did so on that occasion, on the undertaking given to us by the then Leader of the House on behalf of the Premier, that there would be no increase in rail freights. Now this measure has been submitted without any such undertaking; and the reason given for its introduction is the deficit of the railways and the cost of country water schemes. I agree with my colleague's comments on the shortcomings of our railway system; but I must pay a tribute to the Government for the manner in which it is endeavouring to make some headway to ensure that we get better value for our money, particularly in regard to the administration of the system.

However, I feel there is still ample opportunity, by savings in the administration of the railway system, for the Government to more than make up the necessary £300,000 it claims this land tax will provide. There is not the slightest doubt that that sum of money could be saved by improvements to the administration of the department. The Minister also said that the Consolidated Revenue Fund had been reduced by £1,750,000 because of work on the country areas water supply scheme. I think that whoever supplied the Minister with those figures did a very poor job because the Minister has not been furnished with the full story. It is common knowledge to those of us who travel throughout the country areas that a considerable amount of that money is being spent on enlarging the conduits to carry the water from Mundaring to the different points throughout the country.

The department is doing an excellent job and it has concentrated on the secondary main conduits to country towns; but the reticulation to farms, to make the best use of the water that is carried through those pipes, has not yet been undertaken. In my opinion hundreds of thousands of pounds will be paid into the revenue of the State when the water reticulation scheme to these properties, throughout the length and breadth of the State, is completed. There is a source of revenue which has yet to be tapped; and that source will provide a good deal of money when the scheme is completed. Only when that happens will we get a true picture of the earning capacity of this water scheme which various governments have been developing over the years.

That aspect has to be considered before anyone says that a considerable sum of money has been lost on the country areas water scheme. As a woman once told the Minister's predecessor in office, when speaking about the railway, "When a child is born the mother and father do not abandon it because it cannot earn its own living. It has to be nurtured to adulthood before it can earn its living." In my opinion this is a parallel case.

The Hon. H. C. Strickland: Do you call something that has been born for 30 years a child?

The Hon. J. J. Garrigan: We have attempted to do something. You must admit that.

The Hon. L. C. DIVER: Have I said otherwise?

The Hon. J. J. Garrigan: No, you have done a very good job.

The Hon. L. C. DIVER: I want to be fair, and all I ask in return is that the departmental officials furnish Ministers with correct figures, and do not tell us that there has been extravagance in one direction when that is not the true story. I do not say that the figures supplied to the Minister for use in this House were not correct; they were correct as far as they went, but they did not give a full explanation or a true picture of the position as regards the modified comprehensive water scheme which is as yet far from complete.

The Hon. H. C. Strickland: The loss is correct.

The Hon. L. C. DIVER: But is it a loss?

The Hon. H. C. Strickland: That is the money that has been spent. It has gone with the wind.

The Hon. L. C. DIVER: If the Minister erects a building does he say that he has suffered a loss before it is let to tenants? He does not say he has suffered a loss until all those figures are taken into account. But in this instance it is a horse of a different colour.

The Hon. H. C. Strickland: If it belonged to you, you would soon know what it was.

The Hon. L. C. DIVER: I think I know enough about business to know what I am talking about. I have put my money into many ventures and I have not looked for a profit before those ventures have become an established fact. The Minister for Railways is also the Minister for the North-West and I should like to ask him, "How does he propose to treat the people of the North-West who also enjoyed high prices for their commodities? Does he propose to do something in regard to North-West shipping freights?" Of course he does not, and I would not expect him to do so; but I expect him to treat the farming fraternity in the same way.

The Hon. H. C. Strickland: I put up the freights last year.

The Hon. L. C. DIVER: How long is it since they were increased?

The Hon. H. C. Strickland: They were increased last year.

The Hon. L. C. DIVER: The Minister increased railway freights a few years ago, too.

The Hon. H. C. Strickland: Do you want me to put them up this year?

The Hon. L. A. Logan: You are not game to do that; it is too near the elections.

The Hon. H. C. Strickland: A substantial rise, too.

The Hon. L. C. DIVER: It is rather interesting to hear that from the Minister, especially when one considers the party to which he belongs. I thought we at least had one policy in common—that of decentralisation—but it now appears that the Government proposes to penalise the far-flung areas and make the people—particularly the producers—in those parts of the State pay not only increased inward freights but also increased outward freights. If that is our approach to decentralisation, how can we ever carry it out?

The Hon. H. C. Strickland: You should not always cry poverty.

The PRESIDENT: Order!

The Hon. L. C. DIVER: I heard mention made of the incidence of land tax on city properties. I have had some experience in this respect, because I also pay city land tax. It is one of the great anomalies that exist, and it is more serious than one might expect, particularly as it relates to the valuations on which this tax is assessed within the city. In many instances it will be found that the valuations placed on pieces of land are such that it would be impossible, unless one were very lucky, to sell that land at those valuations.

That is very harsh indeed. Previously my experience of assessment of valuations has been that it has usually ranged from one-third to 50 per cent. of the value at which the property might be placed on the market. That is not so today. At the moment we are getting what might be termed fictitious valuations, and the position is becoming highly dangerous. It is quite obvious that something will have to be done in the near future to obtain some uniformity in regard to valuations. The Minister also queried the remarks made by my colleague when he spoke about wool being below the cost of production.

The Hon. H. C. Strickland: I asked what was the cost of production.

The Hon. L. C. DIVER: I would point out to the Minister that today wool is at a lower value, relatively speaking, than it was in 1939. That being so, I am amazed that the Minister should query this, and ask the cost of production figure. There is no doubt it was a trick question, because if anyone knows about this subject it is the Minister.

The Hon. H. C. Strickland: We want information.

The Hon. L. C. DIVER: Of course the Minister wants information, but I am sorry, there is no one who can give the Minister that information; and I would add there is nobody more appreciative of the fact than the Minister himself.

The Hon. A. F. Griffith: That is why he asked the question.

The Hon. L. C. DIVER: I know that. Perhaps he thought there was some human robot on this side of the House who could work out the figure for him. The Minister said that the farming fraternity—or at least the vast majority of them—were in a prosperous state. I would challenge that statement. One would think that a Minister of the Government, charged with looking after the affairs of State, would keep reasonably up to date about the financial position of the real wealth-producers of the country. There are many producers today who are seeking financial assistance from their banks, but to no avail. If they were in the secure financial position which the Minister seems to imagine, there would be no difficulty at all in their being able to secure £1,000 or £2,000 to tide themselves over. In all seriousness I would point out that the honeymoon is over

The Hon. E. M. Davies: Some people talk about a second one.

The Hon. L. C. DIVER: They may, but I do not know who they are. It could possibly be the lumpers who talk about it; it is certainly not the primary producers.

The Hon. J. G. Hislop: We were told five years ago it was over.

The Hon. L. C. DIVER: It is absolutely certain it is over now. The position has been reached where not only is the wool market down, but the sheep market is also at a considerably lower level. It is high time the meat values reflected themselves in the "C" series index.

The Hon. H. C. Strickland: In the city shops.

The Hon. L. C. DIVER: For a long time I have said there is no organisation which could overcome that position more quickly than the Labour movement itself, particularly if it set up a co-operative, and 10,000 workers subscribed £1 each. This would enable it to establish a butcher's shop and thus overcome the anomalies which it feels exists.

The H. C. Strickland: What about a ceiling price?

The Hon. L. C. DIVER: I would point out to the Minister that there are a number of factors entering into this. We must contend with varying qualities, and so on. It is far more complex than the Minister imagines. It could be done by a co-operative set up by the Labour Party, because this would enable the party to police the position, and obtain meat at a price at which it thinks it should be sold.

The Hon. H. C. Strickland: Would you sell it direct to them?

The Hon. L. C. DIVER: I do not know what the Minister means by that.

The PRESIDENT: I think the hon. member should proceed and not take any notice of interjections.

The Hon. L. C. DIVER: I do not mind them in the least, Mr. President; they are most helpful. I think my remarks have clearly shown that I do not propose to support a land tax on agricultural land on this occasion. It is perhaps only a repeat performance of the endeavour made last session to reimpose the land tax. I opposed the move at that time. I have perhaps added further reasons tonight in opposing the measure because of what the Minister had to say about country water supplies being a burden on the country. I oppose the second reading of the Bill.

THE HON. A. R. JONES (Midland) [5.49]: I also rise to speak against this Bill, not because it is a land tax on rural land as such, but merely because it is a land tax. I think I have made it quite clear on previous occasions why I oppose such a measure. I repeat again that it is the biggest imposition which can be placed upon a person or property. Without going into very much detail, this is like daylight robbery of a decent citizen. Because a person has worked during his lifetime and saved, and because he has been thrifty enough to accumulate property either in the city or the country—I am not concerned whichever type of property it is—I consider he should be free of land tax at all times.

The Hon. E. M. Davies: This tax has been imposed for years.

The Hon. A. R. JONES: I do not care if it has been enforced for years. It is an imposition all the same. It is no different from taking the tools of trade of a tradesman, which may be worth £200 to £400, getting them assessed in value and putting a tax on them. That is the same thing. The imposition of a tax like the land tax discourages people from taking the initiative. It is one of the moves supported by the Labour Government because that will drive people towards socialism.

The Hon. H. C. Strickland: You will find that a sales tax is imposed on tools of trade.

The Hon. A. R. JONES: I did not hear the remark of the Minister, but I shall read it in Hansard. I was amazed to hear the Premier over the air last Monday night say that in his opinion 90 per cent. of the farmers would be glad to pay this tax. What a lot of nonsense! Who would be glad to pay a tax at all? He went on to say, "Look at the £7,000,000 which the Government is spending on the people in the country." It is only right that the Government should.

He did not mention all the perks which are available to city dwellers without their having to ask for them. We do not hear members of city electorates going along to Ministers to plead and bash their ears so as to obtain funds for water supplies and electricity extensions.

The Hon. H. C. Strickland: They do not weep in this Chamber.

The Hon. A. R. JONES: Very seldom do the city members have to do that. When a district is developed, out goes a water scheme, electricity, telephone and anything else which is required. These services even by-pass land which is held but not used by the owners. To my way of thinking that is a bad thing. If the Government wants a tax in respect of land, I would support any tax which is to be imposed on land not being used.

The Hon. A. F. Griffith: I could take you to land within six miles of the G.P.O. Perth, and this land is not connected with water.

The Hon. A. R. JONES: I believe the hon. member. For the Premier to say last Monday night that the Government must have the money to give people living in the country the amenities that are required, is too silly for words. His statement that 90 per cent. of the farmers would be pleased to pay this tax is untrue.

I am not going to stand up now and make a long speech giving my reasons for not supporting this tax. I think I have made my reasons perfectly clear in the past. I will have no part of this tax because in principle it is wrong. Whether a land tax is imposed on country or city properties, it is definitely taboo. I have already said that I would support a tax on unimproved land which has been held for some time and has not been used. People who buy land on spec, hang on to it and do nothing with it, should pay a tax to force them to make use of the land, to improve it or to sell it to others who can make use of it. For the reasons I have previously given I oppose the measure.

THE HON. G. C. MacKINNON (South-West) [5.55]: There are only a few words I wish to say on this Bill. In the South-West Province we have probably a greater difference in the position of the farmers, than is to be found in any other province. Some of the farmers in the South-West Province are finding it extremely difficult to make a profit, although they are working land which is relatively high in regard to the improved value; and indeed they have been in that position for some years.

The land tax which devolves on farmers in some portions of the South-West Province is relatively high compared with that which applies to farmers in the districts referred to by the last three speakers. The financial losses of the latter did not start this year or last year. As the hon. Mr. Logan said, they have been battling for a great number of years to make the basic wage.

I was interested in a remark made by the Minister for Railways—which is fair enough because he was presenting a case and he had to make it look as good as he could—when he said that the tax worked out at about 3d. per acre, and that much of the land was very profitable land. But he did not say that the tax was still 3d. per acre in respect of some land which was unprofitable, or that it was 3d. an acre whether the owner of the land made a profit or not.

At the other end of the scale there is rural land, also in the South-West Province, which is probably paying the highest land tax in this State. The Minister nods in the affirmative, so I take it he agrees with that statement.

The Hon. H. C. Strickland: Some of that land is worth £200 an acre. Some is dairying and irrigation land.

The Hon. G. C. MacKINNON: The owners of the land are paying very high land tax. It is also very costly, as regards irrigation and in other directions, to work such land. The peculiar thing is that some of the most valuable land subject to the land tax is not found in the areas referred to by the Minister for Railways when he interjected quietly that much of the land was dairying and irrigation land.

I would like to refer to some properties in the South-West Province; farming properties, lying fairly close to an ocean beach. Such a property may consist of 100 acres. If the owner applies for subdivision so as to make available a few acres close to the ocean for building purposes, the land is subsequently revalued. It has happened that not merely the few acres along the ocean beach have been revalued, but the whole 100-acre block. Despite the fact that 80 or 90 acres of such land were still to be used for grazing purposes, the farmer has found to his consternation that the land tax in respect of all the land has increased out of all proportion as a result of the revaluation.

This was a point which had been considered at great length and in great detail by the hon. Mr. Watson in 1956. Of course, he knew the subject well. His assertions have been proved amply by what has transpired since. They have been verified by the statements made by the hon. Mr. Diver tonight.

For two quite different reasons I consider the impact of the land tax has been very severe in the South West Land Division. The first reason is that that area contains land of a relatively high improved value because it is in a butterfat district; and because the farms are too small for the carrying on of any other type of agriculture, the owners have not been able, for many years, to make a good living out of the land, yet they are still faced with the land tax.

The second reason is that because some of that land is used for holiday resorts and some of it is very high in value as irrigation land, we find the other alternative of an extremely high rate of land tax. These cases, of course, show very clearly how inequitable the tax becomes. For those reasons I oppose the measure.

THE HON. C. R. ABBEY (Central) [6.0]: In rising to oppose this measure I would just like to bring to the notice of the House several inherent dangers in this legislation that could occur in the future. In making valuations for land tax naturally the Taxation Department takes into account the improvements and so on, but the Government, as is the case with all Governments, if it requires further revenue, finds it is easy just to double or treble the land valuation through a direction to the department. That is something we must all bear in mind because if land values are increased unduly they have a bad effect on probate valuations and such-like.

I would like to make the point that this is a field of revenue for local authorities. They have to rate on land values to obtain their income; and should the Federal petrol tax allocation be decreased, or other States receive what they think is a fairer share, we will find local authorities needing more revenue and needing it very badly. Therefore they will have to seek a means of raising their rates, charged on land, to obtain enough income to proceed with the business of local government.

The Hon. E. M. Davies: If the Federal Government took off the payroll tax they would have a bit extra.

The Hon. A. F. Griffith: They took off the entertainment tax but your Government put it on again.

The Hon. C. R. ABBEY: The other avenue, of course, should this legislation be defeated, which I hope it will, would be a small rise in the cost of services. Probably the Government will take that in any case, and it is in my view preferable. I oppose the measure.

On motion by the Hon. E. M. Davies, debate adjourned.

NOXIOUS WEEDS ACT AMENDMENT BILL.

Second Reading.

Debate adjourned from the 10th September.

THE HON. L. A. LOGAN (Midland) [6.4]: I was absent when this Bill was in the second reading the other evening so I sought an adjournment in order that I might speak on it, although there is nothing in the Bill which I intend to oppose. The position today is this: Noxious weeds are divided into two categories—one is called primary and the other secondary. The primary noxious weeds are the responsibility of the Agriculture Protection Board, and the secondary noxious weeds are the responsibility of the local government.

Under this amendment it is intended that local authorities can themselves have some control over the noxious weeds in conjunction with the Agriculture Protection Board. In my opinion this is a very good move, because it does throw back on the local authority some power which was taken away from it when this Bill was

first introduced. But there is one aspect in regard to noxious weeds which I would ask the Minister to take notice of to see whether something can be done. This is in regard to aerial spraying.

In my district aerial spraying of noxious weeds such as radish, turnip, etc., has caused serious damage to some tomato crops, and it is very difficult under today's Act for anything to be done about it. Therefore, the suggestion has been made that an area be set up within which some authority has to be given before spraying can be done, in much the same manner as with bush fire control. The bush fire officer gives his authority for burning to be carried out. It may seem that it is more control, and I for one do not like control, but when we find that the aerial sprayer operating in one district wants to go through to move on to the next one, and time is the essence of the contract, he is prepared to take a risk. That is all very well, but the fellows next door may be disadvantaged. This is not the first occasion upon which aerial spraying has adversely affected tomato crops in the Geraldton district. There is little enough in tomato growing today, without the crop being affected by spray blowing over from the next door neighbour's paddock, while aerial spraying operations are being carried on. I therefore hope the Minister will see what can be done—I do not think it can be accomplished by amendment to the present legislation and a new Bill may have to be introduced—to provide for a five or ten mile radius, within which a control officer should be consulted before aerial spraying is undertaken.

I do not think that a provision of that sort is too much to ask, when we are protecting a man's livelihood. I therefore request the Minister to see what can be done in that regard; and if he can accomplish anything he will have the backing of a very strong association which feels that something along these lines is necessary. I support the Bill.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [6.8]: One realises that there are dangers connected with aerial spraying, as the hon. Mr. Logan has just pointed out, and I will therefore have this matter brought under the notice of the responsible Minister, in order to see whether anything can be done about it. I think that, as the hon. Mr. Logan mentioned, special legislation may be required. A great deal of aerial spraying is done in New Zealand, owing to the hilly nature of the terrain. The practice is a comparatively old one there, because for years they have been using aeroplanes and helicopters for top dressing and for the spraying of bracken fern, gorse, and other weeds, in areas which are inaccessible to machinery operating on the ground. New Zealand may have some protective legislation in this regard, therefore I will ask the Minister to make inquiries, in an endeavour to see what can be done in the matter.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

BILLS (2)—FIRST READING.

1, Prevention of Cruelty to Animals Act Amendment.

2, College Street Closure.

Received from the Assembly.

Sitting suspended from 6.15 to 7.30 p.m.

LAND ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 10th September.

THE HON. J. M. A. CUNNINGHAM (South-East) [7.30]: This short Bill probably highlights the need for the revision of many statutes that have not been reviewed for several years. From time to time changing circumstances have proved that conditions which existed many years ago have altered to such an extent that many of the laws today are not only obsolete, but, in many instances, they probably cause injustice to many people. It is only in times such as this, when some specific set of circumstances pinpoints the need for the revision of an Act, that a Bill is introduced to rectify the position.

In this instance, quite recently, because of the need for the exchange of some land, some months' delay occurred because of the necessity to obtain the decision of a board on a valuation and because of the circumstances that surrounded the completion of the exchange of the piece of land. This was made necessary because the Act provided that any land above the value of £100 could be purchased only after the determination made by a board, and because land valued at £100 50 years ago could be worth ten times that amount today, this Bill is necessary. The value of our money has changed to a great extent, and the position becomes unreal when we realise that 50 years ago the Under Secretary for Lands could make a decision on a property worth £100, but this would be out of all proportion, when the value of the land today is taken into consideration.

The amount, at first glance, might not seem a lot, but in actual fact it is, because one block worth £100, even only five years ago, could be worth ten times that amount today. So, in many cases the Bill will remove what could be a hardship on many people. Today, any delay in a

transaction concerning the exchange of a property could mean a great deal of money to people who want to settle on the property within a certain time because unless the transfer was effected expeditiously, the opportunity to obtain the land could be gone.

I commend the Bill to the House because I repeat that this is one of many pieces of legislation which could be revised. I believe that in the Land Act itself there are still other sections which impose hardship and injustice on people who wish to acquire or dispose of land. Only recently I heard of a man who owned land in the South-East Province, and who had occasion to visit his property and, on doing so, was amazed to find another person installing costly machinery on it. When he inquired what he was doing, the man said he wanted to crush the stone that was on this land in order to sell it to Government and local government instrumentalities or to any others who wished to purchase it. The owner of the land said, "Don't you know that this land belongs to me?" To which the man replied, "Yes, but I want the stone for crushing purposes and the Government has people who are desirous of obtaining crushed metal." The owner said, "It would have been very nice if you could have told me about it."

On making inquiries at the Lands Department I found that the owner had no redress whatsoever. The only regret expressed by the department was because the owner should have been notified but was not. However, there is a case of a man quarrying stone on another person's property which was bought by the owner for the specific reason that he desired the stone to build his own home. Yet, on making a visit to his land, he found another person encroaching on it for the purpose of crushing the stone and selling it at a profit.

The Hon. E. M. Davies: How does this tie up with this Bill?

The Hon. J. M. A. CUNNINGHAM: I instanced that case merely to show that there are cases, other than the one which has occasioned the introduction of this Bill, where hardship and injustice have resulted because the legislation has not been brought up to date. At present, hardship is imposed on people wishing to purchase land because of the limitation placed on the value of it before it can be valued by an officer of the department in order that it may go before a board.

I believe that during the past week a board has been sitting and decisions on several cases such as this have piled up and are awaiting attention. In the meantime, however, the department may have received other applications and the applicants will have to wait until a decision is made by the board. I therefore commend the Bill to the House and I hope that the Act, generally, will be brought up to date, and will be reviewed from time to time in the light of future conditions and circumstances. I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Bill passed through Committee without debate, reported without amendment and the report adopted.

LOCAL COURTS ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 9th September.

THE HON. G. C. MacKINNON (South-West) [7.39]: All those who listened to the hon. Mr. Heenan when he introduced this Bill could not fail to be touched and sympathetic to those people whom he instanced as having found themselves in trouble with their debts; but right at the outset I would like to remind the hon. member of a very old adage that "Hard cases make bad laws."

I feel that we, as arbitrators, must look into the Bill—as we very often do with Bills—and consider not only the debtor, but also the creditor. We must also consider the debtor in his capacity as a customer and examine what effect the proposed amendments will have on him. I am sure that the hon. Mr. Heenan's idea in bringing forward this measure is to make the lot of a person who has met with adversity somewhat easier. However, I think that if we examine the Bill carefully we will find the amendments contained therein will have the opposite effect.

I consider the measure contains some rather serious implications. I understand that the first amendment in the Bill dealing with Section 121 of the principal Act is being withdrawn, as under the Local Courts Act a right of appeal already exists. The hon. Mr. Heenan has noted this. Section 139 of the Local Courts Act gives a plaintiff a right of appeal to a magistrate who can suspend or stay any judgment given or execution issued in the action or matter for such time and upon such terms as he thinks fit. Therefore, we can establish that a debtor has a right to appeal if he feels that he is being unjustly treated. He can throw himself on the mercy of the court and receive some consideration provided the court considers he is deserving of it.

The other amendment sets out to increase the exemptions made under Section 126. Wearing apparel is to be increased for a husband and wife from £5 each to the sum of £50 each; the value of £2 for each child is to be increased to £25 each; bedding is to be increased from £10 to a limitless figure, and there is to be the addition of all furniture and household

effects, including radios and refrigerators, to the value of £300. Tools of trade are increased from £15 to £100. I would like hon. members to give this matter very careful consideration. Let us take the average home today, on the assumption that it is paid for, and there is no hire purchase debt on the furniture therein. With a reasonably modern home, it is quite common to find that the bedroom wardrobes are built in; kitchen cupboards are built in; and it may possibly be that the china cabinet and the bookcase are built in.

The Hon. W. F. Willesee: That does not apply to my home for a start.

The Hon. G. C. MacKINNON: I said some.

The Hon. W. F. Willesee: You said reasonably average.

The Hon. G. C. MacKINNON: What I have said applies in quite a number of cases; and it automatically reduces the amount of saleable furniture in a house. In arriving at a valuation for furniture which is moveable and saleable, we must work on a forced sale for cash basis, as that is the way in which the sale is made. If an article is taken it is auctioned. So far as I know, an auction always takes place. If hon. members like to make this test in a great number of houses, taking into consideration the terms of the valuation—a forced sale for cash—they would be surprised to know how few would realise £300 in moveable, saleable assets. I have made this test before, including my own, and the average is well under £300.

The Hon. H. K. Watson: This Bill does not define value, does it?

The Hon. G. C. MacKINNON: No. Normally the bailiff takes the article and sells it by auction. These things are difficult to sell that way because it is easier to purchase articles on terms. When a person wants a refrigerator, washing machine or furniture it is easier to pay a small deposit of £5 on extended terms than to pay cash. To pay £60 cash for a refrigerator or a bedroom suite on the fall of the hammer is much more difficult for most people than it is to pay £5 or £10 deposit—in some cases nothing—and enjoy extended terms.

It is difficult to arrive at a figure of £300 because, of that amount, bedding or clothing up to £50 must not be included. We are therefore faced with this possibility which I believe to be factual: For all practical purposes the warrant of execution if amended is of no use on the statute book and it would be as well if we repealed it.

Last week I placed some amendments on the notice paper with the intention of reducing household goods and effects to £50, as at that time I considered it to be a reasonable amount. However, over the weekend I have engaged in a fair bit of research on this matter and have changed my opinion. Whilst I consider it would be preferable to limit the value to £50, I think we would be acting in the best interests of everybody to leave the measure precisely as it is.

Let us consider the position for a short time as it would be if these amendments were successful and we had a warrant of execution which was subject to a complete exemption of beds and bedding; of parents' clothes to the value of £50 and £25 for each child, tools £100, and furniture and effects to the value of £300. For all except those in comfortable circumstances, we would find that the warrant of execution was quite inoperable.

The Hon. A. F. Griffith: This Bill is not dealing with "comfortable circumstances." There would not be many.

The Hon. G. C. MacKINNON: They probably would not exercise this method of getting it back. Therefore we must assume that in a great number of cases, the warrant of execution is no longer of any use as a means of collecting a just debt.

As it is our duty to look at both sides of this question and consider the creditor as much as the debtor, we must ask ourselves whether the statute book would be better off without the warrant of execution being in it, or whether we would be better off with an operable warrant of execution. I maintain that we have an advantage in this State with the legislation as it is.

The people in South Australia have not the facilities that we have for the warrant of execution, and the position there is as it would be in Western Australia if the present arrangement became inoperable, in that the debtor would go before the magistrate who would say, "Pay, or in lieu 60 days or 10 days in gaol," as the case may be. The debtor then either forks out the total cash immediately or he goes to gaol. That is one disadvantage we have if we do not have a workable warrant of execution.

The advantage is that when a person has become a debtor, he has this step whereby he can pay. The bailiff steps in. Later I would like to say a few words about the activities of the bailiff. But let us consider the present advantages of the customer. We have a person who, through adversity, sickness, accident, or any one of a multitude of other reasons, finds he cannot pay his day-to-day bills. Such a person can go to the grocer—this happens very often—and say, "Can you carry me for the next two or three months?" Generally it is the small grocer to whom such people go. Today many of the big firms work on a cash and carry basis, or by methods very similar to hire purchase where the customer has to sign certain papers in order to get credit.

The small storekeeper agrees to carry the customer. He agrees because he is aware, consciously or not, that there is

a method prescribed in our statute book whereby he can recover his just debt. Whether he knows that word by word, or just knows it in the back of his mind, he is aware that by a warrant of execution he has a fair chance of recovering his debt if the person who owes the money should fail to meet his payments. In other words, he looks at the customer and knows he is a reasonable person and that he has some chance of getting back his money. But if this provision were not on the statute book in its present form, I doubt very much whether credit, in adversity, would be as relatively easy to get as it is today.

I say that because the small trader would then become aware—he would only have to be caught once or twice—that he could not hand the collection over to a bailiff who would take steps over a period of, perhaps, a few months to achieve repayment of the debt. He would soon learn that about his only recourse, ultimately, would be a judgment summons which means either a cash payment, or gaol for the debtor; and when the person concerned comes out of gaol he has to start all over again. That will rebound on the very people that the hon. Mr. Heenan is anxious to protect.

I really think—I have become convinced of this—that the protection of the people about whom the hon. Mr. Heenan is concerned, is best looked after by the section as it is at present in the Act. I know that we all still tend to look on debtors in the terms of Charles Dickens—that the debtor is a poor unfortunate and the creditor is a usurer who is grinding him into the dirt. But we have come a long way since then, and the debtor today has a fair amount of protection.

Another point we should bear in mind is that very often a person is both debtor and creditor in regard to some goods. Today we have a multitude of small traders who are having a difficult time. They buy goods from a wholesaler and sell them to a customer. Such a trader could quite possibly find himself in the position of issuing a summons—taking out a judgment and a warrant of execution—against a person for the payment of goods for which he, himself, the trader, still owes the wholesaler, and he is having the self-same action taken against him in relation to those goods. It is a consideration which we must bear in mind.

The Hon. J. J. Garrigan: Do you think hire purchase would come into it?

The Hon. G. C. MacKINNON: It comes into it in this way, that hire purchase affects the valuation. I imagine that the owners of probably at least 50 per cent. of the homes to which the bailiff would go would, when he asked, "Do you own this piano, refrigerator or radiogram?" have to reply, "No, I am buying it on hire purchase." So the bailiff would find the goods he could take reduced in number.

The Hon. A. F. Griffith: Goods of that nature are usually secured under the Bills of Sale Act.

The Hon. G. C. MacKINNON: That is right. They cannot be touched.

The Hon. W. F. Willesee: You have not much for him to pick up.

The Hon. G. C. MacKINNON. There is virtually nothing for him to pick up. I want to impress on hon. members that if we extend the exemptions any further we will find that warrant of execution as a means of recovering a debt might just as well be repealed from the statute book. If we ask a lawyer today about this, he will tell us of the amazing number of warrants of execution which are returned endorsed "insufficient assets." I forget the Latin term.

The Hon. E. M. Heenan: It is "nulla bona."

The Hon. G. C. MacKINNON: That is right. That is because the debtors have not sufficient funds to meet their debts. Another point that comes into all this—I mentioned it earlier—is that a person who comes into the question quite considerably is the bailiff. Here again, when we consider bailiffs, we are faced with a mental picture of some terrible ogre who rushes in and grabs everything. I believe, however, many hon. members know that such a picture of a bailiff is quite wrong. The bailiff is very often a friend indeed to those people who find themselves in the unfortunate position of having this action taken against them.

A warrant of execution has a life of 12 months, and is renewable. A bailiff is an ordinary human being who has been trained for his particular job; he has no desire to deal harshly with the people whom he has to approach, and his main object is to secure payment of a debt. As the Act now stands, he is in a position to give some time, and frequently—more often than not—he gives that time. He makes some arrangements with the debtor whereby he pays so much a week, or so much a month. He may take some articles, which the debtor can do without, and sell them.

Bailiffs whom I have approached have said that they do not know of any case where bed and bedding has been sold, unless it is surplus bed and bedding. They have told me of one or two cases where a debtor may have purchased new bedding on hire purchase and the old bedding, which is left over, has been sold. Bailiffs to whom I have spoken have said that they cannot recall any case where they have taken clothing, kitchen utensils or gear of that nature to sell. They are allowed to use a fair amount of discretion in their dealings with a particular debtor.

In introducing the Bill the hon. Mr. Heenan quoted a story of two pensioners, and their case could quite easily have been one which would warrant an approach to a magistrate under Section 139 in order that they could be granted some relief. But I should also like to tell a story of another two pensioners who approached a grocer in a South-West town. The husband had to go to hospital, and the wife asked the grocer for credit, which he granted. They had been his customers for a considerable time and he gave them credit, which ultimately ran up to a figure of over £70. The lady stopped coming into the shop and when the grocer finally got around to finding out what had happened he discovered that the husband was out of hospital and that they had purchased a secondhand car, for which they were paying in excess of £10 a month.

They have never been into that grocer's shop since then and have made no effort to meet the debt. He placed the matter in the hands of the bailiff, and, in my opinion, he was quite justified; he was justified in feeling a little bit upset about it because he carried those people for about 4 months. Yet he now finds that he has lost a customer and he has to chase them to get his money. We still have an obligation to pay our just debts, and every citizen knows that it is his duty to do so; it is not the duty of the creditor to rush around looking for his debtor.

So, despite the fact that I have placed amendments on the notice paper, which I shall move if the Bill reaches the Committee stage, I feel that if they are successful they will have exactly the opposite effect to that desired by the hon. Mr. Heenan. We must remember that it is on these methods of reclaiming debts that most of our small trading business is based. Almost all of the small traders' free credit is based on the proven assumption that he can recover his just debts.

If the Bill were to pass we could quite possibly find a very marked drying up of credit, and that would be a great disadvantage to people in times of adversity. I am speaking of those people who have no large assets behind them and who cannot go to the bank and get an additional £200 or £300 on their overdraft, or who have little money stored away for a rainy day. They are the people who, through force of necessity, work on a very small saving margin, and they are the people whom the small traders throughout this country are carrying for perhaps a week or two or, quite often, two or three months.

When times get a bit difficult that credit is called upon more and more; and I do not think we should make it difficult for those people to get credit. So I think we should carefully examine this measure, look at all its implications and make sure that if we do agree to it we are not rendering the whole procedure covering warrants of execution completely and utterly useless. For that reason I am constrained to oppose the measure.

THE HON. A. F. GRIFFITH (Suburban) [8.7]: I am sure that in introducing a Bill of this nature the hon. Mr. Heenan's desire was to make things less difficult for a certain section of the community who find themselves in trouble because of debt. But surely there is a principle in this sort of thing, and we might well look at the sections of the principal Act which the hon. member wishes to amend. First of all he desires to amend Section 121 which reads—

> In any case in which a judgment is entered up or given for the payment of money, the Clerk, on the application of the party in whose favour the judgment was entered up or given may issue a warrant of execution which shall be directed to the bailiff of the Court.

The Hon. E. M. Heenan: I am not going to proceed with that one.

The Hon. A. F. GRIFFITH: In that case I will not carry on with that argument.

The Hon. G. C. MacKinnon: I mentioned that Mr. Heenan was not going to proceed with that one.

The Hon. A. F. GRIFFITH: Rather than waste the time of the House I shall not have anything further to say about that. Now let us look at the other amendment which is to be made to Section 126 of the Act. Section 126 describes what the bailiff may take, and what he is exempted from taking. What Mr. Heenan proposes to do is to make further provisions to provide for greater exemptions than those that exist under the Act at present. I suggest, before a creditor is in a position to recover moneys from a debtor, the processes of law must be gone through. I think the hon. Mr. Heenan would agree that the processes of law to obtain a judgment are, more frequently than not, the last resort.

I am sure the hon. member, as a practising solicitor, has had much experience of that type of thing. I venture to suggest that where a debtor owes some money to his creditor, the first thing that would take place would be for the creditor to make application in writing, or some other way, to the debtor, asking him to pay his account. Then, if he did not receive satisfaction he would approach a solicitor, or a debt collecting agency, or trade protection association and ask that proceedings be taken on his behalf to recover the amount of money owing him.

I think the normal practice then is that letters are written to the debtor pointing out that money is owing, and requesting that payment be made; also

threatening some proceedings in the case of payment not being made within a certain time. The debt can occur for a number of reasons. It can occur for goods supplied; it can occur for work and labour done; it can be the result of litigation between parties concerning accident or damages, or a number of other things in which money is involved.

In the case of a simple debt, before a judgment is entered the creditor has the right to recover the amount of money owing to him when the court has entered judgment. In the case where there is litigation, the judgment in favour of one party to the action gives that party the right to recover the amount of money owing to him. I do not know whether the hon. Mr. McKinnon mentioned this, but I have always known it as a general principle of law, that it is a debtor's obligation to seek out his creditor and pay, rather than for the creditor to seek out the debtor and force him to pay.

That is a very good principle, I think, because in most cases the payment of money by the judgment debtor, as he is referred to, is, I would say, most frequently the result of some form of litigation. There is some reason for the money being owed. It is surely not for us as legislators to take away the right of the judgment creditor to recover money owing to him. Is it right that we should say to a man who has given his services, or has performed work and labour, "We are going to make it more difficult for you to recover what you are owed for the services you have rendered"; in the manner that has been described by the hon. Mr. MacKinnon? To raise the amount to £300 would make it difficult for the creditor to recover the amount of money owing to him.

From the little knowledge I have of these matters, I repeat that normal practice is to take some course to recover the money and try, as hard as possible, to get it without involving the parties in litigation. But where a debtor will not pay, then the processes of law must apply. I believe that when a debtor goes before the court on a judgment summons, if it can be proved by the judgment creditor that the debtor has had the ability to pay and has not paid, the judgment creditor can ask for payment forthwith of the amount owing.

I understand that in a case where a man owed a sum of money, and subsequent to the date of judgment got married and did not pay the amount, the court ruled that he had the means to pay because, the court said, marriage was a luxury, anyway, and he should have paid his judgment debt before he got married. This particular section has stood the test of time since the operation of the Act in 1904. I see it was amended in 1938. From 1938 to 1958 it has stood the same test of time.

With due respect to the hon. Mr. Heenan, I do not think it is for us to alter the principal Act in the manner he suggests which, to my mind—and I agree with the hon. Mr. MacKinnon—would have the effect of making the recovery of the debt, and the warrant of execution, almost impossible. Accordingly I think that the hon. Mr. Heenan might well give some further consideration to this matter, and leave things as they are. After all, to build up a case to satisfy us that the amendment should be made, the hon. Mr. Heenan gave an example of a particular person. To amend statutes by an example of what happened in one case is not, I think, a good principle.

The Hon. F. R. H. Lavery: It has happened here before.

The Hon. A. F. GRIFFITH: I feel the House would be right if it did not accept the Bill in the manner submitted by the hon. Mr. Heenan, and I propose not to support the second reading.

THE HON. E. M. HEENAN (North-East —in reply) [8.18]: I see no real reason why we cannot proceed with the debate this evening. I am grateful for the temperate nature of the speeches delivered by the hon. Mr. MacKinnon and the hon. Mr. Griffith. Obviously they have taken an interest in the purpose contained in the Bill, and are anxious to assist the House as far as possible. Mr. Griffith hit the nail on the head when he said that surely a principle is attached to this sort of thing.

The Hon. A. F. Griffith: I am glad I hit the nail on the head now and again!

The Hon. E. M. HEENAN: The hon. member said surely it is not right for us, as legislators, to take away the right of a creditor to recover money due to him. Dealing, first of all, with the principle, it is my contention that in this year of 1958, it is time for us to take a more benevolent and a more humane outlook on this subject, than perhaps was held by our predecessors in the year 1904. It has also to be remembered that under Section 126 provision is made for certain articles to be exempt from seizure by a bailiff. The Act contained that principle way back in 1904.

The Hon. A. F. Griffith: We do not seek to alter that provision.

The Hon. E. M. HEENAN: In the earlier centuries, unfortunate debtors were thrust into prison and were kept there until their debts were paid. We have progressed in many ways over the years and there has been a tendency to liberalise the provisions for extension in cases where hardship might be involved.

When this legislation was framed in 1904 wearing apparel, bed and bedding, furniture and similar items were exempted. The amounts certainly, were

very small even for those days. They included the very bare necessities of people. All possessions other than those exempted were avaliable for seizure under a warrant of execution.

Then in 1938 the exemptions from seizure were extended, and they were practically doubled in value. The principle that certain bare necessities in the way of furniture, bedding and so forth, should be exempted was acknowledged, and the Act was liberalised further. I do not agree to the proposition that the exemptions contained in the Act of 1904 or the amendment of 1938 should be the proper basis for us to work on.

The main exemptions which I seek—namely household furniture and effects, which include radio sets and refrigerators to a total value of £300—are not too much in the year 1958. When all is said and done, the value of a refrigerator, a wireless set, a couple of wardrobes, a couple of tables, and half-a-dozen chairs will amount to £300 or more.

The Hon. G. C. MacKinnon: They are lucky to be valued at £200.

The Hon. A. F. Griffith: If that is the valuation the person concerned appears to have a lot of money.

The Hon. E. M. HEENAN: The average person in the community possesses furniture and effects far in excess of £300. The person possessing furniture and effects only to a value of £300 is in very poor circumstances.

The Hon. G. C. MacKinnon: That puts me in his class because a fair valuation of my furniture and effects is £280.

The Hon. A. F. Griffith: What about the person to whom the money is owing?

The Hon. E. M. HEENAN: That person is deserving of every consideration.

The Hon. H. K. Watson: A person could be owed £290, and under your proposal he would miss out.

The Hon. E. M. HEENAN: The case of a person who was paying £10 a month on a motorcar was mentioned by the hon. Mr. MacKinnon. That debt could be recovered by the judgment summons process. In such a case the magistrate would say to the defendant, "You cannot pay £10 a month for a motor car when you owe all this money. I shall order you to pay that sum of £10 a month to your creditors." The execution of a warrant, under which the bailiff seizes furniture and effects of people who just cannot pay their debts, is barbarous and harsh.

The Hon. G. C. MacKinnon: It is less barbarous than putting them in gaol.

The Hon. E. M. HEENAN: People are not put in gaol unless they have flouted the order of the court. After hearing the evidence and after satisfying himself that the person concerned is able to pay a certain amount, the magistrate may order the payment of 5s. to £1 or more a week. Invariably the magistrate errs on the generous and safe side. However, the warrant of execution is issued willy nilly and at the present time the bailiff can seize what he likes, outside of the few items that are now exempt. I do not agree with what the hon. Mr. MacKinnon has been told to the effect that the warrant of execution will no longer be of any use; that is an utter exaggeration. It will not be of much use against a poor aged couple who have £200 or £300 worth of furniture. My contention is that people who have only that amount of furniture and effects are worthy of consideration.

I do not think that the possessions of a person, in the way of a couple of wardrobes, a couple of tables and perhaps a refrigerator, which is an essential feature of a household these days, should be liable to seizure. If people are owed money, they can recover it by some means other than seizure.

The Hon. A. F. Griffith: What about a man who is owed £250 for wages for building a house for someone?

The Hon. E. M. HEENAN: Well, he has to get his money some other way.

The Hon. A. F. Griffith: And starve!

The Hon. E. M. HEENAN: I do not see why he should be entitled to sell up the last bit of better furniture which a poor person owns these days. At the present time it is very easy to get into debt. Only in Kalgoorlie on Sunday I heard of a case where a little toddler of about six years of age was playing in a lane and clambered on the back of a motor truck while the owner was delivering some goods. He came back and drove off, apparently unaware that the child was on the truck. She was carted 30 or 40 yards and then flung off. She received a broken leg and was in St. John of God Hospital for some months.

The Motor Vehicle Trust has disallowed the claim and, probably, rightly so. Quite likely the driver was not blameworthy and so the Motor Vehicle Trust has just written to the father of this little girl and told him it will not acknowledge the claim. He has to meet all the expenses himself, and he is in poor circumstances. Now he has a hospital account for about £150 to pay as well as the doctors' bills. This is not an unusual experience.

The Hon. H. K. Watson: But is there any suggestion of an execution being issued against him?

The Hon. E. M. HEENAN: What hospitals and other large organisations do, nowadays—and I do not criticise them for doing so—is to hand their accounts to firms of debt collectors. As most members will know, solicitors do not do a great deal of debt collecting. In fact, the amount done by solicitors these days is negligible. It is carried out by firms like

the Trade Protection Association, which specialise in it. I realise that hospitals have to get their money, and doctors and nurses have to be paid, but I am wondering what is going to happen to that unfortunate man in Kalgoorlie. It does show how people should insure these days, or take some protection, because the average member of the public thinks that if he is injured by a vehicle, the Motor Vehicle Trust will automatically pay up. But it does not. It only pays up when the other party is blameworthy.

The Hon. A. F. Griffith: What if that man was owed £300 for wages?

The Hon. E. M. HEENAN: Just a moment. We will keep to the point.

The PRESIDENT: I think the hon. member might finish his speech.

The Hon. E. M. HEENAN: I think it is unfair that a warrant of execution should be issued in these circumstances. Obviously it is the legal liability of the man to pay these accounts, and I suppose he will do so to the best of his ability. If he is taken to court, the magistrate will probably order him to pay so much a week. But just suppose the debt collecting firm says "No. We want it cleared up quicker. We are going to issue a warrant of execution and sell you up"? I think it would be fair in those circumstances to exempt—as I suggest—£300. I may be wrong, but I estimate that £300 for furniture in the way of wardrobes, chairs and tables, and perhaps a wireless and refrigerator, is not a very high figure.

The Hon. G. C. MacKinnon: On what basis do you value that?

The Hon. E. M. HEENAN: I know a refrigerator costs about £150 to buy; a wireless costs about £50; a couple of wardrobes, a couple of tables and chairs, and I think we have our £300.

The Hon. G. C. MacKinnon: You would value it on its new price?

The Hon. E. M. HEENAN: I do not think that the ordinary essential furniture and amenities should be touched by a warrant of execution. That view was not held years ago, but I think it is about time we adopted that attitude.

Some people these days are careless in the matter of giving credit. Only recently I have heard of two cases which I consider are worth mentioning. One concerns a lad of 19 who has purchased, under a hire purchase agreement, a motor car for £450. I think he is an apprentice carpenter and the silly boy, who has no parents, has entered into this stupid agreement to pay so much a month, and as sure as the sun rises, he will not be able to go through with it. The car will undoubtedly be repossessed, and he will not only lose what he has paid, and the motor car, but also will have an amount owing. Surely the motor firm which has entered into this transaction does not deserve much sympathy. These young fellows buy motor bikes and as soon as they cannot keep up their payments the bikes are repossessed and resold, and there is a process of calculating the amount of hire. Invariably they lose their deposit, and their bike, and still have an outstanding liability. Therefore, I think if this Bill has the effect of curtailing credit in some way, it will not do any terrible harm.

The Hon. A. F. Griffith: Does not Section 139 give the relief?

The PRESIDENT: The hon. member will finish his address.

The Hon. E. M. HEENAN: I have acknowledged Section 139, but it would not be much good in this instance. It doesn't do anything to satisfy the debt.

The Hon. A. F. Griffith: No. It says that the magistrate may suspend it.

The Hon. E. M. HEENAN: Yes, but eventually it must be paid. The main provision of the measure is the amount of £300 for furniture and effects. If the House thinks that sum exorbitant, I would not be too steadfast in opposing a reduction to £250 or even £200; but I think it should be in the vicinity of from £200 to £300.

The Hon. J. M. Thomson: What is the figure today?

The Hon. E. M. HEENAN: Wearing apparel for a man, £5, for his wife £5, and £2 for each member of his family; bedding to the value of £10 and household furniture to the value of £10. A bailiff, with a warrant of execution, can today seize practically everything in the house, and I think that the time has arrived when this provision should be liberalised. I have here "Lewis' Australian Bankruptcy Law," by J. F. Patrick, Barrister at Law, and in the introduction, under the heading "The Modern Approach," we read—

> Primitive law usually accords a creditor unlimited power over the debtor. Such a state of affairs, however, is intolerable in a highly civilized and commercial community for the following principal reasons:—
>
> (a) Most large bankruptcies are brought about by a business miscalculation, alteration of circumstances or some factor over which the debtor has no control.
>
> (b) It does not accord with modern ideas to treat an unfortunate debtor as a criminal.
>
> (c) Trade cannot flourish if a man knows that the slightest default will crush him and traders will hesitate to take justifiable risks.
>
> (d) If a respectable member of the community is to be deprived by law of all hope as

the result of misfortune, he may develop into a dangerous enemy of society. It is in the interest of society that this should be avoided.

(e) Imprisonment or other punishment does no good to the creditor when once the debt is past recovery although it may discourage other debtors.

(f) If the debtor is condemned to lose all, he will be tempted to make away with his property before the final crash comes. It will be otherwise if he will reap a clear benefit by handing as much as possible to his creditors.

(g) It is best for the whole community and also for the creditors to hold out to the debtor some hope of recovery and induce him to continue to work for the reduction of his debts.

(h) It is desirable to avoid a position in which pressing creditors obtain payment in full and lenient ones risk total loss. The law must encourage creditors to assist their debtors as much as possible and not to precipitate a crisis to save themselves.

(i) In the course of accomplishing these objects the law can distinguish between misfortune and crime, and can punish crime more justly and more effectively.

That will support the view that we should now have a more tolerant and humane outlook in these matters. The amendment proposed by the hon. Mr. MacKinnon would not improve the position to any degree and I think a figure of from £200 to £300 should be adopted. I hope the House will agree to that.

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

Ayes—15	
Hon. G. Bennetts	Hon. C. H. Simpson
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. L. A. Logan	Hon. G. E. Jeffery
Hon. A. L. Loton	*(Teller.)*

Noes—8	
Hon. C. R. Abbey	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Cunningham
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. G. Fraser	Hon. L. C. Diver
Hon. R. F. Hutchison	Hon. H. L. Roche

Majority for—7.

Question thus passed.

Bill read a second time.

ELECTORAL ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 10th September.

THE HON. L. A. LOGAN (Midland) [8.50]: This measure contains only two small amendments and, while I agree with them in principle, I do not know that they are entirely necessary. The first seeks to amend Section 94, and I think it might have been easier to delete all of it and just include the relevant words, which would have had the same effect without all this rigmarole; because, after all, an elector for the district is included in all the other definitions of "a witness."

The second amendment seeks to delete Section 95, which at present stipulates that no person shall enter a hospital for the purpose of taking postal votes, unless authorised in writing by the Chief Electoral Officer to do so. I disagree with what occurred at the last election, where the person appointed by the Chief Electoral Officer happened to be the matron of the hospital. That was a very bad choice because, particularly in country areas, the matrons of the hospitals are doing more than one person's work, owing to shortage of staff. In such instances the matron is the wrong person to be asked to perform these duties. I agree, in principle, however, that this matter should be somewhat confined. Mr. Griffith is apparently worried about the fact that some of his family are still in hospital and he is unable to take a ballot paper to them to fill in.

The Hon. A. F. Griffith: I used that merely as an example.

The Hon. L. A. LOGAN: I simply mention it as an example, also, but it could be multiplied many times. This state of affairs could happen to at least six candidates. There could be six candidates or the representatives of their organisations attending the hospital practically every day because they would be forced to keep up with patients who had been newly admitted; and they would interfere not only with the administration of the hospital but also with the welfare of the patients by soliciting their support and asking them to sign one of these ballot papers.

It would be much more satisfactory if the Chief Electoral Officer were to ensure that they voted by appointing one of his officers to perform this duty of attending patients in hospital. Such an officer could be responsible for attending all hospitals in the district to ensure that all the patients were given the privilege and the right to vote. If this were done it would obviate unnecessary interference by a representative of each organisation in turn as a result of their approaching the matron to obtain permission to enter the hospital to interview patients.

In the circumstances, therefore, such an arrangement would be much better than to strike out this particular clause which is sought by the amendment moved by the hon. Mr. Griffith. This form which I have in my hand is printed in very small type and represents a pretty complicated document to the ordinary person.

The Hon. J. M. A. Cunningham: It is worse than a taxation form.

The Hon. L. A. LOGAN: I am surpised that we polled as many votes as we did in the Midland Province election. We obtained nearly double those polled in the hon. Mr. Abbey's province. This was because the organisation had to go out and get the votes. One had to go out and make sure a voter completed the ballot paper and returned it to the returnig officer. If such a state of affairs is going to arise all the time, we are going to reach a position where only a financial organisation will reap the benefit of this provision. A candidate to stand as an independent or to be endorsed by any party, would need to have a great deal of money, otherwise he would be handicapped from the start. That should not be, because all candidates should be on an equal footing.

I do not like this form. I think it could be simplified. The hon. Mr. Simpson has an amendment on the notice paper which would obviate the witnessing of a voter's signature on the ballot paper, and there is a lot of merit in that proposal. If a man sends to the Chief Electoral Officer an application form with his signature on it indicating that he requires the right to vote, surely his name would be crossed off the roll, and should he attempt to vote twice, it must be quite evident that his name would be struck off the roll twice and such a breach of the Electoral Act could be traced back to the offender. A substantial fine should be imposed on anyone who breaks the law in such a way.

If this were done it would obviate the necessity of having a witness attesting the voter's signature. I would point out that one bad feature of this form is the address which appears on the outside of it. Of necessity, no matter where one might be in the State on that day, it must be returned to the Chief Electoral Officer in Perth. It is all very well for the Chief Electoral Officer to lay down that it should be returned to the returning officer for the district when, printed in large type on the outside of the form is the address, "Chief Electoral Officer, Perth".

These are merely comments that I am making in passing and they do not altogether tie up with the Bill. However, we are dealing with something new and something which was imposed on the people without any warning because I am sure that not 1 per cent. of the population knows what is going on. I think this is the place where we should air our views in an effort to prevent these anomalies from occurring in the future. The first amendment that is proposed merely seeks to provide that anyone who is on the roll, but who is outside the State, can be a witness to the signature of a voter. However if we were to wipe out the need for a voter's signature to be witnessed it would do away with all the rigmarole. A Justice of the Peace, a member of the Police Force or a Commonwealth public servant are all electors of the district in any case, so it would be much easier to provide that it be any elector, either inside or outside the State.

If the amendment proposed by the hon. Mr. Griffith were agreed to it would remove from the Chief Electoral Officer the right to appoint anyone to attend a patient in a hospital in order to record a postal vote. I would rather that right be taken away than leave the provision as it is which would mean that the matron would have to do the job. This would be entirely wrong. On the other hand, if the Chief Electoral Officer could appoint one of his men to take the postal votes in the hospital, I might accept the Bill as it is without amendment. However, I want some assurance that the right person would be appointed to perform this duty.

It could be said that it is not always possible to have a returning officer and a poll clerk in a country district, but at least there would be a returning officer to conduct the poll on that day. Surely one of these officers could be authorised to ensure that all patients in hospitals throughout the district had the right to vote and that their ballot papers were returned to the Chief Electoral Officer in time to be recorded. One of the difficulties today is that a person who enters a hospital 24 hours prior to polling day has no chance of recording a postal vote and returning it in time to the returning officer for counting.

If the Chief Electoral Officer, however, made it his duty to appoint an officer to ensure that hospital patients were supplied with a ballot paper, in my opinion, such patients could record their vote on the spot. It would save a lot of unnecessary time. Take a place like Geraldton. If, on the Friday night before an election, somebody was rushed into hospital and hoped to get a vote, and the returning officer called on Saturday morning or Saturday afternoon to fix up the ballot paper the vote could be cast. That would do away with a lot of the discrepancy which we have in the Federal law today, and it would be better than the system we have.

I hope that the Minister will give some consideration to the points I have raised. At the moment I will support the second

reading of the Bill, trusting that some statement will be made by the Minister both in regard to the last portion and the tidying up of the first portion.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [9.1]: At the outset we must realise that this legislation would be rather difficult to implement at the initial election. I am not going to make any apologies for the fact that difficulties were experienced in connection with postal voting. However, before dealing with the Bill I would like to express the comments of the Chief Electoral Officer in regard to some of the points raised by other speakers to the Bill. He had this to say—

> Mr. Griffith is off the mark when he states that in the case of remote areas it is the duty of the Electoral Office to send a ballot paper to electors in those areas in connection with an impending election without waiting to be asked to do so. He should have another look at Section 93 of the Act which requires an elector in a remote area in the first instance to lodge an application in writing with the Chief Electoral Officer to be registered as a general postal voter.

I think the hon. Mr. Griffith understands that section in regard to remote areas.

The Hon. A. F. Griffith: From that point on the paper is automatically sent.

The Hon. H. C. STRICKLAND: Yes. Continuing—

> Mr. Griffith must also be aware that an application for a postal vote can be lodged with any returning officer in the State who can then issue a postal ballot paper and that the vote when completed can be lodged at any polling place before the close of the poll.

The Hon. A. F. Griffith: I know that.

The Hon. H. C. STRICKLAND: The Chief Electoral Officer's remarks continue—

> —It is not necessary to send the ballot paper to the Electoral Office.

It should be understood that all postal votes are counted by the Electoral Office at Perth.

The Hon. A. F. Griffith: Who else would it go to?

The Hon. H. C. STRICKLAND: The Chief Electoral Officer continues—

> The Hon. A. R. Jones seems to be misinformed in regard to Kookynie when he says that for the past 40 years it has had a polling place. The fact is that at Kookynie there has not been a polling place for a Legislative Council election since 1932 except in 1956 when a Legislative Council election was held on the same day as the Legislative Assembly election and even on that occasion when a 75 per cent. poll was recorded for the province only six votes were recorded at Kookynie. For the last Legislative Council election there were only 10 electors enrolled for that address.
>
> Another misstatement by Mr. Jones was the fact that it was not until the Friday prior to the election that the Electoral Office eased the conditions by allowing postal votes to be delivered to any returning officer. If he studied the amendment which was passed last session he would find that the Act specifically provides that an elector may send by post or otherwise the postal ballot paper to a returning officer or to a presiding officer in charge of any polling place open on the day of an election.
>
> Mr. Jones should realise that for a Legislative Council general election there must be a minimum period of 42 days between the date of the issue of the writs and polling day and as the Act provides that applications for postal votes may be lodged 10 days prior to the issue of the writs this would give a minimum period of 52 days in which to lodge applications for postal votes. For the last Legislative Council election a period of 55 days was available.

The Hon. L. A. Logan: They did not know they would have polling booths.

The Hon. H. C. STRICKLAND: If I remember correctly there was some complaint in the Central Province because the polling booths were 35 miles apart.

Hon. L. A. Logan: I have known them to be 60 miles apart on four or five occasions.

The Hon. H. C. STRICKLAND: In the North Province they have been 300 to 400 miles apart.

The PRESIDENT: Order!

The Hon. H. C. STRICKLAND: Continuing with the comments—

> Mr. Jones was not told by any officer of the Electoral Office that the reason for cutting out polling places was to save expense. The Chief Electoral Officer definitely said that polling places were established where necessary. A polling place is not considered necessary where the estimated number of votes would be less than 10, hence the non-establishment of a polling place at Kookynie for the last Legislative Council election.

They are the remarks of the Chief Electoral Officer in connection with some of the points—or perhaps I may say grumbles—raised in the speeches on this Bill.

It is agreed that so far as hospitals are concerned, there is certainly room for improvement in the method of allowing electors to record their votes. One of the biggest hospitals in the metropolitan area

—St. John of God Hospital—according to a report received at the Electoral Office, experienced difficulty. At the request of Mr. John Dunphy of a firm of solicitors, the Chief Electoral Officer made some of his staff available to attend that hospital, so that the inmates could record their votes. However, the Chief Electoral Officer has pointed out that he would be short of staff on polling day in the case of a general election for the Legislative Assembly. More people would be qualified to vote at an election for the Legislative Assembly than for the Legislative Council and the proportion of voters in a hospital would be greater. He therefore points out that the staff of his organisation will need to be increased on such an occasion if he is to provide the necessary returning officers to obtain sick votes. I agree with the hon. Mr. Logan that some arrangement of that nature is practicable and should be made to improve the position.

Clause 2 of the Bill seeks to amend Section 94 of the Act. The Chief Electoral Officer agrees with Mr. Griffith, and so does the Minister for Justice and the Government, that this amendment would be an improvement; although the Chief Electoral Officer expressed the view that the insertion of the words "any person who is enrolled as an elector on a roll for a district," would be better placed after the word "Australia" in line 2 of paragraph (b), instead of after the word "postmistress" in line 12.

The Hon. A. F. Griffith: It does not make any difference.

The Hon. H. C. STRICKLAND: That is so. From the legal aspect, the Crown Solicitor advises it is immaterial just where it is inserted in the section. So I do not think we need worry about it. The Government is prepared to accept the amendment in Clause 2. While I am dealing with the aspect of an elector for a district, I point out that I have seen some signatures, and I am afraid we would have to look through every district and card to find out what they were.

The Hon. A. F. Griffith: A habitation roll would give it immediately.

The Hon. H. C. STRICKLAND: I am not objecting to it, but I am pointing out that a witness who is an elector for a district would certainly take some finding from signatures I have seen, and probably that other hon. members have seen. At times it is almost impossible to discern what the first letter of the signature is, without attempting to decide what the others are. However, that is beside the question because anyone with a postal vote is covered by his own signature on the application form, for a start. There should not be any difficulty. There are teething troubles with this system. So far as I personally am concerned, it still has to prove itself. After the experience last time, I prefer the old system of postal voting. However, it must be given a fair trial.

The next provision in the Bill seeks to amend Section 95. It is thought that the hospitals should not be taken out.

The Hon. A. F. Griffith. You mean the word "institutions" should not be taken out.

The Hon. H. C. STRICKLAND: I mean that the hospitals should be taken out and that we should leave the institutions in. There are only four or five institutions in the metropolitan area, and probably throughout the State, that would be affected.

The Hon. A. F. Griffith: Have they been named for you?

The Hon. H. C. STRICKLAND: There are some here that are named. It is thought that the controllers of those institutions are quite prepared and quite competent to take the votes in the institutions. The names I have here are those of Sunset, the Mount Henry Women's Home, Woodbridge Women's Home and, possibly, the Edward Millen Home. The last-named could be classed as a hospital; it probably is a hospital. It is thought that the controller of these institutions, anyway, would be able to carry out the necessary functions competently and agreeably. It is therefore recommended that "hospitals" be taken out and that "institutions" be retained; or the balance of this clause.

If the hon. member is agreeable, I would move to delete the reference to hospitals from the Act. The institutions I have enumerated, and probably one or two others —but they are not big ones—would then be covered.

In regard to Mr. Simpson's amendment, I would prefer to let him express his views, after giving further thought to it, when the Bill comes to the Committee stage. I support the second reading subject to the amendments I have mentioned.

THE HON. A. F. GRIFFITH (Surburban —in reply) [9.17]: I thank members for the reception they have given to this little Bill, and the kindly criticism of some of the items that have been brought forward. I want briefly, without wasting the time of the House, to answer one or two of the points of criticism that have been raised, in order that members might see the Bill from the point of view from which I have introduced it.

Basically we must not forget that the Federal system of postal voting, was the system the Government tried to achieve when it amended the legislation last year. The Chief Secretary (the Hon. Gilbert Fraser), when introducing the Bill that amended the principal Act last year,

said words to the effect that the Government was trying to stick as close as possible to the Federal system. Bearing that in mind, there were some amendments I tried to introduce to the Government's legislation last year, because I thought they would have brought it closer to the Federal system. But some of the amendments we passed took it a good deal further away from the Federal system, particularly, in respect to the anomaly and the difficulty, which I am now endeavouring to iron out, concerning hospitals.

We do not appear to have any difficulties in the operation of the Federal system of postal voting. I have not heard any member of the House say there are difficulties in connection with the Federal elections. Everything appears to operate all right both in the metropolitan area and in the country.

The words "an elector for a district" were said by the hon. Mr. Logan to be the same in both sections, and it would be just as well to delete the whole of that paragraph. The only comment I can make on that statement is that the Act provides for any elector for a district to witness a postal vote within the State. But we cannot always find, when out of the State, an elector for the district. Then we would not have a proper authority to witness the postal vote.

The Hon. L. A. Logan: Make the witness an elector for the Commonwealth.

The Hon. A. F. GRIFFITH: That would bring about further amendments which are already written into the principal Act. If we are going to make alterations of that nature we would have to read through the whole Act and sort out the word "witness" wherever it appears. and also take it out of the Act. So just a simple stroke of the pen would not sort the thing out. The Minister said that there were difficulties in operating this part of the Act. That is an understatement. There are extreme difficulties in operating this part of the Act. I am quick to admit that perhaps I did not state the case fully in respect of the remote areas. I realise that a person living in a remote area has to make an application to the Chief Electoral Officer to become a remote voter; and when he does so he can expect the ballot papers to be sent to him for each ensuing election.

But perhaps what the Minister should have done, or what the electoral office should have done, was to tell us, in declaring by regulation what areas are to be remote areas, how the people there gleaned information to the effect that they were electors in a remote area. That is where the thing fell down so badly because, while a man is deemed to know the law, how much practical application does that expression have? I venture to suggest that there were many people in remote areas who did not have the faintest idea that they were classed as remote voters for the purpose of this Act.

The Hon. L. A. Logan: I should say—99.9 per cent. of them.

The Hon. H. C. Strickland: The hon members up our way looked after them.

The Hon. A. F. GRIFFITH: I looked after as many people as I could in my district when I had to face the electors in the last Legislative Council elections. But the fact still remains that not a lot of publicity was given to the change and, when a distinct change such as this takes place, as much publicity as possible should be given to it because people have become accustomed to voting under the old system and they suddenly find that they have to vote under a completely new system. It should not be left entirely to members of Parliament to put everybody wise to what has happened.

The Minister also said that it was not necessary to send an application to the Chief Electoral Officer. I agree with the hon. Mr. Logan when he said, "What other means could be adopted where the application was conveyed by post?" As a matter of fact, the address on the outside of the application form was 84 or 81 St George's Terrace and, from all practical points of view, that was not the address of the Chief Electoral Officer—as far as everybody knew he was still in Barrack-st I think at the time the staff was divided into two, and they were in two places; but the address shown was St. George's Terrace and, if the application was conveyed by post, it could go to only one place.

I am well aware that a ballot paper could be deposited, in the manner described by the Minister, with some returning officer or presiding officer, other than the Chief Electoral Officer. The Minister also said that some arrangement must be made to improve the position in hospitals. That is what this simple Bill of mine sets out to do Also, during his speech, the Minister, no doubt through the Government, suggested some improvements to this Bill. I realise that whatever the Legislative Council decides in this case will be subjected to the brutal majority which is in another place; if it suits the Government it will accept the Bill, and if it does not, the Bill will be rejected.

The Hon. H. C. Strickland: It is a democratic majority up there.

The Hon. F. J. S. Wise: The position often happens in reverse.

The Hon. A. F. GRIFFITH: That is quite right, but it is just as well it can happen

The PRESIDENT: The hon. member cannot question the other House.

The Hon. A. F. GRIFFITH: I realise that, and I am not questioning it; but it can happen.

The PRESIDENT: The hon. member is going very close to doing it.

The Hon. A. F. GRIFFITH: It does not worry me, but what does worry me—

The Hon. H. C. Strickland: We are trying to help you.

The Hon. A. F. GRIFFITH: I am sure the Minister is. I have had a look at the Act and I cannot see an interpretation of the word "institution." That is why I asked the Minister what were the places in question and he named them—Sunset Home, Mount Henry, Woodbridge and the Edward Millen Home. The Edward Millen Home is a hospital.

The Hon. H. C. Strickland: I said that.

The Hon. A. F. GRIFFITH: It is not an institution?

The Hon. H. C. Strickland: I said that all hospitals were institutions.

The Hon. A. F. GRIFFITH: Are they?

The Hon. H. C. Strickland: Of course they are!

The Hon. A. F. GRIFFITH: If all hospitals are institutions we need not go any further. Should we accept the amendment suggested by the Minister, where will we get?

The Hon. H. C. Strickland: I think you are only looking for an argument.

The Hon. A. F. GRIFFITH: I am not; I am only trying to sort this thing out in a proper way. If we accept the Minister's suggested amendment, and it does not get us where we want to go, what is the good of it?

The Hon. H. C. Strickland: Wait until we come to it and I will explain it.

The Hon. A. F. GRIFFITH: We aim to cut out the words "or is a patient in a hospital", and where an elector is an inmate of an institution the Act, with those words taken out of it, would have this effect. There is a hospital in the Sunset Home, and portion of the Mt. Henry Home is a hospital. The postal vote officer would be able to attend to one section but he would not be able to attend to the other; and basically what is the difference between being able to attend to the wants of the member of one's family in the St. John of God Hospital, or being able to attend to the wants of one's family in the Sunset Home or the Mt. Henry Home?

The application is exactly the same in either of the two last-mentioned places, or at other places for elderly people. Their wants can be so easily and readily looked after by their families, in the same way as the needs of those people who are in hospital can be looked after. But the Minister wants to draw a fine distinction between the two. I think it would be much better if we adopted what was originally intended by the Government when it said that it wanted to bring our Act into line with the Commonwealth practice. There is nothing in the Commonwealth law about institutions or hospitals.

During his speech, the hon. Mr. Logan mentioned difficulties in hospitals and institutions under the old system. I would remind the hon. member that that system stood the test of time, and the people who controlled institutions and hospitals sorted out any difficulties that arose under the old system of postal voting. Those people also sorted out any difficulties, if there were any, under the Federal Act.

The Hon. L. A. Logan: Under the Federal Act they are not allowed to go into a hospital with a ballot paper. A person is fined £50 if he induces people to vote.

The Hon. A. F. GRIFFITH: I am not in a position to contradict the hon. member because I do not know; and I think it is good for a person to admit to not knowing something when he does not know it. But the old system worked satisfactorily, and I do not see any reason why, if we cut out all reference to hospitals in the Act, we should not make a clean sweep of it and cut out the whole of Subsection (8) of Section 94. If we do that people will be in a position to have their wants attended to by their families, or make any other arrangement they would like to engage upon. With those few remarks I thank hon. members for their contributions to the debate.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. A. F. Griffith in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 94 amended:

The Hon. C. H. SIMPSON: Having given the matter some further thought I do not propose to move my amendment. I agree with the substance of the Bill, and being under the impression ballot papers were only issued by the Chief Electoral Officer, I thought I would go one step further and obviate the need for a witness at all, holding the view that the Chief Electoral Officer already had a claim card with the signature of the applicant and that no further verification was necessary. On inquiry I find that not only does the Chief Electoral Officer have the right to distribute ballot papers but the divisional officer also has that right.

Clause put and passed.

Clause 3—Section 95 amended.

The Hon. H. C. STRICKLAND: I move an amendment—

Page 2, line 7—the words, "by deleting subsection (8)" be struck out with a view to inserting the following.—as follows:

(a) by deleting from line 2 the passage "or is a patient in a hospital"; and

(b) by deleting from line 3 the words "or hospital."

The hon. member in charge of the Bill did not give an indication whether he would accept the amendment or not, even though I sent him a copy of it.

The Hon. A. F. Griffith: Sit down and I will tell you again.

The Hon. H. C. STRICKLAND: The object is to delete hospitals from subsection (8) of Section 95. It would then mean that only prescribed institutions would be left. The hon. Mr. Griffith said he could find no definition of "institution" in the Bill. If he reads my proposed amendment together with the provisions in the Act he will see that the definition is there. It clearly says, "any institution, which institution is prescribed by the regulations." I think that would be an improvement on the hon. member's Bill.

The Hon. A. F. GRIFFITH: I am sorry I made so little impression on the Minister but I thought I had indicated I did not like his amendment. I said that the four places the Minister mentioned were, in my opinion, hospitals, and it would be better to adhere to my Bill because that would leave no doubt as to which was a hospital and which an institution. I am happy to accept any amendment which will improve the situation. That is the purpose I had in mind. But would the Minister tell me whether he considers Sunset Home to be a hospital or an institution.

The Hon. H. C. Strickland: It is both.

The Hon. A. F. GRIFFITH: Then we get nowhere because it can be prescribed as can St. John of God Hospital. We would then be back where we started.

The Hon. H. C. Strickland: But it would not be.

The Hon. A. F. GRIFFITH: We might have a change of Government and the incoming Government might decide it would.

The Hon. H. C. Strickland: We do not know what you will do, but you can trust us.

The Hon. A. F. GRIFFITH: The Minister has not told us why the word "institution" should be there. If it is competent to attend to the wants of people in St. John of God Hospital, why is it not competent for the same type of people to attend to the wants of those in Sunset Home, Mt. Henry Home, Woodbridge or the Edward Millen Home? What is the difference? They are hospitals rather than institutions.

The Hon. G. BENNETTS: The difference between a hospital and an institution is that in the one the patients are attended to and released when they are better. An institution—like Sunset Home or Mt. Henry Home—is a home for the aged where they remain until they pass on. They have no other home. The hospital cares for the sick and the institution takes in people until they pass on.

The Hon. E. M. HEENAN: I am surprised that the hon. Mr. Griffith did not welcome the Minister's amendment because it would meet all the difficulties we encountered in the last elections. On the Goldfields we had trouble in getting people in the hospitals to vote. The provisions of the Act were awkward and caused trouble. If we adopt the Minister's amendment, 90 per cent. of our difficulties will be solved. I am enthusiastic of the Minister's proposal because I do not think we have any places on the Goldfields that would be gazetted as institutions.

The Hon. G. Bennetts: The Old Men's Home would be one of the institutions.

The Hon. E. M. HEENAN: That might be one. Trouble has been experienced in the main with hospitals. As Mr. Bennetts stated, the Old Men's Home would be classed as an institution, as would the St. John of God Hospital, the Royal Perth Hospital, the Fremantle Hospital, the King Edward Memorial Hospital, and the pensioners' home on the Goldfields. I presume the Government will gazette as institutions those places which look after senile people and those who are incapable of looking after themselves. I support the proposal of the Minister.

The Hon. H. C. STRICKLAND: The question raised by Mr. Griffith as to the difference between a hospital and an institution has been answered by Mr. Bennetts. He went on to say that as relatives could arrange postal votes in one type of institution, they should be able to go to the other type. I would point out that if the inmates of institutions had relatives, in many cases they would not be there. The persons to look after the affairs of the inmates are the controllers of the institutions. The Chief Electoral Officer is of of that opinion.

When the hon. Mr. Griffith introduced this Bill he was not complaining about the institutions; his complaint was against the hospitals and he mentioned St. John of God Hospital. Many of the institutions have hospitals established within their compounds. In that respect the Electoral

Office has experienced no difficulty, but it did experience difficulties in respect of other types of institutions. With a view to relieving the matrons and the staff of hospitals of extra work, the Minister for Justice has requested that hospitals be exempted from the provisions of this clause. If Sunset Home, the Edward Millen Home for the Aged, or the Mt. Henry Home were to be thrown open to canvassers for votes—

The Hon. A. F. Griffith: You know they are not.

The Hon. H. C. STRICKLAND: They could be. Under this Bill it would be possible to prescribe that only authorised persons were permitted to visit the institutions referred to. The Government is prepared to go so far as to exempt hospitals. The institutions which would be prescribed would, in the main, be Government institutions where the staff is prepared to carry out the necessary duties. That will relieve the Electoral Office of the task to engage extra staff.

The Hon. J. G. HISLOP: I agree that it is virtually impossible to conceive of some plan that will operate in respect of hospitals under the existing legislation. I can recall that we endeavoured to get the Mount Hospital under control. Although the matter was discussed with the matron and she was given instruction as to the method to be adopted, she found it so complicated that out of 98 patients only seven desired to vote. The whole position became chaotic. A day or two before the election took place the Electoral Office found it very difficult to do anything in regard to St. John of God Hospital and it had to send its own officers to attend to voting.

I agree with the suggestion put up by the Minister, but I can also appreciate the difficulties of the hon. Mr. Griffith in that a future Government might attempt to adopt some new method to bring in the hospitals. That will not be possible if the Minister would agree to inserting the following words at the end of the clause:—

> For the purposes of this Act, an institution does not include a hospital.

The Hon. H. C. STRICKLAND: That would be rather difficult in regard to Sunset Home which has a hospital within its compounds. All the inmates are permanents, and if they leave the hospital they merely go to a ward in the home.

The Hon. H. K. WATSON: For the purpose of clarity, the suggestion of Dr. Hislop, or my suggestion along those lines could be adopted by inserting these words—

> where an elector is an inmate of an institution (not being a hospital), which institution is prescribed by the regulations.

It should be made clear in the Act that a hospital is not embraced by the term "institution." In the absence of such a declaration a hospital will be so embraced in law. It has been held by the High Court that the boys' brigade and the Y.M.C.A. are institutions. We are all more or less agreed on the objective to be sought; the difference arises over the method to give effect to that objective.

The Hon. H. C. STRICKLAND: I suggest that the hon. member move for progress to be reported to enable another amendment to be framed. I could take it to the responsible Minister to see whether it is acceptable.

The CHAIRMAN: It would be wiser to withdraw the amendment.

The Hon. H. C. STRICKLAND: I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Progress reported.

HEALTH ACT.

Disallowance of Fire Guards Regulation.

Debate resumed from the 4th September, on the following motion by the Hon. G. C. MacKinnon:—

> That Regulation No. 12, made under the Health Act, 1911-1956, as published in the "Government Gazette" on the 20th November, 1957, and laid on the Table of the House on the 26th November, 1957, be and is hereby disallowed.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [9.55]: As the hon. Mr. MacKinnon pointed out, these regulations were subject to a motion for disallowance late in the last session of this Parliament. In their wisdom, hon. members supported retention of the regulations in the public interest.

The object of the regulations is to afford the maximum protection to the public should a fire occur in a theatre during a performance. Fortunately such fires are few, but those which have occurred have made world headlines because of the heavy loss of life and injury which are unfortunately often a consequence of fires in such circumstances. The strange feature about the consequences is that they are seldom caused by the fire itself, but result from the panic-stricken efforts of the audience to escape in unfamiliar surroundings. This condition is often worsened because the premises are in a state of darkness.

Certain interests claim that the danger of fires in such premises is now reduced to a negligible risk by the use of non-inflammable film. While this is partly true, hon. members will recall a major fire

in the Empire Theatre in recent weeks. It was fortunate that the outbreak occurred when the premises were closed to the public. This fire could just as easily have started during a performance.

When a fire occurs the action taken in the first two minutes determines the consequences. A trained man on the spot can save more lives and limbs in the first critical minute or two than a dozen fire engines can ten minutes later. It is therefore reasonable that managements should be required to provide this protection.

The most suitable available person is a trained volunteer fireman. Unfortunately, volunteer brigades are not established in all localities. The rest of the State is either served by the permanent brigade or has no organised service. Wherever volunteer brigade members are available, the regulations require that they be employed.

Where there is no volunteer brigade, the regulations require the employment of a fire guard who holds a certificate of competency. A certificate may be secured by any able-bodied man after elementary instruction. It cannot be expected that a certificate holder compares in knowledge and efficiency with a trained volunteer.

Claims that the regulations are inconsistent and anomalous are incorrect. Wherever volunteers are available they must be employed. The lesser trained certificate-holders are insisted upon and accepted elsewhere simply because practical considerations dictate this approach in the regulations. If volunteers were universally available, no doubt the regulations would require that they be employed in all theatres.

Where an owner has more than one theatre, the regulations may operate in a different manner in relation to each theatre if one is within a volunteer district and the other without. The regulations reflect the circumstances in each case.

Objections to the regulations arise because a volunteer must be paid 25s. per performance. The volunteer performs other duties, such as ticket collecting, if desired by the management. This is permitted by the regulations. Claims that theatres situated in volunteer districts are penalised to the extent of 25s. per performance cannot be substantiated, as labour would have to be employed for these purposes in any case.

Volunteers have performed theatre duty for many years. The regulations made last year endorse and continue an already existing situation. Opposition is by no means general, but originates with one or two individuals who are prepared to put a financial consideration amounting to a few shillings before the public interest.

In my opinion managers and owners of theatres should be grateful for volunteer firemen and for these regulations, because they must have some effect on the premiums that are paid. And I am sure that insurance companys would certainly raise the premiums on premises which did not have the protection of an experienced fireman. I cannot see any insurance company missing a trick like that. The hon. Mr. Griffith shakes his head; but I cannot, as I said, see the insurance companys missing a trick: not the private ones, anyway. If the State Insurance Office were allowed to do this business, it might; but not the big financial institutions.

These voluntary firemen do a great job. Certainly they are paid, but that payment does not go to the individual. It goes into the brigade funds and helps to defray its costs throughout the year, particularly when it has its annual demonstration. These sums, which go into the general fund, mount up; and I believe they run into several thousands of pounds, which contributes in no small way to the benefit of the brigades.

Therefore I agree with the responsible Minister's advice that these regulations should not be disallowed, merely because a few persons consider that they are paying too much when they are charged 25s. per performance for a competent fireman to be on the premises.

Although I have not made any inquiries in connection with this point, I do not doubt for a minute that the mere presence of a fireman has save innumerable possible fires in theatres, by preventing smoking.

I know that as a small boy, when I first went to theatres, the mere fact that the fireman was walking around and showed himself, meant that I and my companions behaved ourselves as we should. There is not the slightest doubt about the psychological effect on small children. I remember it well, and I am sure that some hon. members will recall that when they were small boys—if they can remember back that far—they looked with a certain amount of awe on the fireman who walked about with a hatchet in his back pocket, even if they were perhaps only throwing peanuts at someone.

I hope that the House will not reject the regulations but will support the Minister, as it did in the session last year, when similar action was taken by, I think, the hon. Mr. Griffith, to disallow the same regulations.

On motion by the Hon. J. J. Garrigan, debate adjourned.

House adjourned at 10.3 p.m.