

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

That the figure "(5)" in line 19, page 5, be struck out and the figure "(4)" inserted in lieu.

This is a consequential amendment.

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

Title—agreed to.

Bill reported with amendments.

House adjourned at 12.41 a.m.

## QUESTIONS.

### EDUCATION.

#### (a) Raising of School Leaving Age and Accommodation.

Mr. ROSS HUTCHISON asked the Minister for Education:

(1) How many additional pupils is it estimated will have to be accommodated over each of the next five years, if the school leaving age is raised to—

(a) fifteen years;

(b) sixteen years?

(2) If it is proposed to raise the school leaving age, is it intended to provide as prerequisites—

(a) additional accommodation in the academic, technical and domestic science spheres;

(b) expanded and new courses to cater for a wider variety of educational requirements in the new intake;

(c) reduced classes to ensure the greatest resultant value and obviation of disciplinary troubles:

(d) greatly increased and improved equipment?

(3) If not, what will be the prerequisites, if any, of the proposition to raise the school leaving age?

The MINISTER replied:

(1) If the school leaving age were raised by half-yearly intervals commencing on the 1st July, 1958, the increases would be:—

(a) to fifteen years: 1958, —; 1959, 1,380; 1960, 2,030; 1961, 2,160; 1962, 800.

(b) to sixteen years: 1958, —; 1959, 1,380; 1960, 2,030; 1961, 4,295; 1962, 5,240.

(2) (a) Yes.

(b) A committee of educationists and laymen is being set up to advise on the content of secondary education at all levels.

(c) Irrespective of the raising of the school leaving age it is the policy of the department to reduce over-large classes to within desirable limits whenever possible.

(d) The equipment at present supplied to schools, particularly to the new high schools and new centres, is considered quite adequate. Any expansion of the present issue must be determined by the finance available.

(3) Answered by No. (2).

#### (b) Scientific and Engineering Training, Lack of Students.

Mr. ROSS HUTCHINSON asked the Minister for Education:

(1) Is any concern being felt in the University of Western Australia, and/or in the Education Department with regard to

## Legislative Assembly

Tuesday, 29th October, 1957.

### CONTENTS.

	Page
Questions : Education, (a) raising of school leaving age and accommodation ....	2596
(b) scientific and engineering training, lack of students ....	2596
(c) scientific and engineering training, availability in Western Australia ....	2597
(d) Leederville and contiguous areas, prospect of high school ....	2597
Lands, applications by G. J. Mitchell and J. C. Sutton ....	2597
Railways, use of Newcastle coal ....	2598
General loan funds, expenditure in Capel and Boyanup areas ....	2598
Bunbury power station, tonnage of material used and method of transport ....	2598
Overseas interest, exchange on payments ....	2598
Statistical service, effectiveness of new arrangements ....	2598
Hospital benefit funds, Government advertising ....	2599
Bread, prices, deliveries, etc. ....	2599
Country local authorities, finance granted, expended, etc. ....	2599
Motion : State forests, to revoke dedication ....	2618
Bills : Land Tax Assessment Act Amendment, 1r. ....	2600
Vermis Act Amendment, 1r. ....	2600
Unfair Trading and Profit Control Act Continuance and Amendment, 1r. ....	2600
Acts Amendment (Superannuation and Pensions), 3r. ....	2600
Coal Mine Workers (Pensions) Act Amendment, report ....	2600
Betting Control Act Continuance, Council's amendment ....	2600
Land Agents, Com. ....	2600
Electoral Act Amendment (No. 2), Com. ....	2618
Bills of Sale Act Amendment and Revision, 2r., Com., report ....	2623
Cattle Trespass, Fencing, and Impounding Act Amendment, 2r. ....	2624

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

the inadequate number of students enrolling for science and engineering at the University?

(2) Is the University of Western Australia expected to fit into the Australia-wide pattern in the matter of providing qualified scientists, technologists and engineers?

(3) If so, what is planned by the department and by the University to meet the Australia-wide demand?

The MINISTER replied:

(1) Yes.

(2) Yes.

(3) Programmes of expansion have been prepared by—

(i) the University of Western Australia, and

(ii) the Education Department

for technical education, and will be implemented as finances become available.

(c) *Scientific and Engineering Training, Availability in Western Australia.*

Mr. ROSS HUTCHINSON asked the Minister for Education:

(1) Is it felt that educational facilities in the scientific, engineering and technological spheres are adequate in this State?

(2) What is available in this regard at the University of Western Australia or elsewhere in the State?

(3) Is consideration being given to the establishment of a university of technology to assist, not only in the maintenance and raising of our standard of living, but also with the problem of development of the country in an advanced technological age?

The MINISTER replied:

(1) No.

(2) (a) The University of Western Australia offers courses leading to degrees in the Faculties of Science, Engineering, Medicine, Agriculture and Dentistry.

(b) The Perth Technical College offers professional level courses in Mechanical Engineering, Structural Engineering, Electrical Engineering, Communications Engineering and Electronic Engineering, Architecture, Chemistry and Applied Science.

(c) The Western Australian School of Mines offers Mining, Metallurgy, Engineering and Mining Geology.

(3) No. It is considered that existing institutions can be expanded to provide courses sufficient to meet the needs of this State for many years to come.

(d) *Leederville and Contiguous Areas, Prospect of High School.*

Mr. JOHNSON asked the Minister for Education:

(1) How many children will pass out of Grade 7 into high schools from Leederville, West Leederville, Wandarra, Wembley, Floreat Park, Jolimont and City Beach schools in the years 1957, 1958 and 1959?

(2) To what high schools will these youngsters be proceeding?

(3) How does the above number compare with the numerically smallest high school?

(4) When can it be anticipated that a high school to serve this district will be commenced?

(5) When is it proposed to construct the school?

The MINISTER replied:

(1) It is anticipated that 317, 402 and 450 children from these schools will pass out of Grade 7 in 1957, 1958 and 1959. Normal wastage to private schools indicates that the numbers entering high schools in 1958, 1959 and 1960 will be approximately 300, 380 and 420.

(2) In 1958, Jolimont children will be directed to Hollywood High School; all others to city high schools.

(3) The smallest metropolitan high school being built receives a first-year intake of 350-400.

(4) and (5) It is considered that it will not be necessary to erect a building for this district in the near future.

#### LANDS.

*Applications by C. J. Mitchell and J. C. Sutton.*

Mr. HEARMAN asked the Minister for Lands:

(1) Can he advise the House—

(a) when did Clement John Mitchell of Newlands, on behalf of Mitchell Bros., first apply for land adjoining Mitchell Bros.' property;

(b) when did John Christian Sutton of Newlands first apply for land adjoining his property?

(2) Will he say what difficulties exist preventing or delaying this land being made available for agriculture?

(3) Can he say when a definite decision can be made in this matter?

The MINISTER FOR WORKS (for the Minister for Lands) replied:

(1) (a) C. J. Mitchell for Mitchell Bros. first applied on the 3rd August, 1957.

(b) J. C. Sutton first applied on the 26th November, 1953.

(2) The Conservator of Forests considers that land should not be released.

(3) The Conservator of Forests is making further inquiries with a view to submitting his recommendation to the land utilisation committee.

### RAILWAYS.

#### *Use of Newcastle Coal.*

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

(1) Will Newcastle coal be used again this year by the W.A.G.R. on agricultural lines during the high fire hazard months?

(2) If not, why not?

The MINISTER FOR TRANSPORT replied:

(1) Yes.

(2) Answered by No. (1).

### GENERAL LOAN FUNDS.

#### *Expenditure in Capel and Boyanup Areas.*

Mr. ROBERTS asked the Minister for Water Supplies:

(1) Is any part of the amount of £340,000 estimated to be expended on drainage and irrigation from the General Loan Fund for the year ending the 30th June, 1958, to be expended in the Capel and Boyanup areas?

(2) If so, what are the details of such proposed expenditure?

The MINISTER replied:

(1) Yes.

(2) (a) £2,000 will be expended on the opening up of the lower portion of the Elgin main drain from Gynudup Brook to the point of entry of the Sam Gully drain, a length of approximately two miles.

(b) £4,000 will be expended on developing a research plot to determine the water requirements of typical soils of the Capel-Boyanup area.

The work includes the provision of pump and piping, fencing, and preparation of the land for the application of the water.

### BUNBURY POWER STATION.

#### *Tonnage of Material Used and Method of Transport.*

Mr. ROBERTS asked the Minister for Works:

(1) What is the estimated tonnage of material and equipment used to date in the construction of the Bunbury power station?

(2) What proportion of such tonnage arrived in Bunbury by—

(a) road;

(b) rail;

(c) sea?

(3) What tonnage was delivered to Bunbury from the metropolitan area by—

(a) road;

(b) rail?

The MINISTER replied:

(1) 71,000 tons.

(2) (a) 54,250 tons consisting of local stone and sand;

(b) 16,750 tons;

(c) nil.

(3) (a) 1,000 tons of structural pieces outside rail gauge.

(b) 16,750 tons.

### OVERSEAS INTEREST.

#### *Exchange on Payments.*

Mr. COURT asked the Treasurer:

Why do the 1957-58 Estimates for Item 82, Division 20 of the General Estimates (exchange on overseas interest payments) only show a drop of £4,060 against 1956-57 expenditure when overseas loans interest payments estimate, 1957-58 are down from £1,015,256, 1956-57, to £951,128?

The MINISTER FOR WORKS (for the Treasurer) replied:

Although total overseas interest is expected to be less in 1957-58, the amount payable in New York has increased, and on this payment both dollar-sterling and sterling-Australian exchanges will have to be met.

Interest on new loans to be raised in 1957-58 is provided for in the estimates under the heading "Interest—Australian Loans," but it is possible that new raisings may include overseas borrowings. This possibility has been allowed for in the 1957-58 estimates of exchange on overseas interest payments.

### STATISTICAL SERVICE.

#### *Effectiveness of New Arrangements.*

Mr. COURT asked the Minister representing the Chief Secretary:

(1) Has the Government had sufficient time to assess the effectiveness of the re-arrangement whereby the Commonwealth Government has taken over the responsibility for the statistician's office?

(2) If so, is it proving satisfactory and meeting the State's needs?

(3) Is the Government relieved of all responsibility for statistical work previously undertaken by the State Government Statistician, or do some responsibilities and costs still remain with the Western Australian Government?

(4) Will this state of affairs continue indefinitely or will the State's expansion and possible demand for increased statistical data involve periodical rearrangements with the Commonwealth?

The MINISTER FOR WORKS replied:

(1) and (2) This arrangement which is for an integrated statistical service, has operated since the 5th July, 1957, and is functioning satisfactorily.

(3) By the agreement, the Commonwealth undertakes responsibility and pays all costs, but the State may, if it so desires, appoint officers for statistical work under State legislation.

(4) There is provision in the agreement to deal with circumstances as they arise.

### HOSPITAL BENEFIT FUNDS.

#### *Government Advertising.*

Mr. ROSS HUTCHINSON asked the Minister for Health:

In view of high hospitalisation and medical costs, and in view of the reasonably priced insurance benefits through hospital benefit funds, will he endeavour, by means of departmental and Press propaganda, to encourage all people to accept the responsibility of joining up and keeping themselves financial with an approved national health organisation?

The MINISTER replied:

Yes. Every opportunity is taken to do this and the funds themselves are continually advertising in this connection.

### BREAD.

#### *Prices, Deliveries, etc.*

Mr. EVANS asked the Minister for Labour:

(1) Does not the Wheat Products Prices Fixation Committee consider it reasonable to fix two prices for the sale of bread, as outlined in my question without notice on the 24th October?

(2) If not, why not?

The MINISTER replied:

(1) As a general policy it has been considered inadvisable, but recently the committee has been giving further thought to the matter with a view to recommending the fixation of two prices where circumstances warrant.

(2) Answered by No. (1).

### COUNTRY LOCAL AUTHORITIES.

#### *Finance Granted, Expended, etc.*

Mr. NALDER asked the Minister for Works:

(1) What amount of money, grant, or general allocation was allocated to country local authorities in this State for the years—

1950-51;  
1951-52;  
1952-53;  
1953-54;

1954-55;

1955-56;

1956-57?

(2) What amount, if any, was allocated to country municipalities during the same periods?

(3) What amount, if any, during the same periods remained unspent?

(4) What amounts, during the same periods, were spent by the local authorities?

(5) What amounts, during the same periods, were spent on works in local authority areas by the Main Roads Board?

The MINISTER replied:

The information sought is as follows:—

#### (1) COUNTRY LOCAL AUTHORITIES (ROAD BOARDS) ALLOCATIONS.

Year.	General Allocations.	Roads to Isolated Settlers.	School Bus Routes (Mtce.).	Total.
1950-51	£ 178,000	£ 20,600	£ 23,950	£ 222,550
1951-52	237,000	20,600	30,050	287,650
1952-53	235,000	20,400	44,750	300,150
1953-54	235,000	20,400	47,720	303,120
1954-55	237,000	20,600	65,900	323,400
1955-56	237,000	20,600	98,560	356,160
1956-57	310,750	20,600	112,200	443,550
	1,069,750	143,800	423,030	2,236,580

#### (2) COUNTRY MUNICIPALITIES. ALLOCATIONS.

Year.	General Allocations.	Roads to Isolated Settlers.	School Bus Routes (Mtce.).	Total.
1950-51	£			£
1951-52	1,000			1,000
1952-53	1,000			1,000
1953-54	1,000			1,000
1954-55	3,000			3,000
1955-56	3,000			3,000
1956-57	4,500			4,500
	13,500			13,500

(3) Unexpended amounts to the 30th September, 1957.

Under allocations as shown in answers to Nos. (1) and (2).

	£
Country road boards	67,250
Country municipalities	3,200

£70,450

#### (4) AMOUNTS EXPENDED BY LOCAL AUTHORITIES.

1950-51	370,430
1951-52	535,330
1952-53	645,180
1953-54	565,500
1954-55	640,140
1955-56	860,030
1956-57	916,280

£4,532,880

Includes expenditure from general allocations, roads to isolated settlers, school bus routes (Maintenance) and other funds provided by the Main Roads Department.

## (5) AMOUNTS EXPENDED BY MAIN ROADS DEPARTMENT IN LOCAL AUTHORITY AREAS.

Year.	Total Expenditure.	Less Funds expended by Local Authorities under M.R.D. Supervision.	Departmental Expenditure.
	£	£	£
1950-51	2,070,094	370,430	1,699,664
1951-52	3,168,704	535,330	2,633,374
1952-53	4,034,873	645,180	3,389,693
1953-54	3,157,057	565,500	2,591,557
1954-55	3,823,099	640,140	3,182,959
1955-56	5,188,526	860,030	4,328,496
1956-57	5,881,634	916,280	4,965,354
	27,323,987	4,532,690	22,791,097

**BILLS (3)—FIRST READING.**

1. Land Tax Assessment Act Amendment.
2. Vermin Act Amendment.  
Introduced by the Minister for Works (for the Treasurer).
3. Unfair Trading and Profit Control Act Continuance and Amendment.  
Introduced by the Minister for Labour.

**BILL—ACTS AMENDMENT (SUPERANNUATION AND PENSIONS).***Third Reading.*

**THE MINISTER FOR WORKS** (Hon. J. T. Tonkin—Melville) [4.48]: I move—

That the Bill be now read a third time.

**MR. BOVELL** (Vasse) [4.49]: I hope that at this late hour the Government will give consideration to amending the Nicholas formula in the Bill which applies to the 1871 pensioners. In some instances it causes a retrogression of the pensions paid to pensioners. I feel that that is wrong in principle.

The matter was raised during the Committee stage, and as it is a mathematical problem, there are some differences of opinion amongst the pensioners who receive pensions of more than £1,000. Some consider they will have their pensions restricted to £1,000 under the Bill, and another opinion is that they may be reduced on a gradual scale. By way of interjection, the Treasurer told me that it did not affect those receiving pensions over £1,000. I would like an assurance from the Government that those few pensioners who are receiving pensions in excess of £1,000 will not be adversely affected by this formula or, as the Treasurer indicated, will not be affected at all by it.

**THE MINISTER FOR WORKS** (Hon. J. T. Tonkin—Melville—in reply) [4.50]: It has already been explained to the House that when one decides to apply a formula it must be applied throughout, without exceptions. If it so happens that in one

or two cases some reductions are effected under the formula, that is no weakness in the formula but simply shows that when the previous figures were arrived at, the decision was not made uniformly and that to some extent the figures had got out of balance. In accepting the formula, the Government agreed to apply it without exception throughout, irrespective of whether it affected some pensions adversely and some advantageously. In the majority of instances, it is of distinct advantage to those concerned.

Question put and passed.

Bill read a third time and transmitted to the Council.

**BILL—COAL MINE WORKERS (PENSIONS) ACT AMENDMENT.**

Report of Committee adopted.

**BILL—BETTING CONTROL ACT CONTINUANCE.**

*Council's Amendment.*

Amendment made by the Council now considered.

*In Committee.*

**Mr. Moir** in the Chair; the Minister for Police in charge of the Bill.

The **CHAIRMAN**: The Council's amendment is as follows:—

Clause 2.

Page 2, line 4—Delete all the words in the clause after the word "words" and substitute the following:—"fifty-seven" in line three the word "sixty."

The **MINISTER FOR POLICE**: I move—

That the amendment be agreed to. Portion of the wording of the amendment appears to me to be redundant, but at all events the effect of the amendment is to give the Act another three years' life and therefore I do not oppose it.

**Mr. WILD**: I am glad the Minister has accepted the amendment. In view of what was said in another place, I think this legislation should give us food for thought and it is only right that it should be reviewed in three years' time.

The Minister for Transport: Those statements in another place were totally unsubstantiated.

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

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

**BILL—LAND AGENTS.**

*In Committee.*

Resumed from the 24th October. **Mr. Moir** in the Chair; the Minister for Justice in charge of the Bill.

**Clause 5—Interpretations:**

The CHAIRMAN: Progress was reported after an amendment, moved by Mr. Court, had been agreed to as follows:—

After the word "delegates" in line 4, page 4, the words "under the power conferred on it by this Act" be inserted.

Clause, as amended, put and passed.

Clauses 6 to 8—agreed to.

Clause 9—Officers on the committee:

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

That after the word "or" in line 41, page 10, the following be inserted to stand as subparagraph (v):—

being the accountant member, he ceases to be a member of the Institute of Chartered Accountants in Australia or of the Australian Society of Accountants, or being the land agent member, he ceases to be the holder of a land agent's licence.

The nominee of the Real Estate Institute, of course, would normally be a registered land agent and I suggest nobody else would be acceptable. Already there is doubt as to the continuing right of a member of the committee to operate, but as the Bill provides that his appointment shall inure for the purposes of the new Act, I will not raise objection at this stage. I suggest, however, that in future, if any member of the board loses the qualification to which I have referred in the amendment, he shall cease to hold office as a member.

The MINISTER FOR JUSTICE: I oppose the amendment. At the moment we have a fine advisory committee and this amendment would cause the loss of a man who is doing sterling work.

Hon. A. F. Watts: It does nothing of the kind; it does not apply to him.

The MINISTER FOR JUSTICE: Oh yes, it does.

Hon. A. F. Watts: It does not.

The MINISTER FOR JUSTICE: The effect of this amendment will be to terminate the office of the accountant member if he ceases to be a member of the Institute of Chartered Accountants or of the Australian Society of Accountants. My legal advice is that this will disqualify Mr. Hansen as accountant member.

Hon. A. F. Watts: I think you may be right, too.

The MINISTER FOR JUSTICE: I repeat that Hansen has done a wonderful job and I would like to quote a letter from Mr. G. Waters, dated the 10th October, and addressed to me. It reads as follows:—

Normally I would endeavour to see you, on the matter which forms the subject of this letter, but realise that

with Parliament sitting and your many activities, it would be most difficult to arrange an interview.

I was personally most unhappy to see in yesterday's paper an attack by Mr. Court of the Accountant Member of Supervisory Committee, Mr. Hansen, and thoroughly disgusted with such an attack under privilege, and there are more than myself feeling this way.

Without any influence or contact by me, I was asked by Real Estate Institute to convey to you they were in no way associated with Mr. Court's reference in the House, that they very much regretted such action and that, although the vast majority of Institute members, especially the controlling Council, of which I am a member, do not know Mr. Hansen nor would know him even by sight, they have always heard his efforts on Committee spoken of in the highest regard both personally and professionally.

This Institute have voluntarily conveyed to me as a member of Committee that they are completely satisfied that the Committee have done a magnificent job, and they would be most unhappy to see any alteration made to existing members, not from any personal angle, but because they have one and all acted impartially and effectively in the interests of the public, which is in line with what the Real Estate Institute have tried to do for so many years itself.

If it would assist you in the matter, I feel sure the Institute would write you officially on this matter.

Let me bring to your notice that Mr. Hansen in his activity on Committee has given a considerable amount of his time in a professional capacity in examining books and documents, which have been subject to the Committee's investigations, and that he has not obtained nor asked for any payment for his time.

The existing Committee are a very happy band of men, imbued with a responsibility to the public, and have done tremendous work at considerable cost of personal time to get the present organisation in working order, so it would be nothing short of a public calamity to disturb the present set up.

Mr. Hansen's disagreement with Accountant Institutes I know little about, but if one cannot agree with the rules of control laid down, surely he can leave membership without an implied stigma, and be honoured for his refusal to sacrifice his principles.

I am a trained accountant myself, and can say that professionally Mr. Hansen is both efficient and honourable, the irony of the thing is, I believe, many of those in accountant

institutes are not qualified by examination (as Mr. Hansen is) but joined up when the institutes were formed.

Personally neither myself nor the public are very interested in what institutes a man belongs to, but rather in the proficiency of any man or body of men, and in this category, that is proficiency, Mr. Hansen rates top marks.

The Minister for Transport: I think the member for Nedlands wants to withdraw and apologise.

Mr. COURT: I will deal with that later.

The MINISTER FOR JUSTICE: The amendment moved by the member for Stirling will restrict the good work that is done by this committee.

Mr. COURT: That letter was not from the institute; it was from one man.

The MINISTER FOR JUSTICE: Yes, but it was written with the authority of the institute. I feel strongly about this. Mr. Hansen had the qualifications when he was appointed and I think his appointment should inure.

Mr. COURT: I am amazed at the Minister's attitude. Mr. Waters suggested that I had taken advantage of privilege. I had done nothing of the kind. We had no alternative but to bring this matter here, no matter how repugnant it might have been. I have had open correspondence with the Minister inviting his attention to the facts.

I have hesitated to go into all the sordid details, but if the Minister persists with this appointment it is quite possible that he will have to make a full-scale inquiry which might reveal certain aspects to the detriment of the man concerned. Mr. Waters suggests that this man ceased to be a member of the institute of his own free will on a matter of principle. But that is not right at all. If the Minister examined the matter privately, I am certain that he would not persist with his present attitude.

The Minister for Justice: There was no charge brought against him.

Mr. COURT: A very serious charge was brought against him.

The Minister for Justice: It was not proved.

Mr. COURT: It was. We do not want to go into the details of the case, but the Minister is forcing us to do so. Being a family man with responsibilities, special consideration was given to him and he was reprimanded. Later, however, he committed another breach and there was no alternative but to expel him under the Royal Charter that governs such practices. The man was shown great leniency and was given every chance, but within a few months he did not pay his dues, although every opportunity was given him to do so.

The Minister should examine the relationship of this man with the Taxation Department and his registration as a tax agent. That has nothing to do with the institute or the Royal Charter.

The Minister pins his case on the fact that this man is doing good work at present. I do not question that; he would be a very stupid man if he did not redouble his efforts. It is not a matter of kicking a man while he is down but there is a question of high principle at stake. The Act specified certain qualifications because of the importance of the position, but that man has now lost those qualifications. If the Minister examined the full details, he would be delighted with the fairness of the proceedings.

The Minister for Justice: Why penalise him now for something he did before he was appointed?

Mr. COURT: Would the Minister entertain for one moment appointing a barrister who had been dealt with by the Barristers' Board. I can imagine the position if members opposite were on this side of the House—we would have had motions moved by private members almost every day on matters of high principles over this question.

The Minister for Justice: I have not seen Hansen; he has not said one word to me.

Mr. COURT: I do not suggest that for a moment. What would be the position if somebody who was being dealt with, challenged the status of one of the committee-men?

The Minister for Justice: So long as he is competent and knows his job, why should such a person challenge him?

Mr. COURT: It would not look too good. In his persistence with this matter the Minister is making it difficult for all concerned, more particularly for the man directly affected. Mr. Waters was not in possession of the full facts when he wrote that letter, and it is unfortunate he did so without knowing the details. I mentioned this to the Minister personally to avoid it being made public, but if the Minister persists, a full-scale inquiry might be necessary.

Hon. A. F. WATTS: I am not interested in an individual case; but I am interested in consistency. I would refer members to Subclause (2). We start off by saying a man is eligible to occupy the office only if he is such a person and then, without the amendment I propose to move, not only now but at some future time, the Minister or any other Minister could appoint a person who has not these qualifications. There is nothing in the remainder of the legislation which is going to require him to vacate the office, because once he is appointed, he does not have to vacate his office under this legislation because it does not make any provision for that, unless he becomes bankrupt; absents himself from three consecutive meetings; tenders his resignation; is unable because

of mental or physical infirmity or is unfit to occupy office; or is guilty of conduct of so improper a nature as to render him unsuitable to do so.

None of these things need have the slightest relationship to his qualifications as an accountant member. His improper conduct could be entirely in relation to a sexual offence, so the Minister has one clause where he can be the accountant member only if he has these qualifications, and in the next breath says there is nothing to ensure that a person without these qualifications shall have to vacate that office.

The same provisions should apply to the land agent member. He would be necessarily a registered land agent. If he is out of the business or retired, it is obvious he is no longer interested in the operations of land agents and somebody else should represent the institute. I am going to be frank and say I am relying on Subclause (7) of this clause which sets out that the conditions under which those appointments were made under the repealed Act inure for the purposes of this Act. But the next subclause says that the termination of office of a person appointed to that office of member applies "whether appointed before or after the coming into operation of this Act." Therefore, I am obliged to accept the Minister's point of view; that it could affect the present appointment. I would like to ask the Minister this: Is this insistence of his directed only at the present member or is he going to ask this Committee to agree that at any future time, if a person loses his qualifications, he shall continue to sit with this committee irrespective of the circumstances surrounding the loss of those qualifications, because unless he agrees to the amendment along the lines I have suggested, that will be the future position.

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

Ayes	15
Noes	23
Majority against	8

## Ayes.

Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lawrence	Mr. I. Manning
Mr. W. Manning	

(Teller.)

## Noes.

Mr. Andrew	Mr. Marshall
Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Oldfield
Mr. Grayden	Mr. Rodoreda
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Siceinan
Mr. W. Hegney	Mr. Toms
Mr. Jamieson	Mr. Tonkin
Mr. Johnson	Mr. May
Mr. Lapham	

(Teller.)

## Pairs.

## Ayes.

Mr. Cornell  
Mr. Roberts  
Sir Ross McLarty  
Mr. Mann

## Noes.

Mr. Hoar  
Mr. Potter  
Mr. Rhatigan  
Mr. Kelly

Amendment thus negatived.

Clause put and passed.

Clauses 10 to 13—agreed to.

Clause 14—Decisions of committee:

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

That all words after the word "Committee" in line 17, page 13, be struck out.

Under this clause an interesting situation could arise. The deputy chairman could make the decision of the committee. It would be bad enough if it were confined to the permanent chairman but to bring in a deputy to make the decision of the committee, seems to me to be entirely undesirable.

The Minister for Justice: I agree with you there.

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

Clause 15—agreed to.

Clause 16—Conduct of committee's proceedings:

Hon. A. F. WATTS: This clause provides that the Governor may authorise the destruction of the committee's records. That is necessary from time to time, but I do not think it ought to be without some limit imposed upon it. My amendment is designed to make the committee keep its records without destroying them for not less than six years. Perhaps there is no particular reason why six years should be used, but it is, of course, the period under the Statute of Limitations in which an ordinary debt cannot be recovered without acknowledgment or part payment. I move an amendment—

That after the word "them" in line 4, page 14, the words "provided that such destruction shall not be authorised before the expiration of a period of at least six years from the date of such minutes," be added.

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

Clause 17—Power of delegation:

Hon. A. F. WATTS: This clause empowers the committee to delegate its authority. I have no objection to the right of delegation, because I agree that it might be essential to delegate, say, power to grant a licence to a magistrate in some country district or for some other purpose. However, I fail to see the necessity to give all the power of delegation in any particular case, because that would enable the committee at any time to delegate the whole



of its powers, and I do not think that is what Parliament would intend. I move an amendment—

That the words "either generally or" in line 5, page 14, be struck out.

**The MINISTER FOR JUSTICE:** My information is that the clause enables the committee to delegate, generally, its functions to magistrates. This power will be mainly used in the case of country districts. The amendment may deprive the committee of its power to delegate, generally, to a country magistrate the authority to renew licences. This is usually only a formal matter and it will cause inconvenience and added administrative work if there is to be a special delegation for a formal function such as the renewal of a licence where there is no objection to such renewal. That is the reason the advisory committee has given to me.

Amendment put and negatived.

**Hon. A. F. WATTS:** Now we will try the Minister out because he has said that this is only to delegate power to magistrates. If he looks further into the clause he will see that the power to delegate to magistrates includes power to subdelegate. I just want to know where this delegation is going to end. If there is to be delegation such as this, why have the committee in the first instance? The whole thing might as well be vested in the magistrate and be done with it.

**The Minister for Works:** It would only be delegated to another magistrate, would it not?

**Hon. A. F. WATTS:** It does not say so. Under the clause he may delegate his authority to anyone he pleases. I move an amendment—

That the words "including power to subdelegate" in line 12, page 14, be struck out.

**The MINISTER FOR JUSTICE:** My information is that the amendment will preclude a magistrate subdelegating any function. It is considered proper to have this power of subdelegation because it may well happen that after a delegation has been made to a country magistrate, he may go on leave or be moved or otherwise become unavailable, and his duties may be undertaken by some other magistrate. He should be empowered to subdelegate any of his functions to the magistrate taking his place. This is a matter of convenience, and I do not think it affects the Bill.

**Mr. COURT:** I support the amendment. If the Minister intends to grant only to a magistrate on leave or absent through sickness, the power to subdelegate, then he should specify that in the Bill. But even that is fraught with danger. It is an established principle of law that only in the most extraordinary cases is the power of subdelegation granted. It is a dangerous practice. The magistrate

might not necessarily delegate his authority to the relieving magistrate. The Bill does not say that he shall. He may delegate it to someone without the necessary experience. Any little inconvenience that is caused is unimportant compared with the protection gained by withdrawing this power of subdelegation.

**The MINISTER FOR JUSTICE:** The Deputy Leader of the Opposition forgets the size of the State, and the distances that have to be travelled. It would be inconvenient at Derby or Carnarvon if the magistrate happened to become sick and was not able to subdelegate his power to another magistrate. Mr. Ruse has given me these notes.

**Mr. COURT:** How often would the emergency the Minister refers to arise in a place like Derby? This is not legislation that will be before a magistrate every day of the week. If the magistrate were ill or on leave, the department would know and would arrange for somebody to relieve him, and it would be a simple matter for the supervisory committee to empower the relieving man to do this particular work.

**The Minister for Justice:** I have absolute confidence in my magistrates to know that they would not do anything that was not correct.

**Mr. COURT:** We have confidence in them too, but the law does not say that the magistrate shall not delegate his power except to a relieving magistrate.

**The Minister for Justice:** I would have no objection if you moved an amendment to that effect.

**Mr. COURT:** The position would arise so seldom that I think it is better to leave the specific delegation to the magistrate as the amendment provides.

**Hon. A. F. WATTS:** I do not know what Mr. Ruse and the Minister think they want to do. I have been caught with this sort of chaff before. It is not a matter of what the person handling the Bill thinks that someone will do in the future, but what the law authorises such person to do. It is all very well for the Minister to say that the magistrate will delegate his power to another magistrate.

**The Minister for Justice:** I will accept an amendment along those lines.

**Hon. A. F. WATTS:** I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

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

That after the word "subdelegate" in line 12, page 14, the words "to another such magistrate" be inserted.

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

Clause 18—agreed to.

Clause 19—Exemption from personal liability:

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

That Subclause (2), in lines 30 to 34, page 18, be struck out.

Paragraph H of the Second Schedule to the Interpretation Act provides among other things that no action shall lie unless there is direct proof of corruption or malice and unless such action is commenced within three months after the cause of action or of complaint shall have arisen; and in case of judgment in favour of the official concerned, the plaintiff has to pay three times the usual costs.

I hope the Minister does not propose to adhere to the amalgamation of paragraph H of the Second Schedule to the Interpretation Act, and this Bill. There is no justification for the plaintiff, if he loses, having to pay three times the usual costs; and if the subclause remains in the Bill that is what will happen to him because there is no alternative under paragraph H.

The MINISTER FOR JUSTICE: Subclause (2) gives to persons authorised to carry out the provisions of the Act, protection from being sued for errors that may be made unless they are corruptly or maliciously made. Persons charged with carrying out the provisions of an Act may often act with the best intentions and honesty, and yet through some legal technicality or error, perhaps only discoverable after judicial decision, be found to have acted *ultra vires*.

It is considered that undue hardship may be caused to such persons who only act part-time, and for small remuneration. Even though doing their best they may be saddled personally with a suit for heavy damages. The committee has heavy responsibilities in advertising, and its members should not be faced with a possible suit for damages if a bona fide error is made.

Hon. A. F. Watts: It is all covered by Subclause (1), which I do not want deleted.

The MINISTER FOR JUSTICE: That is my information.

Hon. A. F. Watts: Read the jolly thing for yourself.

The MINISTER FOR JUSTICE: This is a legal matter.

Hon. J. B. Sleeman: But you have heard legal men in this Chamber disagree.

The MINISTER FOR JUSTICE: Yes, but we have only one legal man here now; and I must disagree with him although I am not a legal man. Surely Mr. Ruse would not want it included in the Bill if it were not a necessary protection.

Hon. A. F. Watts: How do you know?

The MINISTER FOR JUSTICE: I feel that these people are entitled to all the cover we can give them.

Hon. A. F. WATTS: The Minister is not satisfied with a reasonable thing. Subclause (1) already covers all the people concerned with this committee, and it states that they are not personally liable for anything done or omitted in good faith. I would refer members again to paragraph H of the Second Schedule to the Interpretation Act.

Why introduce archaic provisions which provide, among other things, for a compulsory payment of three times the usual cost, if the person bringing the action fails to prove that the other person had acted corruptly or maliciously? I suggest that it is an outrageous proposition to put in a measure of this nature, and is not for the protection of anybody. As far as I can see, it is put there to prevent anybody from questioning, at any time, anything the committee did, because they would never risk it in view of this subclause.

Mr. COURT: I support the amendment. I must confess that it is only this evening that I have taken the trouble to study in full the provisions of paragraph H of the Second Schedule to the Interpretation Act. If there were no provision for members of the committee, their delegates or employees, the matter might be different to some degree. But in view of the provisions of Subclause (1), Subclause (2) has no significance, unless it is the Minister's intention to scare off people who might have cause to take action against members of the committee, their delegates or employees.

The Minister for Justice: We do not want anything of the sort.

Mr. COURT: Subclause (1) gives all the protection necessary if these people have acted in good faith. In addition, if they had so acted, they would have the protection of the Government, so I support the amendment.

The MINISTER FOR JUSTICE: I have listened attentively to the arguments that have been put up; but I feel that this subclause has been inserted, not because the committee wants to scare anybody, but because its members need protection, and they may not have the necessary protection under Subclause (1). I would be very reluctant to concede anything that did not give members of the committee, who are doing a very good job, sufficient protection. Due consideration must have been given to the matter by the draftsman and by Mr. Ruse, the chairman of the committee. I hope members will agree to the Bill as it stands. However, I will refer the matter for further investigation, and if any amendment is necessary, I will agree to it being dealt with in another place.

Hon. A. F. WATTS: So far as I am concerned, in no circumstances could I agree to this subclause remaining in the Bill. I am just as convinced as the Minister is to the contrary, that its provisions are entirely unnecessary for the reasonable protection of members, delegates and employees of this committee. If members had the time, and could look through other legislation, which appoints similar bodies, they would find that it is very many years since a provision such as this was inserted in a clause.

In my opinion, the subclause is archaic and positively outrageous because it provides that a person who brings an action against somebody has to pay three times the normal costs if he loses. Even if we ignore the remaining provisions in paragraph H of the Second Schedule to the Interpretation Act, in no circumstances could I agree to the last one regarding treble costs. And there is no alternative to it. It says, "shall be entitled to and have," so that a judge could not award half those costs.

Mr. Court: Even if he changes his mind and discontinues the action?

Hon. A. F. WATTS: Yes, in no circumstances could I refrain from voting against this subclause.

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

Ayes	17
Noes	20

Majority against	3
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#### Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Bovell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Sleeman
Mr. Grayden	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Mr. Nalder	

(Teller.)

#### Noes.

Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. May

(Teller.)

#### Pairs.

Ayes.	Noes.
Mr. Cornell	Mr. Hoar
Mr. Roberts	Mr. Potter
Sir Ross McLarty	Mr. Rhatigan
Mr. Mann	Mr. Kelly
Mr. Brand	Mr. Tonkin

Amendment thus negatived.

Clause put and passed.

Clause 20—Land agents must be licensed:

Mr. COURT: I rise to query the penalty contained in Subclause (1) and its relationship to the penalty contained in Clause

62. The penalty in this clause is £100, but, to my mind, this is the most serious offence under the Act.

The Minister for Justice: I agree to the two amendments of yours.

Mr. COURT: My proposition is to increase the maximum in respect of the offence in this clause from £100 to £200, on the understanding that the Minister will agree to the reduction of the penalty in Clause 62 from £200 to £100. The clause under consideration deals with a person conducting his business without a licence; whereas Clause 62, in which the penalty is set at £200, deals only with the failure to make apportionment of rates, taxes and outgoings, which is a technical offence. I move an amendment—

That the word "one" in line 12, page 15, be struck out and the word "two" inserted in lieu.

Amendment put and passed.

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

That Subclause (2) (a) in lines 13 to 15, page 15, be struck out and the following, to stand as Subclause (2) (a), inserted in lieu:—

Where a partnership carries on business as land agent it shall be sufficient if one member of the partnership holds a land agents' licence on behalf of the partnership.

This subclause provides that each person who is a member of a partnership which carries on business as land agent, shall hold a land agent's licence. The more members there are in a partnership, the greater will be the number of licences to be taken out and the expenditure incurred, all, as far as I can see, to no good purpose. In the Act which has been operating in this State for a good many years it is provided in Section 3 that where a firm carries on business as land agents it shall be sufficient for one member of the firm to hold a licence on its behalf.

Whatever may have happened to give rise to the necessity for greater stringency in regard to the law covering land agents, it has not been in the circumstances where one person held a licence on behalf of a firm. In the circumstances which I have mentioned, I cannot see why it is necessary for every member of a partnership to hold a licence, with the resultant trouble and greater expenditure.

The Minister for Justice: I agree to your amendment.

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

Clause 21—Applications in first instance for, or for transfer or renewal of land agent's licences:

Mr. COURT: I am not opposing the clause. I merely want an explanation from the Minister as to why he included

this provision covering transfer of licences. At the present moment there is no real necessity for such a provision. Surely the existing machinery for the appointment of a licensed agent, salesman or registered manager is sufficient! There is machinery in this clause for the transfer of a licence. If a new member wishes to join a partnership, or a person wishes to set up in business as a land agent, it will be quite easy for him to apply to become a land agent in his own right.

**THE MINISTER FOR JUSTICE:** The only reason for the insertion of this provision is to assist cases where transfers are made. The advisory committee has had a lot of experience on these matters, and it considers that there has been some hindrance in transfers. It therefore made provision in the Bill to facilitate transfers.

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

That the word "thirtieth" in line 22, page 17, be struck out and the word "fifteenth" inserted in lieu.

This applies to an application for renewal which shall be delivered to the secretary of the committee not earlier than the first day of October and not later than the thirtieth day of November next preceding the thirty-first day of December on which the licence expires. If it is left to the thirtieth of November, it will have to be renewed under the subsequent provisions in this measure after it has expired. That is a little undesirable, especially as its expiry on the 31st December accentuates the difficulties over the Christmas vacation. In order to rectify that situation the limit should be the 15th November.

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

**Clause 22—How applications are to be dealt with:**

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

That the word "thirty-five" in line 10, page 18, be struck out and the word "twenty-eight" inserted in lieu.

This is merely consequential on the last amendment.

Amendment put and passed.

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

That the word "twenty-eight" in line 16, page 18, be struck out and the word "twenty-one" inserted in lieu.

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

*Sitting suspended from 6.15 to 7.30 p.m.*

**Clause 23—Objections to granting of applications:**

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

That the words "standards of education" in line 18, page 19, be struck out.

This clause deals with the grounds of objection to an application for registration as a land agent. I have no objection to the requirements preceding that relating to the standard of education, but I do not think we should set the committee up as a body for determining or prescribing that an applicant for registration should have passed the leaving standard or graduated at the University or something of that kind, because there are many people who are highly competent at work of this nature. I know personally of a couple in country districts whose standard of education originally was not very high but who, by dint of hard work and long experience, have become most successful land agents and are extremely honourable men.

**THE MINISTER FOR JUSTICE:** I feel that there should not be a high standard of education, but I think there should be some protection. The notes that I have here point out that this provision was inserted in the clause to ensure that the committee could refuse a licence to anyone whose knowledge of the English language was sketchy.

**Hon. A. F. WATTS:** That is a different matter. If you would like to insert a reference to a knowledge of the English language, I will agree.

**THE MINISTER FOR JUSTICE:** The notes point out that an applicant may be of excellent character in all respects, but his standard of education might preclude his being able to advise his clients in his best interests. Particularly is this so in the case of new Australian applicants whose knowledge of the English language, both oral and written, the committee often feels is so limited as to make it very doubtful whether they could understand the effect of contracts of sale and the technicalities of land holding, leases, mortgages, etc., which is so necessary if a land agent is to safeguard his clients' interests.

Some applicants do not specialise in land agency work but apply for a licence merely as an adjunct to some other form of occupation, and it is felt that more is required from a licensee than an ability to sell land and earn a commission. It is felt that if the standard of land agents is to be raised, a licensee should know sufficient to enable him to prevent his clients from entering into an unsafe form of contract, and to advise them about caveats and about the safeguards required in dealing with titles, local government by-laws, demolition orders, etc. A licensee with a poor knowledge of English, or with a low standard of education may well, even with the best intentions, allow clients to enter into the wrong sort of contract or to overlook some obvious safeguard in the deal he is handling.

If a land agent were able to point out that he had a licence, the public would perhaps consider that fact some guarantee

that he had sufficient knowledge and skill in the practice of land agency business to safeguard their interests. It is felt that too often persons get licences which enable them to earn a commission, but their lack of knowledge of the English language and local law and real estate conditions raise doubts whether they are qualified to look after and protect the interests of their clients.

So it is considered that some power should be given to the committee to refuse a licence on the grounds of the applicant's low standard of education or of the English language. The standard required would not necessarily be high, but should be sufficient to ensure that the applicant can read and understand regulations, by-laws and contracts. That is the information I have as to the purpose behind the provision. I do not feel that we should require a high standard of education. We know that there have been very eminent men in this House whose standard of education was not high. The late Phil. Collier reached only the fourth class at school, but he was one of our most outstanding statesmen.

Nevertheless, there are some new Australians who should have a knowledge of the English language and be able to understand contracts and that sort of thing before being licensed. I feel that the standard should be at least fifth or sixth class and they should be able to guide and protect their clients. I am reluctant at any time to judge a man on his standard of education; but if he has to carry out business transactions and deal with the public, he should at least be able to read and write and understand the English language to a certain extent.

Mr. COURT: The basis on which the Minister builds his argument is the question of a knowledge of the English language.

The Minister for Justice: Not altogether.

Mr. COURT: From what the Minister read out, that was the whole crux of the situation—that these people did not have a sufficient command of the language to be able to translate and interpret documents and town-planning by-laws and the like for their clients. If the Minister wants to achieve that end, why not use the words "a knowledge of the English language?" That is a matter on which the committee could decide with reasonable surety, and if the decision was objected to, it could be dealt with by the appeal body.

The Minister for Justice: Don't you think that applicants should know about transfers and so on?

Mr. COURT: I think the Minister has overlooked the words neighbouring on those which the amendment seeks to delete. In view of the inclusion of the words "or other qualifications to act as a

land agent" would it not be taken for granted that the committee, in the course of its duties in considering an applicant and objections to him, would weigh up his ability to handle land transfers, his general knowledge of values and such things as town planning orders and his knowledge of finance in regard to land transactions? The following words are therefore more important than those sought to be struck out.

The Minister for Justice: The standard of education is not a high one.

Mr. COURT: The general trend is to require higher educational qualifications and those entering the business world are now frequently required to be of leaving standard. I would be willing to accept, "a knowledge of the English language" or words to that effect but, "standard of education" is too vague.

Mr. LAWRENCE: As I read the provision, the wording relates solely to the occupation of land agent and there is nothing to say it refers to a scholastic education. Many successful land agents know nothing about conveyancing, for instance.

Mr. Bovell: They do not have to, under the Act.

Mr. LAWRENCE: If a man's standard of education is too low, he will not be licensed and I agree with the Minister that the words, "standard of education" are all that is necessary.

Hon. L. THORN: I am surprised at the member for South Fremantle who generally takes a commonsense view of these matters. If given this power the committee could fix the standard of education as high as it wished. A man might have reached fifth or sixth standard—

Mr. Lawrence: You are talking of scholastic education.

Hon. L. THORN: —and together with a measure of commonsense which is required in the business, that could be sufficient. A man with a reasonable education and ordinary commonsense could soon pick up the transferring of land and so on necessary for this occupation.

The Minister for Justice: Then he would have sufficient education.

Hon. L. THORN: Of course, a new Australian must have a knowledge of our language and its meaning, but I support the amendment because the committee could then recommend whether a person should be registered or not, although it could not fix a very high standard just to keep him out of the business.

Mr. Lawrence: The committee could fix the standard as high or as low as it liked.

Hon. L. THORN: It is the clerk of courts at Perth and Fremantle who finally issues the licence, as will be seen from the Press.

The Minister for Justice: But it has to go before the committee, and he signs it under instructions.

Hon. L. THORN: That is so. All necessary safeguards exist and therefore I support the amendment, because under this provision the committee could fix the standard at whatever level it wished.

Mr. BOVELL: The essentials for a land agent are honesty and high integrity. Many practising land agents have not achieved a high educational standard, but the Bill would leave the standard to be decided by the committee. Under the Act, land agents are not permitted to do conveyancing and so on but must engage a qualified legal practitioner to do that work. I agree that a knowledge of English and ability to write it are necessary, although a person could possess the highest integrity and be competent in the buying and selling of land on behalf of clients, without having a high educational standard.

The Minister for Justice: I have known successful business men who could not read or write.

Mr. BOVELL: The average level of educational attainment is higher today than it was a couple of generations ago.

Hon. J. B. Sleeman: What standard of education do you suggest should be provided for?

Mr. BOVELL: Sufficient to understand and interpret English as well as to write it, together with a reasonable knowledge of our currency system. The member for Toodyay said a clerk of courts issued the certificate in the country, but he does that only after a magistrate has dealt with the question. Under the Bill a magistrate might decide that the applicant must have articulated in order to qualify—

Mr. Lawrence: At what age did you leave school?

Mr. BOVELL: At 16 years of age and the junior standard was required when I entered the banking profession 30 years ago. In future even higher standards will probably be demanded, and it is common for a leaving certificate standard to be demanded even now. I might consider a certain standard of education necessary while somebody else might feel a different standard was warranted. There could be different interpretations under this measure. If the Minister agreed that the standard of education should be a sufficient knowledge of the English language, I would support him.

The Minister for Justice: I would accept an amendment along those lines.

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

That the words "standard of education" in line 18, page 19, be struck out.

Amendment put and passed.

Mr. COURT: I move an amendment—

That the words "knowledge of the English language both written and spoken" be inserted in lieu of the words struck out.

Mr. LAWRENCE: In talking about standards of education and after hearing some of the comments here, I would say that some members would not have got beyond third babies.

Hon. L. Thorn: We so seldom hear from you.

Mr. LAWRENCE: I will put the hon. member down to second babies in a moment.

Hon. L. Thorn: I would not take any notice of what you put me down to.

Mr. LAWRENCE: There is no mention in the Act that a person can be a land agent if he is not naturalised.

The CHAIRMAN: I do not think the hon. member can introduce that matter.

Mr. LAWRENCE: The clause should be tidied up. Before a person is naturalised, he must pass an English test.

Hon. J. B. Sleeman: That is not so.

Mr. LAWRENCE: In that case, I withdraw my remarks.

Amendment put and passed.

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

That the words "standard of education" in line 26, page 19, be struck out.

Amendment put and passed.

Mr. COURT: I move an amendment—

That the words "knowledge of the English language both written and spoken" be inserted in lieu of the words struck out.

Amendment put and passed.

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

That the words "any person in the employ of the partnership or" in lines 30 and 31, page 19, be struck out.

I would particularly refer members to paragraph (b) of Subclause (2). I do not think that the grounds of objection against a land agent should be the fact that at some time or other an employee of his has been guilty of wrong-doing, and that is what this subclause provides. I agree that the fraudulent conduct of any partner should be considered, but not of an employee for whom the proper remedy would be dismissal.

The MINISTER FOR JUSTICE: If we accept the amendment, we would leave a loophole for an employee who was the head and who could act in a fraudulent manner and get away with it.

Hon. A. F. WATTS: This says any person. It could go from the office boy upwards. If the Minister said "any manager or land salesman," I might agree; but not "any person."

The MINISTER FOR JUSTICE: If a fraud or anything dishonest were committed, a land agent could say that his employee acted without his knowledge and that he, the land agent, was not to blame. The committee would be obliged to accept this excuse if there was no evidence to the contrary. This, of course, could recur and the committee could do nothing about it. The Bill will enable the committee to warn the land agent who continues to retain the services of a dishonest employee and to point out that repetition of such conduct by such employee might mean the cancellation of his licence.

Mr. COURT: The whole of this clause deals with the licensing of land agents and has nothing to do with licensing of land salesmen, for which there is a separate provision. It seems harsh that a land agent who is respectable in every other way should be objected to on the ground that there had been dishonest or fraudulent conduct on the part of a person in his employ or in the employ of the partnership. If such an employee were to embezzle money it would be at the cost of the partnership and not of the client, because the principals would be liable.

The Minister for Justice: The principals need not be responsible for the action. They could get away with it time and again if there was no redress as regards the dismissal of the employee.

Mr. COURT: I can not see how the principals would not be liable. It is the partnership that has to make good the money with which the employee absconds. Under this provision, a reliable land agent could be penalised because an employee has committed an offence, even though the employee had been dismissed. It would probably be the intention of the principal concerned to dismiss the person, if he had not already been dismissed. It is an undesirable and unnecessary provision.

Amendment put and passed.

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

That after the word "any" in line 40, page 19, the word "such" be inserted.

The intention is to refer the provision back to the person who controls the affairs of the body corporate so that the dishonest or fraudulent conduct is related to such body.

The MINISTER FOR JUSTICE: The hon. member also seeks in another amendment to delete the words "in the employ of such body." The effect of the amendment will be that a company will lose its

licence and the executive or administrative officers or the person who substantially controls the affairs of the company are guilty of dishonest or fraudulent conduct, but not if it is the person employed by the company. This could have the effect of making the company a cloak for a dishonest or fraudulent employee. That is the experience of the advisory committee.

Hon. A. F. WATTS: It is not easy to understand the wording of this paragraph, but it amounts to this: Grounds of objection are made only to the extent that, in the case of an applicant applying on behalf of a body corporate, the grounds of objection relate to the financial position of the body or the character or business methods of any of the executive or administrative officers of the body or any person who controls the affairs of the body. I have no objection down to there.

From the dishonest or fraudulent conduct of any person in the employ of the body, we are back again where we were in regard to the last amendment, which the Committee agreed to. It is the same principle. I want to relate this dishonest or fraudulent conduct to the persons who are executive or administrative officers or a person who substantially controls affairs, and not to any employee from the office boy upwards.

The Minister for Justice: I will agree to it.

Amendment put and passed.

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

That after the word "person" in line 40, page 19, the words "in the employ of the body" be struck out.

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

Clause 24—Hearing of applications:

Hon. A. F. WATTS: This clause provides that the applicant shall, within the time specified by the committee, pay to the committee an appropriate fee prescribed by regulations. I am seeking to set a reasonable limit to that fee by adding the words "but not exceeding ten pounds." This is greater than the fee at present charged for a land agent's licence, but I think a limit of £10 would be reasonable. The regulations can prescribe less, but as the clause stands they could prescribe a lot more. I move—

That after the word "regulations" in line 21, page 21, the words "but not exceeding ten pounds" be inserted.

The MINISTER FOR JUSTICE: I cannot agree to this amendment. The fee of £7 10s. was fixed in 1953 in accordance with the then value of money. The value of money has dropped nearly 100 per cent. since then, and now it is proposed that a maximum fee of £15 be provided. We are

anxious to make our affairs pay as much as possible and this fee will help to pay the advisory committee for the work it is doing for the public of this State.

Another part of the clause provides for the licence fee to be fixed by regulation. I understand the intention was to increase this fee beyond the amount of £10, which is provided for in the amendment. A fee of £15 is reasonable and fair. I would not mind some differentiation between the metropolitan area and the country. There are many land agents in the country who are only rent collectors and they do very little business. There could be some differentiation, say, 50 miles from the metropolitan area, £15 and the maximum outside that radius £10.

Hon. A. F. WATTS: I thought the fee under the 1953 legislation, which is now in operation, was £7 10s., and I would suggest to the Minister that £10 is almost a direct relation to £7 10s. in 1953. There has not been such a substantial increase in anything we use as a yardstick, such as the basic wage, since 1953. It is a well known fact that the land agents at present are less prosperous than they were in 1953 and are likely to be so for a few years because there is not the big sale of properties that there was in 1953-54, at which time there was an upward surge. There has been a remarkable sliding down in recent times, and I think the Minister should set a maximum of £10 as a reasonable figure.

The MINISTER FOR JUSTICE: I feel that the Leader of the Country Party has missed the point. The increase of £2 10s. is very small, but collectively, so far as administration is concerned, it amounts to a good deal of money. I have been informed that £7 10s. is not sufficient.

Hon. A. F. Watts: I am giving you £10.

The MINISTER FOR JUSTICE: The increase asked is a small amount for any corporation, company or person to pay. On the ground of economy, I oppose the amendment. I feel a little bit for the people in the country where the business is not good. At places like Busselton and Esperance, most of the land agents are collectors and have not got very much scope. The only reason why they are not doing well in the metropolitan area is that we have too many land agents and it would not matter if they received their licence without a fee.

Amendment put and negatived.

Clause put and passed.

Clause 25—agreed to.

Clause 26—Cancellation of land agent's licence:

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

That the words "or a director of the body" in line 8, page 23, be struck out.

I do not think a body corporate ought to be delicensed because one of its directors has been up to something.

The MINISTER FOR JUSTICE: My information is that the present provisions dealing with the grounds for cancellation of a licence held by a company generally include dishonesty, convictions, etc., by a director. This is not to say that in every case of a director's conviction, etc., it will lead to the cancellation of the company's licence. The circumstances of each case will be considered by the committee. A person who would not be permitted to hold a licence could form a dummy company, with himself as a director, and so long as only he committed the offence of dishonesty or fraudulent conduct, he could go on using the company without his licence being in jeopardy.

Amendment put and negatived.

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

That all words after the word "Act" in line 14, page 23, down to and including the word "Act" in line 18 be struck out.

I fail to see very much difference between the provisions of subparagraphs (i) and (ii). I suggest that one is quite sufficient.

The MINISTER FOR JUSTICE: Land agents involved in some of the worst cases of fraud were never found guilty of an offence under the Land Agents Act but were found guilty of serious breaches under the Criminal Code, such as stealing and conversion of trust property. Their criminal acts would probably constitute offences under the Land Agents Act, too, but they were never charged under that Act, but were found guilty under the Criminal Code. Technically, they were never convicted of an offence under the Land Agents Act.

Hon. A. F. Watts: That is why I say that subparagraph (ii) is a much better protection.

Amendment put and negatived.

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

That all words in lines 27 to 31, both inclusive, page 23, be struck out.

Perhaps the Minister will agree that this is just duplication. I refer the Minister to the words contained in lines 5 to 23.

The MINISTER FOR JUSTICE: This ground was inserted to deal with the land agent who, although actually committing an offence under the Act, neglects his clients' interests or commits breaches of the duties he owes to his clients. It is not contemplated that every minor case of neglect or breach of duty will lead to an application for cancellation of licence. But if a land agent persistently neglects his clients' business or through negligence causes his client damage or inconvenience, then the committee should have power to discipline him. A legal practitioner can



be disciplined for neglect or undue delay in the conduct of the business of his client.

Mr. COURT: No doubt the Minister will have the previous amendment, that he opposed, further examined by the department. On this occasion it is obvious that the department has missed the point of duplication. I mention this so that the Minister can take the matter up with his advisers and point out that the greater includes the lesser. That is, there are more people covered where the offences are first mentioned. I refer to the offences under paragraph (b) (iii). The offences are repeated in every particular as far as I can see in the next subclause. The Minister has not undertaken at this stage to confer with his advisers on the matter.

The Minister for Justice: I will seek the information.

Mr. COURT: I would like him to admit that the words are a duplication.

Amendment put and negatived.

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

That all words in lines 40 and 41, page 23, be struck out.

After the land agent has done all the things mentioned in the clause, this provision—

Hon. J. B. Sleeman: Don't you reckon there is any other ground?

Hon. A. F. WATTS: There is no other ground which is worth disqualifying them on; that is a dead certainty.

The MINISTER FOR JUSTICE: Seemingly I must oppose this, too. This provision was taken from the South Australian Act; and in that State there is a Liberal Government. Although the clause sets out a number of grounds for cancellation of licence, it is impossible to anticipate all the deceitful and dishonest conduct that the human mind can conceive. There are instances where land agents talk clients, particularly elderly or inexperienced persons, into selling their property or entering into terms of payment, etc., that are nothing short of scandalous. Clients are induced to sell merely to provide sales for which the agent earns a commission. As the clients agreed to the sales, technically no offence is committed and it is doubtful whether the conduct could be proved to be dishonest or fraudulent. But no reputable agent would advise any client to sell on such terms.

Where an agent persistently induces clients to sell their land on most disadvantageous terms, it is considered he is not acting in the interests of his client. He is merely ensuring that he can take a commission from his client, irrespective of the bad bargain that his client has made. The agent is protected because he can show that his client agreed to the deal. It is felt that the grounds sought to be deleted

by the amendment should be retained so that a warning may at least be given to land agents to desist from such conduct. I feel that there should be no opposition to leaving the clause as it is worded. Consequently I oppose the amendment.

Mr. COURT: It is rather unusual for the Minister to adopt this attitude. Normally he is a sport and he gives people a sporting chance. But under this proposition they will not have a sporting chance because the colour of their hair could be brought into this argument.

The Minister for Justice: You have often shot a rabbit when it was squatting.

Mr. COURT: Rabbits used to be much safer, so far as I was concerned, when they were sitting still than on the move. One of the intentions of Parliament is to try to legislate in a manner that will enable people to know what the law is. Very often we do not succeed, but that is what we try to do. I think we should be specific, and if the Minister feels that there are other grounds, they should be written into the Bill so that a person can run through it and know what he is up for.

The Minister for Justice: It is not uncommon to have a blanket clause.

Mr. COURT: In certain circumstances; but this could be read to mean anything. It is true that there is a right of appeal, but that is not satisfactory because when he is charged it stirs up all sorts of issues and an innocent man could be victimised. The powers given in the rest of the clause are adequate to cover all the needs of the committee, and I think this is going too far. I hope the Minister will agree to the amendment.

Hon. A. F. WATTS: I have not the slightest doubt that all the things the Minister suggested as being examples of the additional wrong-doings that a land agent might embark upon are already covered by the provisions of this clause, without the retention of paragraph (e). I am definitely opposed to its retention in the Bill.

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

Clauses 27 and 28—agreed to.

Clause 29—Exemption from necessity of registration of employees of approved stock and station agents:

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

That all words after the word "Part" in line 1, page 25, down to and including the word "manager" in line 8 be struck out and the following words inserted in lieu—

a body corporate which is also an approved stock and station agent and which holds a land agent's licence pursuant to paragraph (b) of subsection (2) of

section twenty of this Act shall not be required to have a registered land salesman or a registered manager employed at any branch office of that body.

My intention is not to prevent the Minister from approving of stock and station agents. I do not object to that; in fact, it is merely part and parcel of the idea which underlies the amendment. While the stock and station agents we know today are thoroughly reputable corporations with records of public service behind them, it would be possible for someone to set himself up as a stock and station agent, who would not have these qualifications. So I have no objection to the Minister approving of certain people. But as I said on the second reading, I do not think it is reasonable that the manager of a branch office should be a registered land salesman, as this clause appears to provide.

The Minister for Justice: I agree to the amendment.

Hon. A. F. WATTS: Thank you.

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

Clauses 30 and 31—agreed to.

Clause 32—Objections to granting of application:

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

That the words "standard of education" in lines 32 and 33, page 27, be struck out.

This is now a consequential amendment, and the member for Nedlands can move to insert the other words.

Amendment put and passed.

Mr. COURT: I move an amendment—

That the words "knowledge of the English language both written and spoken" be inserted in lieu of the words struck out.

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

Clause 33 and 34—agreed to.

Clause 35—Cancellation of registration:

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

That after the word "of" in line 10, page 30, the words "neglect of" be inserted.

This is probably a printer's error because, as it reads, the clause does not make sense.

Amendment put and passed.

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

That paragraph (d) in lines 11 and 12, page 30, be struck out.

This is a consequential amendment on the one which has already been accepted by the Committee.

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

Clauses 36 to 46—agreed to.

Clause 47—Duty of land agent to furnish account:

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

That after the words "land agent" first appearing in line 17, page 38, the following words be inserted:—

then provided the property transaction is so far completed that money is due and payable to the person for whom he is acting or has acted.

The Minister for Justice: I agree to the amendment.

Amendment put and passed.

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

That the words "as required by subsection (1) of this section" in line 23, page 38, be struck out.

Those words appear to be in the wrong place in the clause. I have moved to delete them from the first portion of the clause and propose to insert them further down.

Amendment put and passed.

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

That after the word "days" in line 25, page 38, the words "in either case as required by subsection (1) of this section" be inserted.

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

Clauses 48 to 52—agreed to.

Clause 53—Inspections by authority of committee of land agents' records:

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

That the words "if required to do so by the person entitled to it" in line 18, page 49, be struck out.

The clause says that an authorised person may impound books and documents; and if required to do so by the person entitled to it, shall within a reasonable time give him a copy of the papers impounded. When records are taken away in that manner, in a case as serious as contemplated in this clause, the person concerned should not have to ask for a copy. It should be the duty of the authorised officer to give him a copy.

The MINISTER FOR JUSTICE: My information in regard to this amendment is that it could add considerably to the administrative work entailed in the inspecting and impounding of documents. Frequently documents taken away are very lengthy, like mortgages, and only a few of the clauses are relevant to the inquiry

for a few hours only. Upon the person having control of the documents being anxious to hand them over so as to assist the committee in its investigation, it seems an unnecessary addition to the work if copies of all documents impounded for however short a period and however long they may be, have to be made out and handed over, whether requested or not. A copy of any document may be asked for at any time.

A further amendment that the hon. member intends to move seeks to substitute "seven days" for "a reasonable time" as the time within which a copy must be handed over. It is considered that the amendment is unnecessary because frequently the document is handed back within a day or so. In the case of a simple receipt, if a copy were required urgently, seven days would be too long for a document which can be typed in a few minutes. It is considered better to leave it to the court, in the event of an alleged breach, to decide what is a reasonable time, having regard to all the circumstances.

Hon. A. F. WATTS: The Minister's argument is adopting a convenience. He says the documents will not be kept very long, and that they may be very lengthy, yet in the very next clause it is provided that they may be retained for six months. It is really justified that the person affected should be given a copy. After all, these investigations are being conducted not for the purpose of giving the land agent a Christmas party; they are conducted to ascertain whether he has been guilty of fraud, dishonesty or improper conduct.

If the papers are worth taking away, it is because the investigator is satisfied that they afford proof that these offences have been committed. In those circumstances, especially as the next clause provides that documents can be retained for six months, the person who is being charged or whose affairs are being investigated is entitled to have a copy. He may have been so upset at the time that he forgot to ask for a copy; then the Minister could say that he did not ask for a copy, so he would not be entitled to one.

The MINISTER FOR JUSTICE: I would not be so adamant if the person charged could not get a copy of the document. These people know what they want. They have only to make a request. The investigating officer should not be expected to supply copies of documents which are not required. Furthermore, the work would entail some expenditure and every care should be exercised in these days to effect economies.

Mr. COURT: This particular matter has been argued in this Chamber on many occasions. On reflection the Minister will agree that the expression "reasonable time" is so elastic that it could be unjust. That is the last thing we want to see. As

mentioned by the Leader of the Country Party, this is a time when the person concerned is subject to grave suspicion; he is subject to a rather harrowing experience because these investigations are never very pleasant.

Whilst we should not make it easy for the criminal or would-be offender, it seems to me that we have a responsibility to ensure that a reasonable opportunity is given to such a person to defend himself. If one studies the reason for this particular sub-clause, it is apparent that some statutory limitation must be fixed on the time, even if it is extended beyond the seven days proposed, to 14 or 28 days. I personally would prefer to see it not in excess of 14 days because that is long enough when this type of proceedings is going on.

Subclause (5) (b) states—

Where an authorised person considers it necessary to do so for the purpose of obtaining evidence for production in any possible subsequent proceedings against, or inquiry concerning, a land agent, he may impound or retain any book, account, paper, document . . .

The reason why the investigator is doing that is to obtain evidence against the person concerned. Surely we should make statutory provision for that person to have access to the information.

I would prefer the amendment moved by the Leader of the Country Party. The only compromise I would possibly accept, and very reluctantly, would be for the provision to remain as "if required to do so by the person entitled to it, shall within seven or fourteen days, etc." That would be a compromise on what is required by the Leader of the Country Party. It still places on the unfortunate person at a time when he is confused or embarrassed, the responsibility for asking for copies. He might omit to make that request. The Minister smiles—

The Minister for Justice: Land agents are wide-awake people.

Mr. COURT: Many persons who are charged for speeding or drunken driving are normally wide-awake and astute, but under pressure at the time they become nonplussed and they make statements which are held against them later, owing to the excitement of the moment. It has often been proved that such persons were subject to an emotional upsurge. The Minister cannot assure us that if a person omits to submit a request for copies and decides seven days later to ask for copies, he will get them.

The Minister for Justice: He can get them.

Mr. COURT: The Minister may interpret the clause that way, but investigators are not built in that manner. When they get

to the stage of taking proceedings, they naturally become severe, and they adopt the attitude that they are dealing with people trying to put something over them.

All that the amendment seeks to achieve is to give the person affected some legal right. It will not prejudice the investigator or the action of the committee. In fact, it will strengthen their case if it went before a magistrate, because they will be able to demonstrate that they gave the accused every opportunity by supplying copies of the documents. Therefore I think that even if the Minister will not agree to the amendment of the Leader of the Country Party, he should agree to some time restriction.

The MINISTER FOR JUSTICE: Why should the department or a particular organisation have to make a copy of all statements whether they are asked for or not? I think that is unreasonable. I would not mind agreeing to a time limit of, say, within 14 days; but I would not agree to having the right made emphatic that everyone must have a copy whether he wants it or not. Some documents are very lengthy and take time to prepare, and time costs money. Why make it so difficult when it is not necessary?

Amendment put and negatived.

Hon. A. F. WATTS: I intend to take the Minister at his word and move an amendment—

That the words "a reasonable time" in line 19, page 49, be struck out and the words "fourteen days" inserted in lieu.

Amendment put and passed.

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

That after the words "functions" in line 35, page 50, the words "but (d) not to any other person" be inserted.

The clause covers all the necessary persons, and I think there should be a degree of secrecy about the matter outside such people.

The MINISTER FOR JUSTICE: My information is that the subclause empowers any authorised person to communicate a report of any inspection, examination or audit to certain persons, and the amendment seeks to ensure that these matters are not communicated to any other person. It is pointed out that the amendment could be unnecessarily restrictive as, for instance, where the committee desires an authorised person as agent of the committee to report matters immediately to the C.I.B. for the purpose of initiating the issue of a warrant for an arrest, or to report the matter to the Minister in the case of an alleged breach of duty on the part of a registered auditor.

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

Ayes	14
Noes	20

Majority against ... 6

#### Ayes.

Mr. Ackland	Sir Ross McLarty
Mr. Bovell	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning

(Teller.)

#### Noes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. Marshall
Mr. Evans	Mr. Molr
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Steeman
Mr. Johnson	Mr. Toms
Mr. Lapham	Mr. Norton

(Teller.)

#### Pairs.

Ayes.	Noes.
Mr. Cornell	Mr. Hoar
Mr. Roberts	Mr. Potter
Mr. Oldfield	Mr. Rhatigan
Mr. Mann	Mr. Kelly
Mr. Brand	Mr. Hawke
Mr. Thorn	Mr. Tonkin
Mr. Grayden	Mr. May

Amendment thus negatived.

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

That after the word "or" first occurring in line 22, page 51, the word "knowingly" be inserted.

The MINISTER FOR JUSTICE: I have no objection.

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

Clause 54—Fidelity bonds:

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

That after the figures "1918" in line 2, page 52, the figures "-1931" be inserted.

I think this will be found to be in the full title of the Act.

The MINISTER FOR JUSTICE: I have no objection, though I am told there is really no need for the amendment because under modern drafting the year is not always included.

Amendment put and passed.

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

That the words "the sum of five thousand pounds" in line 9, page 52, be struck out with a view to inserting other words.

I would like to point out to the Minister that the words "one thousand pounds" in the amendment which I subsequently propose to move, and which appears on the notice paper, should be "two thousand pounds." The idea of striking out "five

thousand pounds" is to give the committee discretion as to the amount of bond required from the land agent in the light of the business he does and where he does it—to wit, in or out of the metropolitan area. As the Minister has said, there are some who are only rent collectors. I am not trying to impose any requirement on the committee; I want to leave the matter to its discretion. It should have discretion to vary the amount. Nor am I suggesting that when an amount is fixed at between £2,000 and £5,000 for one year, it should be left at that figure forever. Under the amendment, if circumstances warrant it, there will be an opportunity to alter the amount to some other figure not exceeding £5,000, if that is thought desirable in a subsequent year.

Amendment put and passed.

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

That the following be inserted in lieu of the words struck out:—

such sum not being less than two thousand pounds nor more than five thousand pounds as the committee approves and is hereby authorised to approve, having regard to the nature and extent of the business carried out by the land agent and whether the land agent carries on business within or outside a radius of twenty miles from the General Post Office at Perth.

The committee may and is hereby authorised to vary from year to year the amount of the bond between the minimum and maximum amounts mentioned, having regard to the increase or decrease of the extent of the business carried out by the land agent.

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

Clauses 55 to 60—agreed to.

Clause 61—Powers of committee in relation to inquiries:

Mr. COURT: I can find no provision for the defendant to be represented by counsel. The committee can appoint a legal practitioner to represent it but I would like to know whether it is the intention of the Government that counsel should be permitted to appear for the defendant. Under the Bill the supervising committee, I understand, has the same powers as a justice under the Justices Act.

The MINISTER FOR JUSTICE: I have not had an opportunity to study this but the accused person would be entitled to the services of counsel and there is no provision to the contrary. I do not see that any objection could be taken to his having representation by counsel.

Mr. COURT: Will the Minister undertake to have the matter examined by his officers with a view to inserting in line 33, page 62, after the word "person" the words "or counsel on his behalf"?

The MINISTER FOR JUSTICE: I will make the necessary inquiries.

Clause put and passed.

Clause 62—Apportionment of rates, taxes and outgoings:

Mr. COURT: The penalty in an earlier clause was agreed to on the undertaking that the penalty here would be reduced. I move an amendment—

That the word "two" in line 5, page 65, be struck out, and the word "one" inserted in lieu.

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

Clause 63—Limitations on advertising:

Mr. COURT: I understand representations have been made to the Minister in regard to this clause. I would like to know whether the matter has been considered, and with what result.

The MINISTER FOR JUSTICE: I would agree to an amendment regarding premises to let but apart from that, I think agents should advertise as land agents.

Mr. COURT: I move an amendment—

That after the word "business" in line 8, page 65, the words and brackets "(excepting advertisements of premises to let)" be inserted.

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

Clauses 64 to 82—agreed to.

Clause 83—Power to make regulations:

Mr. COURT: I have a query to raise on Subclause (2), paragraph (c) (i), page 76. It appears that this regulation provision gives power for the complete exemption of certain persons, bodies, etc., from the provisions of the Act.

Hon. J. B. Sleeman: It seems they can do anything they like with these regulations.

The Minister for Justice: It is a discretionary authority.

Mr. COURT: To whom? It means that the Government of the day through these regulations could place a section of people completely outside the law. It is a most unusual provision. If there are to be these exemptions, I would much rather see them specified, but this goes too far.

The Minister for Justice: The regulation still has to come to Parliament.

Mr. COURT: But that is a long time afterwards. We are wasting our time, because if the Government finds the Act is not working out it can pass a regulation

and exempt somebody from it. I would like to see it specific as to who is to be exempted.

**THE MINISTER FOR JUSTICE:** I will inquire about this and inform the Deputy Leader of the Opposition. It seems that members opposite are sceptical of the integrity of members of this Chamber, of the Ministers and of Cabinet.

**Mr. Court:** That is not right.

**THE MINISTER FOR JUSTICE:** We would not do anything to the detriment of the public. It is a discretionary authority that would be subject to the approval of the Minister and of Parliament. I move an amendment—

That subparagraphs (iii), (iv) and (v), lines 9 to 32, page 78, be struck out and the following inserted in lieu:

(iii) prohibit the incorporation in any agreement or contract of prescribed terms and conditions with respect to the rights, benefits, duties and obligations of land agents, and to prescribe those terms and conditions; and

(iv) regulate the terms and conditions of engagements and appointments of land agents and to prohibit such engagements or appointments except on prescribed terms and conditions and, without in any way affecting the generality of the foregoing, to regulate the terms and conditions of engagements and appointments which are referred to in paragraph (b) of Subsection (1) of Section 64 of this Act, and to prohibit such engagements or appointments except on prescribed terms and conditions.

**Mr. COURT:** This is an important provision. I understand it is the result of representations to the Minister to overcome subparagraphs (iii), (iv) and (v). In its original form it would have permitted promulgation by regulation of a prescribed form of contract and a variation of that prescribed form of contract. The situation could then arise where legal practitioners were completely by-passed by people who were not authorised to handle this type of contract, to the detriment of people engaging in those transactions. I would like the Minister's assurance that this amendment will overcome that position.

**THE MINISTER FOR JUSTICE:** The information I have on the subject is as follows:—

This power to make regulations so as to prescribe standard forms of contract to give effect to agreements negotiated by or on behalf of land

agents, etc., was copied from the Victorian Act. However, no standard form of contract has yet been prescribed in Victoria and present experience has shown that the occasion for prescribing standard forms of contract in this State has not yet arisen.

Proposed new subparagraphs (iii) and (iv) take the place of subparagraphs (iv) and (v) now appearing in the Bill. The effect is the same but is an improvement on the drafting. The function of subparagraph (iii) is to prevent there being incorporated in any agreement or contract made between a vendor and purchaser, who have been brought together by a land agent, certain terms and conditions which have nothing to do with the rights or benefits of either the vendor or the purchaser but are included solely for the benefit of the land agent.

Such a term, for instance, could be a provision that if the vendor desires to sell at any time, he will sell only through the land agent, or will appoint the land agent the sole agent for selling the property for some period after the purchaser decides to sell.

Another objectionable term is that where a land agent negotiates the sale of leasehold property or a lease of property, there is included in the lease a provision that the lessee will not assign the lease or sell his interest to any person unless the land agent, at his sole discretion, approves of such person. Such a term could be used not to ensure that the lessor gets a responsible tenant but that the lease cannot be assigned or transferred without the land agent negotiating the assignment, thus becoming entitled to a commission.

It is felt that when an agreement is made between a vendor or purchaser or a lessor or lessee, the terms and conditions should be only such as are for the benefit of the parties to it, and that the land agent should not be enabled to insert terms and conditions which are done so only for his benefit.

Subparagraph (iv) gives the power to make regulations to regulate the terms and conditions of engagements or appointments of land agents. This power is included for the purpose of preventing land agents prevailing upon inexperienced or trusting clients to agree to a commission or terms of remuneration which may be far in excess of those charged by reputable agents. For instance, some land agents induce their clients to agree to pay the land agent as commission all moneys received above a certain price. The price fixed is often well below the true value of the property and the land agent thus becomes entitled to charge a fee and gain a profit far in excess of the usual remuneration.

A further objectionable term, which it is hoped will be excluded, is a provision that the land agent is entitled to keep any deposit received irrespective of whether the sale goes through or irrespective of whether the sale may break down through wrongful misrepresentation or other improper conduct on the part of the land agent.

The function of this power to make regulations is to ensure that all agents will enter into the same type of engagement or appointment as is done by more reputable land agents.

Mr. COURT: Does that mean that subparagraph (iii) on page 78 has now virtually been withdrawn, and that the amendment takes the place of subparagraphs (iv) and (v)?

The Minister for Justice: Yes.

Amendment put and passed.

Mr. LAWRENCE: I am interested in regard to line 34, page 78. It appears to me that the paragraph shown as (i) should be deleted because it has already been referred to by the Leader of the Country Party. It refers to respective standards of education and training so as to prescribe those qualifications. I would like some clarification from the Minister.

The Minister for Justice: I think it requires an amendment.

Mr. COURT: I move an amendment—

That the words "respective standards of education and training" in lines 38 and 39, page 78, be struck out and the words "knowledge of the English language both spoken and written" be inserted.

The Minister for Transport: Will that make sense?

Mr. COURT: I do not think so. It might be better if the clause were left as it is and the Minister took it up with Crown Law so that it will be consistent with the other amendments that have been made. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR JUSTICE: I move an amendment—

That the word "education" in line 38, page 78, be struck out.

The Minister for Transport: I think we should have another look at it.

Mr. COURT: It would be better if the Minister allowed the clause to go through as it is in order that it could be looked at by Crown Law.

The MINISTER FOR JUSTICE: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Cause put and passed.

Title—agreed to.

Bill reported with amendments.

## MOTION—STATE FORESTS.

### *To Revoke Dedication.*

Debate resumed from the 24th October on the following motion by the Minister for Forests:—

That the proposal for the partial revocation of State Forests Nos. 4, 7, 14, 22, 33, 37, 38, 49 and 51, laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 23rd day of October, 1957, be carried out.

MR. WILD (Dale) [10.10]: This is the usual forestry revocation motion which is brought forward at the end of each session. It has been laid on the Table of the House for a number of days and I have perused each of the alterations it is intended to make, and have no objection to them. There is one affecting the townsite of Karragullen, which is an excellent proposal, because up to the present the town has been a little divided and this will allow it to be one section on its own. Unless any other member has any objection to these revocations, I support the Bill.

MR. BOVELL (Vasse) [10.11]: In the Bill there is reference to an area of land south of Busselton—

The SPEAKER: I would point out to the hon. member that this is a motion, not a Bill.

Mr. BOVELL: Thank you, Mr. Speaker. There is an area of land of approximately 350 acres south of Busselton and it is the largest revocation included in the schedule submitted by the Minister. I understand the area does not carry any quantity of marketable timber and, therefore, the Forests Department has agreed to lease it for the purpose of allowing it to be utilised for agricultural purposes by an adjoining farmer. I am pleased that the land is to be made available for agricultural production. I have made representations to the Minister for Forests concerning areas in the Augusta district and he has asked me for details in connection with these. I support the motion.

Question put and passed.

On motion by the Minister for Forests, resolution transmitted to the Council and its concurrence desired therein.

## BILL—ELECTORAL ACT AMENDMENT (No. 2).

### *In Committee.*

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

Mr. HEARMAN: I draw attention to the state of the Committee.

The CHAIRMAN: I have counted the Committee. There is a quorum present.

Clauses 1 and 2—agreed to.

Clause 3—Section 90 repealed and re-enacted with amendments:

Mr. BOVELL: This clause is the crux of the Bill. Virtually it eliminates the existing system of voting by post and inaugurates one that will allow voting to be done in a different manner. The system it proposes would appear to be cumbersome in regard to the handling of the votes of electors who, for one reason or another, are unable to attend the polling place. The system proposed will prevent a number of electors from exercising their franchise. They may become ill two or three days before election day and not have time to go through the procedure outlined in the measure. I oppose the clause.

Mr. NORTON: The clause is not very workable in those parts of the country which use the postal vote system for the recording of votes at an election. My amendments will make it workable in those areas. The outback areas rely a great deal on surface mail and if the votes have to be transmitted as suggested in the clause, there would not, in many cases, be time for their transmission backwards and forwards. I move an amendment—

That the words "to the Chief Electoral Officer or to a Returning Officer" in lines 29 and 30, page 2, be struck out with a view to inserting other words.

Amendment put and passed.

Mr. NORTON: I move an amendment—

That after the word "paper" in line 31, page 2, the following be inserted—

- (i) to the Chief Electoral Officer; or
- (ii) to a Returning Officer; or
- (iii) to a Clerk of Courts, or a member of the Police Force, appointed by the Minister to issue postal ballot papers, if the elector is within the North-West area as defined in the Electoral Districts Act, 1947, or in any other part of the State declared to be a remote area under the provisions of section ninety-three of this Act.

Later the expression "remote area" is defined and it would, I take it, allow such places as the member for Stirling mentioned, to get the ballot papers more easily. Any town of a reasonable size has either a police officer or a clerk of courts and it is a simple matter for an elector in remote areas to get a ballot paper to one or other of them and returned in time.

Amendment put and passed.

Mr. NORTON: I move an amendment—

That after the word "officer" in lines 23 and 39, page 3, the words "or Clerk of Courts or member of the Police Force" be inserted.

This is consequential.

Mr. Ross Hutchinson: Have you checked with the Electoral Office and does it feel that this is workable and sound?

Mr. NORTON: I have checked it with the Minister, who has checked with the department.

Amendment put and passed.

Mr. JOHNSON: I move an amendment—

That the words "and numbered with the number endorsed on the application" in lines 2, 3 and 4, page 4, be struck out.

This refers to the ballot paper envelope. When studying the Bill, I reached the conclusion that if the envelope were numbered with the same number as all the other requirements, it would be just possible, if someone so desired, to trace the manner in which a particular elector had voted. I know it would be extremely difficult to do so, but not completely impossible. With the number deleted, I feel it would be absolutely impossible for any vote to be traced.

Mr. Ross Hutchinson: Why is the number there?

Mr. JOHNSON: I discussed it with the Chief Electoral Officer and his idea was that it made it easier to handle.

Amendment put and passed.

Mr. NORTON: I move an amendment—

That after the word "Officer" in lines 19, 24, 30, 31, 34 and 38, page 4, the words "or Clerk of Courts or member of the Police Force" be inserted.

This also is consequential.

Amendment put and passed.

Mr. BOVELL: At the outset I opposed the clause as a whole. The Committee has amended certain parts of it and I raised no objection to the amendments, but I feel that, in effect, the main object of the clause remains unaltered. I still voice my opposition to the clause because it alters the whole system of postal voting.

The Minister for Justice: Which predominates throughout Australia and includes the Commonwealth.

Mr. BOVELL: I do not know whether it does predominate throughout Australia, although I know it is the Commonwealth system.

The Minister for Justice: And that of every other State of Australia.

Mr. BOVELL: I oppose the clause.

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

Ayes	.....	20
Noes	.....	13
Majority for	.....	7



Ayes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. Marshall
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Heal	Mr. Rodoreda
Mr. W. Hegney	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Lapham	Mr. Evans

Noes.

Mr. Bovell	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Crommelln	Mr. Perkins
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	

(Teller.)

(Teller.)

Clause, as amended, thus passed.

Clauses 4 and 5—agreed to.

Clause 6—Section 93 repealed and new section substituted:

Mr. BOVELL: This is a new departure which gives a privilege to residents in the North Province and the North-West which is not given to other parts of Western Australia. I do not deny the rights of these people to have special privileges, but as the Government has submitted a system in this Bill in which an elector can be permanently enrolled as a postal vote elector, I think the privilege should be extended to some people other than those residing in the North-West.

The Minister for Justice: In remote parts of the State.

Mr. BOVELL: There are people who, through infirmity or illness, are unable to attend the polling booth, and will never be able to attend one. I believe they should have the right to be registered as permanent postal vote electors. I would like to include a new subclause to read as follows:—

The provisions of this section shall also apply to electors throughout the State who by reason of age and/or infirmity, are precluded from attending a polling place in person.

Will the Minister give me his opinion on it, because I know it would be appreciated by a number of people who are permanently incapacitated?

The MINISTER FOR JUSTICE: I must emphatically oppose this amendment. I think it is rather foolish because even though people are infirm, they are accessible and there is nothing to stop them making application. The only reason this privilege, as the member for Vasse calls it, is given to people in remote areas, is because they are not accessible. That privilege should not be given to people who live only two or three miles away, such as the Old Men's Home or the old ladies' homes. They can make applications up to 6 o'clock on the day prior to polling day. Under this Bill, people going to the Eastern States will be able to make applications for postal votes 10 days prior to the writ being issued.

At the moment there are a number of people who are disfranchised because of travel, but if this Bill is agreed to they will be able to apply at various centres in the Eastern States in the same way as the Commonwealth makes use of the State for postal votes. I think the member for Vasse has been prompted in regard to the opposition to this Bill, and I can imagine what its reception will be. I think they have been doing so well with postal votes, and in most instances illegally, that that is why they are opposed to it.

If the provisions of the Bill are put into operation, it will keep the whole business clean and above board. This is a procedure in operation throughout the Commonwealth and there is no reason why there should be any opposition to it. The Deputy Leader of the Opposition wants uniformity, and I wonder what he thinks of it on this occasion. I cannot agree to the suggestion of the member for Vasse because applications can be left at the institution for these people, and they can fill them in.

Mr. BOVELL: The Minister has made some sweeping statements. He said that "they" — whoever "they" may be — have been getting the greatest number of postal votes, and illegally, too. I do not know to whom he was referring.

The Minister for Justice: You are quite conscious?

Mr. BOVELL: I do not want to misinterpret the Minister's intentions and he will have an opportunity of qualifying the remarks he has just made. I am surprised that he has not received my proposed amendment with more consideration. In order to test the Committee on this matter, I move an amendment—

That after Subclause (5), page 7, a new subclause be added to stand as Subclause (6) as follows:—

The provisions of this section shall also apply to electors throughout the State who by reason of age and/or infirmity are precluded from attending a polling place in person.

The MINISTER FOR JUSTICE: This is impracticable. People are not sick and infirm all the time.

Mr. Bovell: Some of them are.

The MINISTER FOR JUSTICE: Only a limited number.

Mr. Bovell: That is all the more reason why you should agree to it.

The MINISTER FOR JUSTICE: This will make the position a farce and I am surprised at the hon. member for introducing it. No wonder the members for Vasse and Cottesloe are smiling; they must realise it is ridiculous.

Mr. RODOREDA: I think the member for Vasse has missed the whole purport of this clause. He believes the people cannot get to the polling booth and that is his reason for the proposed amendment. The reason for the clause is that most of the people in the remote areas of the State have not the time to obtain the ballot papers and to return them before the voting is closed. I doubt whether the proposal will have the success anticipated, even in the remote areas. To suggest that a person can apply one day for a ballot paper and expect it the next day is not practicable. The post office and the returning officer in the district are available to such people, but often there is a mail only once a fortnight. If the proposal is agreed to, it will not be possible to get the necessary papers sent out and returned in the requisite time.

The amendment proposed by the member for Vasse would make it impossible to keep an up-to-date roll of the infirm people in the district. Electors change so rapidly that clerks will have to be engaged full time to keep the roll up to date. I oppose the amendment.

Mr. BOVELL: In my electorate there are quite a number of aged and infirm people who at election time desire to record votes. For the past ten years or more, many of them have been confined to their homes on account of illness. If the proposal contained in the Bill is agreed to, they will have to apply for a postal vote at each election. Aged and infirm people should be able to apply to the Chief Electoral Officer to be placed on the list of permanent postal voters. I agree that some evidence would have to be adduced by them to prove they are permanently incapacitated. Having done that, they should automatically receive a ballot paper through the post at each State election.

Mr. Rodoreda: Why could they not apply themselves at each election? The voting is compulsory.

Mr. BOVELL: It is not compulsory in respect of the Legislative Council. I am trying to make it easy for infirm and aged people to record votes on similar lines to those applicable to people living in the outback.

The Minister for Justice: Many of them will die off in time, and a record will have to be kept of the deaths.

Mr. BOVELL: I am surprised to hear that objection being raised. At present the electoral officers are constantly checking records of deaths to keep the rolls up to date. To apply the Minister's objection, it might be contended that we should not be on the rolls because we will all die some day. That should not be a reason to prevent us from being enrolled.

Mr. JOHNSON: I have some sympathy with the amendment proposed by the member for Vasse. However, I am not in

full agreement with the wording. It leaves the position wide open for any person to apply for a postal vote, without producing proof of infirmity. It would be more acceptable if the list of such people was fairly restricted. Speaking from personal experience, I know there is a fair number of people in my electorate who are regarded as permanently infirm. I would agree to those people and others confined to wheel chairs, who are suffering from acute rheumatism or similar diseases, receiving the ballot papers from the electoral office by post the day after nominations have been received.

That would overcome all the queries I have against the present postal voting system. I see a real necessity to confine the list of such people to those who are able to satisfy the Chief Electoral Officer that not only were they at the time of application unfit to attend to electoral matters, but they expect to be permanently unfit. As was pointed out by the member for Pilbara, the principle under proposed Section 93 (1) is to overcome the very poor mail service in the North-West.

Amendment put and negatived.

Clause put and passed.

Clause 7—agreed to.

Clause 8—Section 95 repealed and re-enacted with amendment:

Mr. NORTON: I move an amendment—

That Subsection (2) in lines 32 to 35, page 8, be struck out.

That provision is very harsh. A person seeing a friend leaving Carnarvon and asking, "Have you recorded your postal vote? If not, you had better do so," would be committing an offence within the meaning of this provision, because that person would be inducing the other to accept a ballot paper. Similarly, any person suggesting to a woman approaching maternity that she should obtain a postal vote before it was too late, would be committing an offence. If somebody overheard that remark being made, he could report the matter to the Chief Electoral Officer.

Mr. BOVELL: This is a dangerous provision. If strictly interpreted, every member of Parliament who tries to ensure that a person voted would be liable under this provision.

Amendment put and passed.

Mr. HEARMAN: I would like to hear some explanation from the Minister with regard to Subsection (5) on page 9. If it is meant that after a person has obtained a ballot paper and filled it in, and someone said to him, "I shall post it for you," the latter would be committing an offence. That could be the interpretation placed on this provision.

Mr. Bovell: If a person asked another to post a ballot paper for him he could be committing an offence.

The Minister for Transport: That is not inducing a person to hand over a ballot paper.

The MINISTER FOR JUSTICE: This provision says that a person shall not persuade or induce an elector to hand over to him a postal ballot paper upon which a vote has been recorded. That is after the ballot paper has been filled in. If the ballot paper is enclosed in an envelope, it can hardly be an offence for someone to post it. After all, the envelope has to be handed to someone—the postman or the postal officer. The provision cannot be interpreted in the way outlined by the member for Blackwood.

Mr. HEARMAN: The point is that the clause says a person shall not "persuade or induce" anybody, so the Minister's argument falls down if a person just hands over a paper. But if the person says, "I will post it for you," he commits an offence. I think the Minister should agree to some sort of clarification or a proviso to say that it is not an offence to ask a man to hand over his ballot paper for the purpose of posting it.

The Minister for Justice: We will have it clarified for you.

Mr. JOHNSON: Subclause (5) deals with a postal ballot paper on which a vote has been recorded and deals with it prior to its having been put into an envelope.

Mr. Hearman: It doesn't say so.

Mr. JOHNSON: If Subclause (4) and (5) are read together, I think it will be seen there is not the slightest doubt that that is what is meant. It is intended to deal with cases in which a person induces a voter to hand over a ballot paper on which a vote has been recorded so that the said person may do something he should not do. Nobody is likely to be proceeded against unless he is attempting to do something that will violate the secrecy of the ballot or alter the intentions of the voter. If the ballot paper has been put in an envelope, it becomes an offence to open the envelope. But it does not appear to be an offence to persuade someone to hand over an envelope for posting.

Mr. HEARMAN: I can understand all that as well as the member for Leederville. I am not complaining about the intention, but about what it says. We do not need a long dissertation from the member for Leederville in order to understand what is meant. The point is that it says a person shall not persuade or induce an elector to hand over to him a postal ballot paper. On the other hand, an elector could hand over a ballot paper and say, "Put it in an envelope for me" and there would be no offence committed. The intention is probably quite all right, but the subclause does not say exactly what is meant to be said, and the Minister should consider some clarification.

Mr. Johnson: You will find the same words in the Commonwealth Act.

Mr. HEARMAN: That does not vindicate it.

Mr. Andrew: It has worked all right.

Mr. HEARMAN: That may be so, but it does not overcome my objection. Will the Minister accept an amendment?

The Minister for Justice: No; but I will have the matter clarified.

Hon. A. F. WATTS: It will be noticed that the words "shall not persuade or induce" are exactly the same as those which were in the subclause to which the member for Gascoyne took exception, and which I think was deleted. Everybody seemed to agree with the hon. member that those words could be construed as meaning "shall not ask." Why cannot the same words used in this subclause be construed in the same manner? Apparently, the Minister agreed with the member for Gascoyne that that could be the construction placed upon the words, and thereby the provision be rendered ridiculous. Why can he not agree with the member for Blackwood when precisely similar words are used here?

Mr. BOVELL: I would like some clarification on Subclause (9). Does it mean that somebody in a hospital must not give anyone an application form for a ballot paper?

Hon. A. F. Watts: Unless authorised in writing by the Chief Electoral Officer.

Mr. BOVELL: That seems to me most ridiculous. A matron could not hand out application forms to patients.

Clause put.

The CHAIRMAN: The noes have it.

Mr. BOVELL: Divide! The Minister is not clarifying anything.

Division taken with the following result:—

Ayes	....	....	....	....	19
Noes	....	....	....	....	13

Majority against	....	6
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Ayes.

Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Caffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Rodoreda
Mr. Heal	Mr. Sleeman
Mr. W. Hegney	Mr. Toms
Mr. Jamieson	Mr. Norton
Mr. Johnson	

(Teller.)

Noes.

Mr. Bovell	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Crommellin	Mr. Perkins
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	

(Teller.)

Pair.

Ayes.	Noes.
Mr. Hoar	Mr. Cornell
Mr. Potter	Mr. Roberts
Mr. Rhatigan	Mr. Oldfield
Mr. Kelly	Mr. Mann
Mr. Hawke	Mr. Brand
Mr. Tonkin	Mr. Thorn
Mr. May	Mr. Grayden
Mr. Sewell	Mr. Ackland

Clause thus passed.

Clauses 9 to 15, Title—agreed to.

The CHAIRMAN: The question is that I do now report the Bill to the House.

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

Ayes	19
Noes	13

Majority against .... 6

Ayes.

Mr. Andrew	Mr. Lapham
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Rodoreda
Mr. Heal	Mr. Sleeman
Mr. W. Hegney	Mr. Toms
Mr. Jamieson	Mr. Norton
Mr. Johnson	

Noes.

Mr. Bovell	Mr. Nalder
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Perkins
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	

Pair.

Ayes.	Noes.
Mr. Hoar	Mr. Cornell
Mr. Potter	Mr. Roberts
Mr. Rhatigan	Mr. Oldfield
Mr. Kelly	Mr. Mann
Mr. Hawke	Mr. Brand
Mr. Tonkin	Mr. Thorn
Mr. May	Mr. Grayden
Mr. Sewell	Mr. Ackland

Question thus passed.

Bill reported with amendments.

### BILL—BILLS OF SALE ACT AMENDMENT AND REVISION.

#### Second Reading.

Debate resumed from the 24th October.

MR. COURT (Nedlands) [11.15]: This important but not very exciting Bill seeks a desirable amendment to our bills of sale law which, of course, is a vital part of our commercial dealing. In fact, without a sound Bills of Sale Act. I think it is reasonable to say much of our commercial dealing would collapse, as that law makes financial and other assistance possible which otherwise would be unavailable to the commercial world.

The object of the Bill, as explained by the Minister, is to modernise and clarify the Act, and with that we agree. Introducing the Bill, the Minister quoted at length from submissions by a Law Society committee and I think he clearly set out

the objects of the measure and what it would achieve. From my examination of the Bill, it is apparent that it makes no attempt to introduce new principles, and I doubt whether that could be done without completely upsetting established commercial practice, as this is an old-established law.

However, considerable uncertainty has existed regarding certain practices and the present is a good time to tidy up this law. It is not until there is a trade recession that securities are tested out, as at such times debtors and creditors examine the validity of securities and there are many people vying for security on behalf of those they represent. At present, because there are more meetings of creditors being held and more receiver-ships and liquidations taking place now than for some time previously, this is a good time to tidy up this law.

The Minister for Justice: The Law Society committee went into it very thoroughly.

Mr. COURT: That is so, and it is apparent that for once there has been consultation with an outside and responsible and knowledgeable body in order that the law might be amended in a practical way. It would be ironical, if the Bill becomes law, for flaws then to be found in the legislation, because this is one occasion on which the legal profession will not be able to chide lay members of Parliament for bringing down bad law. If ever there was an occasion when the legal profession, both in the Crown Law Department and in private practice, were consulted, this is it, and so we hope they have hit the bulls-eye and have produced a measure that will stand the test of time.

One provision of the Bill will make searching easier in future. Searching in the Bills of Sale office is an important matter in credit giving. Under the new system of indexing, there will be three separate indexes for debentures, hire-purchase agreements and bills of sale of other forms, and it will not be necessary to search through the lot to find what is wanted. Another provision will permit a degree of latitude in the form of a bill of sale. Students of accountancy who must study this law as part of their degree, together with the legal profession, are conscious of the fact that the present law is inflexible and that technicalities can render completely void a security which on the surface appears to be good.

Now power to determine whether latitude should be granted is retained by the court, which is to be given discretion to determine whether a technical error is of significance in respect of a security and whether the security can remain valid. Certain provisions now out of date are being removed, and I refer particularly to distress for rent and the provision regarding British

ships. The position relating to debentures has been clarified and there will no longer be uncertainty about their registration.

A further desirable provision extends from seven to ten days the time for registration of bills of sale signed in the metropolitan area. The provision for seven days was impracticable and judges had often to be consulted in Chambers to get formal permission to register bills of sale out of time. This provision will be of great help, allowing for the intrusion of holidays which occur.

Although I will not explain all the provisions exhaustively, I wish to mention that regarding renewals. Under the existing law a person could theoretically have gone straight down after a bill of sale had become effective and could have renewed it for a further three years, giving it a six-year period, for all practical purposes. I do not know whether the provision was ever abused in that way but under this Bill the renewal can only be undertaken in the last 60 days of the three-year period. I support the measure.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

### **BILL—CATTLE TRESPASS, FENCING, AND IMPOUNDING ACT AMENDMENT.**

#### *Second Reading.*

**THE MINISTER FOR HEALTH** (Hon. E. Nulsen—Eyre) [11.27] in moving the second reading said: Briefly, this Bill will empower local authorities, that is, a council of a municipality under the Municipal Corporations Act, 1906, and the board of a road district under the Road Districts Act, 1919, to make by-laws prescribing what should be a sufficient fence as referred to in Section 30 of the Cattle Trespass, Fencing, and Impounding Act.

Section 30 deals with a sufficient fence and provides that the term should be construed to mean any substantial fence reasonably deemed sufficient to resist the trespass of great and small stock, including sheep, but not including goats and pigs. The section further provides that, in the event of the sufficiency of the fence being disputed, a court should settle the question. However, the section does not make any real attempt to define what may be regarded as a sufficient fence and the lack of a satisfactory definition has created a considerable amount of confusion.

Upon thought, the conclusion has been reached that, as fence requirements vary widely throughout the State, rather than provide a uniform definition, each local authority should be allowed to make its own definition. Here again, of course, the

areas in a council or road board district vary. For instance, there may be built-up areas such as residential and rural areas. To meet this situation, the local authority is not only authorised to make its own by-laws regarding a sufficient fence erected in its own district, but it is authorised to make them either for the whole or any part of the district. This will mean that fences of different classes may be described as sufficient fences for different parts of the district.

When a local authority so prescribes, the Bill provides that the by-law shall have effect in lieu of, and notwithstanding, the terms of Section 30 (1). This arrangement should be much more satisfactory than the present provision, and it will overcome difficulties where a person cannot obtain half the cost of constructing a dividing fence because it is not considered to be a sufficient fence. As will be seen, provision is made for each local authority to make its own definition of a fence to suit the requirements in its locality. That is far better than having one definition of a fence for the whole State. I move—

That the Bill be now read a second time.

On motion by Mr. Crommelin, debate adjourned.

*House adjourned at 11.32 p.m.*