will be seen that although wages and insurance allowances have increased, the percentage paid out has decreased by at least 5 per cent.

Hon. A. V. R. ABBOTT: Those figures do not include outstanding claims and the loss ratio for many companies is at present well over 100 per cent. I suggest that the loss ratio of the State Insurance Office is at least 100 per cent. for this year, and that without any increase premiums would have to go up next year. I remind members that each amendment I have on the notice paper would give the worker an increase on existing rates of at least 20 per cent.

Mr. Moir: Do you think we should lag behind the other States?

Hon. A. V. R. ABBOTT: We are lagging behind Victoria only, and that State has not yet had experience of its new Act.

Mr. JOHNSON: At page 4 of the Auditor General's report, dealing with the State Insurance Office for the year 1952, under the heading of "Surplus on Workers' Compensation General Accident", there is shown an increase of £49,285 compared with the figures for the previous year. The surplus on the workers' compensation industrial diseases section shows an increase of £42,533 over the previous year, due to an increase in premium income. I suggest that that document does not agree with the gloomy forecasts of the member for Mt. Lawley.

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

Ayes	19
Noes	15
Majority for	4

Ayes.	
Mr. Brady	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Norton
Mr. W. Hegney	Mr. Nulsen
Mr. Hoar	Mr. O'Brien
Mr. Jamieson	Mr. Rhatigan
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Styants
Mr. Lapham	Mr. May
Mr. Lawrence	*(Teller.)*

Noes.	
Mr. Abbott	Sir Ross McLarty
Mr. Ackland	Mr. North
Mr. Brand	Mr. Oldfield
Mr. Cornell	Mr. Watts
Mr. Court	Mr. Wild
Mr. Doney	Mr. Yates
Mr. Hearman	Mr. Hutchinson
Mr. Manning	*(Teller.)*

Pairs.	
Ayes.	Noes.
Mr. Guthrie	Mr. Bovell
Mr. Tonkin	Mr. Owen
Mr. Heal	Mr. Nalder
Mr. Sewell	Dame F. Cardell-Oliver
Mr. Andrew	Mr. Thorn
Mr. J. Hegney	Mr. Mann

Clause, as amended, thus passed.

Progress reported.

BILL—WHEAT MARKETING.

Returned from the Council without amendment.

House adjourned at 11.42 p.m.

Legislative Council

Wednesday, 21st October, 1953.

CONTENTS.

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

ADDRESS-IN-REPLY.

Presentation.

The PRESIDENT: I have to announce that, in company with several members, I waited on His Excellency the Governor and presented the Address-in-reply to His Excellency's Speech, agreed to by the House, and that His Excellency has been pleased to make the following reply:—

> Mr. President and hon. members of the Legislative Council: I thank you for your expressions of loyalty to Her Most Gracious Majesty the Queen, and for your Address-in-reply to the Speech with which I opened Parliament.

QUESTIONS.

RAILWAYS.

As to Haulage of Pyrites and Freight.

Hon. J. M. A. CUNNINGHAM asked the Chief Secretary:

(1) Is it a fact that the recent 25-35 per cent. freight increase, by reason of an alteration to the "M" rate, will mean an actual 58 per cent. increase to goods carried under the "M" rate?

(2) What will be the actual percentage increase of freight payable on pyrites from Norseman?

(3) (a) What was the tonnage of pyrites hauled from Norseman from September, 1952, to September, 1953?

(b) What were the freights paid on this tonnage?

(c) What would be the freight payable for a similar tonnage in the coming year purely on account of the increase?

(d) Taking into account the proposed alteration in "M" rate, plus the 35 per cent. increase, what would be the freight payable for the coming year on a similar tonnage as in (a)?

(4) What was the estimated working loss attributable to the Esperance branch for last year?

(5) Are trucks used for coal haulage suitable for haulage of pyrites?

(6) Are trucks for coal haulage to Kalgoorlie and Norseman used to any great extent for back-loading of pyrites to superphosphate works?

(7) What additional amount did these trucks earn by this back-loading?

The CHIEF SECRETARY replied:

(1) No. The increase in "Miscellaneous" Class rate is 35 per cent.

(2) 35 per cent.

(3) (a) 51,117 tons.
(b) £121,450.
(c) £164,000.
(d) Answered by No. 1.

(4) £212,554.

(5) Yes.

(6) No.

(7) This information is not available.

ELECTRICITY SUPPLIES.

As to Provision for Menzies-rd. Area

Hon. H. S. W. PARKER asked the Chief Secretary:

(1) Does the State Electricity Commission intend to supply electric current for lighting and power to all habitations in the Menzies-rd. area of the Canning Road Board? If so, when?

(2) If it is not intended to supply such area—

(a) what is the reason for such refusal;

(b) Will the State Electricity Commission purchase all electrical plant installed by settlers or recompense settlers for any such expense when electricity is eventually supplied?

The CHIEF SECRETARY replied:

(1) Potential consumers in the Menzies-rd. area of the Canning Road District are scattered. The commission proposes to reexamine this area shortly.

(2) (a) Answered by No. (1).
(b) No.

GALVANISED IRON.

As to Supplies and Shipping Arrangements.

Hon. J. McI. THOMSON asked the Minister for Supply and Shipping:

Because of the small quantity of galvanised iron sheets being supplied to Western Australia in the various shipments from the Eastern States, and in view of the acute shortage of galvanised iron supplies in country districts, which are required to meet the needs of primary producers, building contractors, and self-help home builders—

(1) Can he inform the House what steps have been taken in recent times to have this supply increased?

(2) Is he aware that approximately 400 tons of galvanised iron sheets are required in the Central and Lower Great Southern Zones at the present moment, and that only about 20 tons have been allotted to those zones out of the 300 tons to arrive from the Eastern States in the near future?

(3) Could he inform the House what amount out of these shipments is allocated to the various contractors at Kwinana?

(4) Has the State's quota or supply been increased since the Kwinana project commenced?

(5) If our supplies have not been increased since the commencement of the Kwinana works, and in view of the position within the zones mentioned—which, no doubt, is typical throughout the rest of the State—will he make every effort to secure a far greater supply and at more frequent intervals?

(6) To minimise rail haulage will he take the necessary steps to see that ships carrying this cargo unload at the port of Albany which serves the Central, and Lower Great Southern Zones?

The MINISTER replied:

(1) Representations are made for the maximum amount of space for galvanised iron on every vessel carrying steel. When a vessel is scheduled to load steel, the ship owners decide the tonnage to be carried and Broken Hill Proprietary Ltd. allocates the space to the various steel firms in proportion to the quantity of galvanised iron, piping and steel awaiting shipment to Western Australia.

On several occasions following representations made to the Associated Steamship Owners, quantities of galvanised iron have been railed to Sydney and shipped on passenger vessels when they have agreed to accept such cargo.

(2) I am not aware that 400 tons are required. The statement that 20 tons only have been allocated to the Great Southern is not correct; 200 tons have been allotted to Albany and are coming on the "Koomilya" now loading in Newcastle.

(3) There are no means of obtaining this information from private contractors.

(4) Supply has been increased considerably.

(5) Since January, steel shipments to Western Australia have increased by 50 per cent. and galvanised iron shipments have increased proportionately.

(6) Vessels scheduled to call at Albany and Esperance from Newcastle invariably carry galvanised iron.

It should be thoroughly understood that the State Department of Supply and Shipping has no power whatever to direct ships into ports, or to instruct them what cargoes they shall carry. Continuous representations are made to the Associated Steamship Owners and the Australian Shipping Board stressing Western Australia's geographical position in relation to sources of supply of commodities vital to the State's economy and development.

Although the department has no control, it will continue to make strong representations for shipping to call at outports.

BILLS (6)—THIRD READING.

1, Kalgoorlie and Boulder Racing Clubs Act Amendment (Private).

2, Vermin Act Amendment.

3, Noxious Weeds Act Amendment.

4, Mine Workers' Relief Act Amendment.

5, Associations Incorporation Act Amendment

Passed.

6, Bank Holidays Act Amendment.

Transmitted to the Assembly.

[45]

BILL—CRIMINAL CODE AMENDMENT.

Report of Committee adopted.

BILL—BEE INDUSTRY COMPENSATION.

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 2 had been agreed to.

Clause 3—Interpretation:

The MINISTER FOR THE NORTH-WEST: There were one or two questions concerning the Bill that I left unanswered, and I take this opportunity of replying to them. Mr. Griffith was anxious to know how many unregistered beekeepers there are. It is estimated that there are about 100, but the number could not be stated accurately. The hon. member also wanted to know what compulsion could be applied to beekeepers to ensure their registration. Such a provision is to be found in Subsection (1) of Section 5 of the Bees Act of 1930, as amended by No. 70 of 1950. Further to that, it is not always necessary to be an actual beekeeper, because the definition of "beekeeper" is very broad indeed. It is no use a person having half-a-dozen or 50 hives, planting them in the bush or on somebody's property, and just coming back occasionally to take away the honey. The person on whose property the hives are situated is considered to be the beekeeper if the actual owner cannot be found.

Hon. A. F. Griffith: Does the Minister think that everybody who keeps bees is registered under the Act?

The MINISTER FOR THE NORTH-WEST: The Act clearly sets out that every beekeeper must register.

Hon. A. F. Griffith: I know what is set out; but does the Minister think they are all registered?

The MINISTER FOR THE NORTH-WEST: I have just told the hon. member it is estimated there are approximately 100 unregistered. It may be that they are ignorant of the provisions of the Act.

Hon. A. F. Griffith: Then those people are breaking the law.

The MINISTER FOR THE NORTH-WEST: Yes. The provisions of the Act and of the Bill have the same purpose as those concerning the registration of backyard orchards. It is simply to control disease. In the fourth line of the definition of "disease" there is a typographical error which can be corrected in the reprint of the Bill.

Hon. C. H. Henning: When you say there are 100 unregistered, do you mean that all the commercial ones are registered?

The MINISTER FOR THE NORTH-WEST: I think that is the position. The commercial beekeepers, I believe, would have no hesitation in registering.

Hon. A. F. GRIFFITH: This is a new compensation measure providing that the beekeepers shall pay a levy in order to receive compensation. People who are unregistered are not likely to apply for or be entitled to compensation. Does the Government intend to enforce the law in respect of those who are not registered?

The MINISTER FOR THE NORTH-WEST: Certainly. The Government will endeavour to enforce the law.

Hon. Sir Charles Latham: Why "endeavour"? Surely you can see they are registered.

The MINISTER FOR THE NORTH-WEST: Of course, but we would want an army of inspectors to go from house to house, to do that. I think that with some publicity concerning the Act, the position will clarify itself.

Hon. H. Hearn: If there is some compensation to it, it will.

The MINISTER FOR THE NORTH-WEST: Yes.

Hon. Sir CHARLES LATHAM: The legislation has been introduced for the purpose of compelling people to register, so let us compel them to do so. If we cannot make them do it, why pass the law? I have strong objections to Ministers getting up and saying they cannot do something. If they cannot do it, then they should refrain from introducing the legislation. The 100 unregistered beekeepers should be prosecuted. I did not know, when I was Minister for Agriculture, that there were 100 unregistered beekeepers. If I had known, I would certainly have got the officer in charge to take action against them immediately.

The MINISTER FOR THE NORTH-WEST: I am surprised at an ex-Minister, who controlled this department, making these complaints. I did not say this could not be done. I said "Certainly, the Government will endeavour to enforce the provisions of the Bill and make them all register."

The Chief Secretary: He wants the present Minister to do what he failed to do.

The MINISTER FOR THE NORTH-WEST: I would not say that, but that the reason for so many being unregistered is that they are ignorant of the provisions of the Bees Act. If the matter is given some publicity they will probably all register.

Hon. F. R. H. LAVERY: I sincerely hope that when the Bill is passed we will not be in the same position as we are with the fruit-fly. On one occasion I was given some oranges by a fruit-fly inspector, and his wife said, "Do not tell anyone where you got the oranges because they have fruit-fly in them." If the Bill is passed I hope that its main purpose—the keeping down of disease—will be policed by the responsible department.

Clause put and passed.

Clauses 4 to 6—agreed to.

Clause 7—Treasurer may make advances:

The MINISTER FOR THE NORTH-WEST: There has been a mistake in the drafting of the Bill, and in line 6 the word "Board" is used. There is no board, but a committee controls the fund and therefore it will be necessary to make an alteration. I move an amendment—

> That in line 6 the word "Board" be struck out and the word "Committee" inserted in lieu.

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

Clause 8—Moneys in Compensation Fund may be, in certain circumstances, invested:

The MINISTER FOR THE NORTH-WEST: There has been a similar mistake in this clause and the word "Board" has again been used. I move an amendment—

> That in line 4 the word "Board" be struck out and the word "Committee" inserted in lieu.

Amendment put and passed.

Hon. A. F. GRIFFITH: Now that the amendment has been made, it is difficult to discuss words that occur before it.

The CHAIRMAN: I would advise the hon. member that it is not possible to go back.

Hon. A. F. GRIFFITH: The Minister was not in his seat, and as the Bill went straight into Committee we did not get any reply to the queries we raised on the second reading. However, I will deal with words which occur after the amendment. The words "in any kind of investment authorised for the time being for the investment of trust funds and which investment shall be of such a nature as to be readily realisable" are mentioned. Could the Minister tell me what the committee has in mind as regards the investment of these moneys?

The MINISTER FOR THE NORTH-WEST: It distinctly says in the Bill that the moneys must be invested in such a way that they can be readily realisable.

Hon. L. Craig: The words "trust funds" are used and that covers certain investments only.

Hon. Sir Charles Latham: It is not possible to determine what the committee will do with the money so long as it keeps within the terms of the Trust Funds Act.

The MINISTER FOR THE NORTH-WEST: The money could be invested only in bonds or in such a way that it could be readily obtained.

Hon. L. CRAIG: By way of explanation, the term "trust funds" defines certain investments, and trust funds may be used for certain investments only. It is not possible to invest trust funds in the purchase of shares. There is a list which sets out allowable investments such as, Government stocks, Commonwealth or State, local authorities stocks, mortgages and so on.

Hon. A. F. Griffith: Bricks and mortar?

Hon. L. CRAIG: The words "readily realisable" are used and under those circumstances I do not think an investment in bricks and mortar would be allowed. That is why the term was put in. Trust funds may be invested only in investments which can be looked upon as gilt-edged.

Clause, as amended, put and passed.

Clauses 9 to 13—agreed to.

Clause 14—Provisions relating to claims for compensation:

The MINISTER FOR THE NORTH-WEST: I would like to draw the clerk's attention to a misspelt word in the first line of paragraph (f)—the word is "liability". Further on, in paragraph (g), the word "Board" occurs again; it should be "Committee". I move an amendment—

> That in line 8 of paragraph (g) the word "Board" be struck out and the word "Committee" inserted in lieu.

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

Clause 15, Title—agreed to.

Bill reported with amendments.

BILL—DAIRY INDUSTRY ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—PIG INDUSTRY COMPENSATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 1—Short title and citation, (partly considered):

The MINISTER FOR THE NORTH-WEST: During the Committee stage last evening one member pointed out that there was a typographical error in Subclause (2). It commences with the words, "In this Act the Pig Industry Compensation Act" and then follows a comma. After that the date "1942" comes on the next line. We contacted the Crown Law Department concerning this and it is admitted that the date "1942" should follow the word "Act" and then the comma would follow that. The next line would then commence "Act No. 38 of 1942" and so on.

The CHAIRMAN: The clerk has been authorised to make the necessary correction.

Clause put and passed.

Clause 2, Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—LOCAL COURTS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. E. M. HEENAN (North-East) [5.13]: This small Bill proposes to amend the Local Courts Act which was assented to on the 24th December, 1904. The measure proposes to amend Section 13 and that is of little consequence. The amendment simply deals with provisions relating to the appointment of clerks of courts and I do not think that will cause the House any concern.

The remaining amendments apply to Sections 99, 100, 101, and 103. Perhaps for the benefit of members I could point out that up to the war years, when emergency legislation was introduced, recovery of possession of land and premises was dealt with through the jurisdiction of the local court and also the Supreme Court. But the jurisdiction of the local court was confined to property the annual value of which was £100. In effect, that meant that if one wanted to recover possession of premises which were let at a rental of up to £100 per annum one would proceed in the local court where the litigation is fairly simple and inexpensive as compared with proceedings in the Supreme Court.

During the war years, as we all know, emergency legislation came into being and that was followed by the Rents and Tenancies Emergency Provisions Act which is still in existence. That Act confers on the local court unlimited jurisdiction relating to the recovery of premises. So it does not matter whether at the present time the premises are let at £500 or £1,000 or more a year, one proceeds under the Rents and Tenancies Emergency Provisions Act. I think that is well known to all members.

Hon. H. K. Watson: In the local court?

Hon. E. M. HEENAN: That is so. I should add, however, that that Act has no application to tenancies beginning after the 31st December, 1950, so that if one desired to recover premises which were let after the 31st December, 1950, one would have to proceed under the Local Courts Act, and the local court is confined to matters relating to properties of £100 annual rental value. Of course, in the light of present values that is not a very realistic state of affairs, and it is one which should certainly be altered.

The Bill proposes to extend the jurisdiction of the local court relating to the recovery of land to £500. So, as it relates to tenancies which commenced after the

31st December, 1950, if this amendment is carried, the local court will have jurisdiction up to £500. Accordingly, if premises are let for approximately £10 a week, one can proceed for recovery in the local court. Ten pounds is not the exact figure. It might be a little below £10, but let us say £10 for the sake of argument. If the Bill is agreed to, anything above £10 per week will be the subject of litigation in the Supreme Court. I think that is a correct, and, as far as I can make it, a clear statement of the position as it will apply if this measure is carried. I am fully in accord with the provisions of the Bill to extend the jurisdiction of the court, and I do not think anyone will have a contrary opinion.

Hon. L. Craig: Would not you extend it further than £500?

Hon. E. M. HEENAN: I will come to that. An amount of £100 was fixed in 1904 and it is surely time we increased that amount. In other respects, the jurisdiction of the local court is limited to £250, so that if one wished to sue a person for a debt of up to £250 one could sue in the local court at Albany, Kalgoorlie, Perth, Carnarvon or anywhere else. The local courts are presided over by trained and competent magistrates in whom I have always had, and still have, the greatest confidence. It is a simple, speedy way of resolving litigation. It is much more expeditious and much less expensive than an approach to the Supreme Court. I am sorry the measure has not provided for an increase of the general jurisdiction beyond £250.

Before long I think we will have to attend to that phase and get the jurisdiction increased to, I would say, £500, which would be a reasonable figure. When we have to deal with vital and more serious matters where bigger issues are at stake then, of course, such cases are tried in the Supreme Court by a man chosen much more carefully and with far more training and learning in law than the average magistrate. I think it is only right, where there are vital and big issues and amounts at stake, that the local courts should not have jurisdiction. It would be right and proper in such cases to go to the highest court in the land. That is the position as I see it.

I am sorry the Bill has not a provision to increase the general jurisdiction from £250 to £500, but it is a move in the right direction inasmuch as it increases the jurisdiction relating to land and the recovery of premises to the value of £500. I notice that Mr. Watson has an amendment on the notice paper, which, if carried, would, in respect of litigation relating to the recovery of land and premises, confer on the local court jurisdiction up to £1,500. The argument the hon. member put forward when speaking during the Address-in-reply debate was that in recent years the local court, in effect, has had unlimited jurisdiction by virtue of special legislation which we passed to deal with abnormal times.

I want members to understand though that the present Bill does not apply to tenancies which commenced after the 31st December, 1950. I must admit that I do not find myself violently opposed to Mr. Watson's amendment, although it will greatly upset the balance of the court's jurisdiction. On the one hand we say that if a man wants to sue another for £300, or anything over £250 he cannot do it in the local court; he has to go to the higher court because the matter is too serious to be dealt with in the lower court. But if Mr. Watson's amendment is carried, it will mean that premises let at a rental of £30 a week and having a capital value of many thousands of pounds, can be dealt with by a magistrate who, in all other respects, we limit to cases under £250. In my opinion it makes the matter unbalanced.

Hon. H. L. Roche: Do you think £250 is high enough?

Hon. E. M. HEENAN: As I said a little while ago, I think the local court should have its general jurisdiction extended to £500 in order to cope with present day values and tendencies. If the man next door lit a fire and burnt out the hon. member's crop and caused £300 or £400 damage the hon. member would have to go to the Supreme Court. If he estimated the damage at £250 or below that figure, he could sue in the local court. I think the time has arrived when the jurisdiction should be increased.

Hon. H. L. Roche: Then £1,500 will not be so far out of proportion.

Hon. E. M. HEENAN: I think a safe figure at present would be £500. We have to bear in mind that the provisions of the Bill relate only to the recovery of premises and land, and if members feel that the jurisdiction of the local court should be jumped up from £100 to £1,500 it is a radical step whichever side of the argument one is on. I do not know what the capital value would be on an annual rental value of £1,500, but I should think it would be high.

Hon. H. K. Watson: From 1939 to 1951 the local court was the only court that dealt with this.

Hon. E. M. HEENAN: That is so; and if the hon. member is happy about that state of affairs. I have no objection. I think a figure of £500 or even £750 or £1,000 would be reasonable at this stage.

Hon. A. F. Griffith: You say it would throw the courts out of balance. Can you give us a little more on that ?

Hon. E. M. HEENAN: Perhaps I do not make myself clear. The local courts of the country are established all over the place and at the present time they deal with general claims up to £250. That

applies to local courts at Fremantle, Albany, Esperance, Wyndham and such like places, and the cases are heard by a magistrate. Much work is done in that connection. Now we are asked to retain the amount of £250, but, in cases relating to the recovery of premises, to lift it to £1,500.

I think the £250 might well be raised in view of the alteration in money values. The Bill proposes to increase the amount relating to the recovery of premises from £100 to £500, which represents a pretty steep lift and which will cover all classes of premises let for less than £10 a week. For premises let for more than £10 a week, the matter would have to go to the Supreme Court, presumably because the issues involved would be more serious. I would be quite happy to accept the figure of £500, though I would not object if it were made £750, but, as I have pointed out, £500 would represent a large increase and, I should say, would cover 90 per cent. of the everyday cases. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 99 amended:

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

> That before the word "five" in line 3, the words "one thousand" be inserted.

The object is to give the local court jurisdiction in respect of tenancies, the rental of which is up to £1,500, as against the £500 per annum proposed in the Bill. As to premises let before the 1st January, 1951, the local court has unlimited jurisdiction. It does not matter whether the rent is £10 or £1,000 a week, that has been the position since 1939. Apart from the question of the division of power between the local court and the Supreme Court, no valid argument can be advanced in opposition to the amendment.

During the last 13 years, this power of ejectment—we are dealing with the recovery of premises where the tenancy has expired—has been exercised by the local court, which has acquired experience such as is unparalleled in the Supreme Court. Probably the greater part of the time of many of the magistrates has been devoted to actions for evictions and so forth. Therefore I say that the money value is no criterion in this connection. If a person desires to recover premises, the lease of which has expired, he should be able to take proceedings in the local court and the amount of rent should not enter into the question. That is the position today regarding 90 per cent. of the properties that have been let, because most of them were let before the 1st January, 1951.

The whole trend is towards greater simplicity in legal actions. In many countries, attempts have been made to simplify and cheapen litigation, and this is one direction in which we might achieve some success. The Chief Secretary pointed out that if a plaintiff had to go to the Supreme Court, the cost would probably be £30, an amount that might not be recovered, because a tenant might do a moonlight flit on the day before the hearing, whereas an action in the local court would cost perhaps £5 or £7. Really the power of the local court in respect of the recovery of premises where the lease has expired should be unlimited, but I have suggested a reasonable figure of £1,500.

Failing the adoption of my suggestion, a serious anomaly could arise in the administration. There might be two shops in Hay-st. owned by one man and let to different tenants. One might have been let before and the other after 1951, and each might carry a rental of £50 a week. If the owner desired to evict one tenant, he would have to take action in the Supreme Court, whereas he could proceed against the other in the local court. This is the anomaly that will be created unless we give the local court the highest possible limit in cases for the recovery of premises.

The Chief Secretary: That would be rectified if the hon. member had his way.

Hon. H. K. WATSON: That has nothing to do with the point under discussion. We have to face the fact that magistrates sitting in the local court have been dealing with cases for the recovery of premises of any rental during the last 13 years and have proved themselves capable of deciding these matters. Over that period, as I have explained, they must have acquired considerable experience.

Hon. H. S. W. PARKER: I agree with Mr. Heenan. I regret that the Bill does not propose to increase the jurisdiction of the local court. Under the amendment, we shall have the peculiar position that the jurisdiction of the local court is only £250. If a man is sued for an amount between £100 and £250, a judge must hear the case unless both parties agree to its being heard by a magistrate and, generally speaking, both parties do agree. The local courts function all over the State. True, during the last 13 years, a magistrate has had unlimited jurisdiction in cases of ejectment, but under the Rents Restriction Act, there are only special grounds on which objection can be based, not the general principles that existed previous to that Act's coming into force.

This clause seeks to amend a section of the Local Courts Act to raise the value from £250 to £500. Forget for the time

being that there is an Act which expires at the end of this year and which gives a magistrate unlimited jurisdiction with regard to ejectments: As the statutes appear at present, on the 1st January next we go back to the old system of ordinary law and then, without this measure, the local court magistrate would have power to deal only with ejectments where the rent was not more than £5 per week. The Bill virtually says, "We will assume that the rents restriction legislation does not continue and so we will give magistrates throughout the State jurisdiction where the rent of the premises is up to £500", which could represent quite a valuable property, such as a farm or anything else.

Hon. H. Hearn: Or a shop at Kwinana!

Hon. H. S. W. PARKER: It could be almost anything. A rental of £500 would represent a considerable property, and if we alter that figure to £1,500, it will apply to highly capitalised properties, and that would take away the balance of the local court. One could sue a man in that court up to a figure of £250, but one could eject him from a property worth many thousands of pounds, because a rental of £1,500 would probably involve a property worth £20,000 or £30,000. Where a person has no right or license to be on a property, the magistrate can deal with a rental value of only up to £500, and so there would be an anomaly unless the alteration were carried right through. I think we should leave the provision as it appears in the Bill. I trust that the Government will consider increasing the jurisdiction of local courts generally, but in the meantime I will vote against the amendment.

The CHIEF SECRETARY: I hope members will not agree to the amendment which, as has been said, would throw the Act out of balance. We are not seeking, by means of this Bill, to rectify the jurisdiction of the local court altogether but only to rectify two anomalies that exist in the present Act. All the Bill seeks to do is to keep in step with increasing costs. The provision for £100 has stood since 1904, and by raising the figure to £500 we believe we will be covering the people that the 1904 legislation was designed to protect. The Crown Law authorities pointed out that to raise the figure to the amount suggested by Mr. Watson would be giving an inferior court powers more extensive than they consider it should have.

Hon. H. K. Watson: Powers it has exercised for the last 13 years.

The CHIEF SECRETARY: Yes, but only in a special way and not generally. I do not think we should give any greater power other than that suggested in the Bill.

Hon. E. M. HEENAN: I am not disposed violently one way or the other on this question, but I hesitate to go as far as Mr. Watson desires. If he and some other members have their way, the rents and tenancies legislation will not continue for ever.

Hon. H. Hearn: You are anticipating.

Hon. E. M. HEENAN: Mr. Watson stressed the fact that for the last 13 years the local court has handled these situations, but, as the Chief Secretary said, that has been so only in cases of one type, with reference in the main to rental houses where owners have desired to regain possession. Though it may be laudable to try to simplify and cheapen litigation, it must be remembered that cheapening often has an adverse effect. In an action for recovery of valuable premises, would one prefer the judgment of the Chief Justice or a judge, or that of a newly-fledged magistrate? If Mr. Watson's amendment were agreed to, there would be no choice, and if the rental value were £1,500 one would have to go to a magistrate, who might lack experience.

Hon. H. K. Watson: There would always be the right of appeal.

Hon. E. M. HEENAN: As Mr. Parker and the Chief Secretary pointed out, it is a big step from £100 to £500, and that will cover a lot of cases, because the average rental for an ordinary house has not yet reached £10 per week.

Hon. H. K. WATSON: I am not wedded to the £1,500, and if some member thinks £1,000 would be more reasonable, I am agreeable. The Chief Secretary pertinently explained that the provision we are dealing with does not affect the whole jurisdiction of the local court, and that is important. It is not as though we were raising the jurisdiction of that court on all matters to £1,500. In fact, we are dealing only with the restricted cases of persons whose leases or tenancies have expired, but who refuse to get out, and where the landlord takes the natural action of trying to secure an eviction order. For the reasons the Chief Secretary asked the Committee not to agree to the amendment, I ask members to agree to it. In 99 cases out of a hundred during the last 13 years, the local court has had unlimited power in this direction, regardless of the value of the rent or the property.

Hon. H. S. W. PARKER: Under certain circumstances, a local court can be presided over by two justices, and I think members will agree that we should not give two justices power to eject a person from a property worth £20,000 or £30,000. In this connection, I refer members to Section 12 of the Act.

Hon. H. K. Watson: Did you say two justices might sit with the magistrate?

Hon. H. S. W. PARKER: Instead of the magistrate. The magistrate might have to go away, and might ask two local justices to sit in his stead. Those two justices can have the same jurisdic-

tion as a magistrate. That has been done, although it is rather rare. It would not apply in the city, but in the outback areas. In Kalgoorlie, for instance, the magistrate might easily be called away to an outback town on a special matter and if there happened to be a local court sitting in Kalgoorlie on the following day, he would have to arrange for two justices to act for him.

Hon. C. W. D. Barker: That happens in the North.

Hon. H. S. W. PARKER: Does it? If so, that is one of the reasons for keeping the jurisdiction down.

The CHIEF SECRETARY: There has been a great deal of debate on this clause and the real issue might be clouded. I ask members to consider what the real intention of the amendment is. Do they think it is a fair compromise and reasonable to alter the original amount form £100 to £500? If they do, there is nothing more to be said.

Hon. L. CRAIG: I have listened attentively to the debate and I think Mr. Watson has presented a good case. During the past 13 years the local courts have had this jurisdiction which they have exercised without complaint from anybody. The proposal is that the owner of a property shall have it restored to him. Surely he is entitled, by the cheapest method possible, to achieve that end and by a method that has operated over the last 13 years. Surely the owner is entitled to have his property returned to him when a lease has expired or if a tenant has failed to comply with certain conditions of the lease. After all, if the lessee considers that he has not received justice he can appeal to a higher court, and the expense of such action should be his responsibility and not that of the owner, because the lessee is the one who is seeking justice. In common law the owner of a property is entitled to have it returned to him without expense.

Hon. E. M. Heenan: There may be some legal argument about the interpretation of the lease.

Hon. L. CRAIG: Yes, that may be so. The lease may be badly drawn, but surely arguments can be put up by both parties to determine that question and, if either party is not satisfied, the case can be taken to a higher court. If a tenant considers that the magistrate is not skilled—

Hon. C. W. D. Barker: That is the danger.

Hon. L. CRAIG: Magistrates have been doing it for the last 13 years.

Hon. C. W. D. Barker: But only in regard to restricted values of properties.

Hon. L. CRAIG: This deals with any property.

Hon. C. W. D. Barker: How many cases have there been in the last 13 years respecting properties that are worth £30,000?

Hon. L. CRAIG: There will not be any more in the next 13 years than there have been in the past 13 years. We must assume that the local courts have carried out their duties competently.

Hon. H. Hearn: They have dealt with every application.

Hon. L. CRAIG: Yes, that is so, and there is no limit to the value of the property. Therefore, there is proof of proper handling of the cases by the local courts. Mr. Heenan has said that higher authorities are more skilled, but they are not any more skilled than magistrates who have had experience of such cases over the past 13 years. I do not care whether the amount is £1,000 or £1,500, but I think that in 99 cases out of 100 the owners of properties are entitled to have them restored to them. I support the amendment.

Hon. H. S. W. PARKER: Such cases can be heard only by a stipendiary, police or resident magistrate under the Rents and Tenancies Emergencies Provisions Act. That would be different from hearing a case in a local court. It has been mentioned that an appeal can be made. That is quite true but an appellant would have no chance of winning the appeal unless it could be proved that the magistrate had made some error in law. There would be no chance of the appellant's being successful by simply stating that he was not satisfied with the magistrate's decision. The Supreme Court would not uphold an appeal on that ground. It must be remembered that we are not amending the Rents and Tenancies Emergencies Provisions Act. We are amending the Local Courts Act, and I think the amount of £500 is reasonable.

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

Ayes	10
Noes	15
Majority against	5

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. L. Craig	Hon. C. H. Simpson
Hon. H. Hearn	Hon. J. McI. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. J. Cunningham
	(Teller.)

Noes.

Hon. C. W. D. Barker	Hon. Sir Chas. Latham
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. H. L. Roche
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. A. F. Griffith	Hon. R. J. Boylen
Hon. E. M. Heenan	*(Teller.)*

Amendment thus negatived.

Clause put and passed.

Clauses 4 to 6, Title—agreed to.

Bill reported without amendment and the report adopted.

Sitting suspended from 6.15 to 7.30 p.m.

BILL—ROYAL STYLE AND TITLES ACT AMENDMENT.

Second Reading.

Debate resumed from the 15th October.

HON. C. H. SIMPSON (Midland) [7.30]: This is really a formal Bill, rendered necessary by the death of King George VI. and the accession of Queen Elizabeth II. It is in line with a Bill passed by the Commonwealth Parliament, and that again was in line with an undertaking given by the various Prime Ministers under the Statute of Westminster, which was agreed to in London in 1927. The amendment to the principal Act to be effected by this Bill will enable future changes of title to take place by proclamation. It applies mostly to various forms that have to be printed, such as rules of Court, schedules, regulations and the like.

It has been necessary for a Bill of this kind to be presented from time to time when there has been a change of Sovereign in the United Kingdom. On this occasion I think we can perhaps regard the measure as more than merely formal. It calls to our mind the fact that what was known as the British Empire and has now developed into the British Commonwealth of Nations is something unique in the history of the world. There has been nothing quite like it in the thousands of years of recorded history. In that system, which in the main has had a most beneficient influence, we see the Mother country establishing colonies, nursing them through their babyhood and finally, when they have reached the adult stage, granting them the privileges and responsibilities of self-government.

But we have also to consider that when they have arrived at that stage, none of the self-governing dominions have severed themselves from the Mother country. They have always retained an association with that country in the British Commonwealth of Nations, and that is an object lesson to the world in the rights and privileges of the association of free people. In that association, the Sovereign is the sole connecting and binding link. So this Bill, which really deals with Royal styles and titles, has a deeper significance than might at first appear; and I think that in view of the impending visit of the Sovereign to this State next year, we should bear in mind the dignity and majesty of the British Empire which, although from time to time it loses or appears to lose constituent parts, is still one of the mightiest factors in thought and influence in world politics. I have very much pleasure in supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [7.37]: As was explained by the Leader of the House when introducing this Bill, it seeks to correct what appears to be an anomaly which has relation to the state of affairs in the Tramway Department. Having had charge of that department for some time, I know a little of the background of that state of affairs and the reason why the Minister for Transport was requested to introduce the measure.

The Bill seeks to do two things. First of all it proposes to give the right of appeal to members of the tramway service in regard to appointments that may be made by the general manager. Secondly, it stipulates that when efficiency is being considered, past service which the successful applicant may have had shall be disregarded. I desire to explain some of the circumstances that led to the introduction of the Bill. I want to make it quite clear that I shall vote for the second reading. I consider the first part of the Bill is quite all right, but I strenuously object to the second portion, which I consider inconsistent with the spirit and intention of the parent Act. I will seek to correct that in Committee.

In the appointment of inspectors, it is usual to select drivers or conductors for promotion, and to give them experience in an acting capacity before the appointment is confirmed. The power to do that lies with the general manager of the Tramways and Ferries Department. The tramway union did not see eye to eye with the General Manager in the matter of these appointments, but as he had that power, and I was satisfied he had the right attitude towards the making of appointments, I thought—despite the appeals of the union to me by way of deputation—that he was quite within his rights and his action should be upheld, the matter being purely one of administration.

Under the peculiar provisions of the Promotions Appeal Board Act, the wages man has no right of appeal against the appointment of another man to a job unless there is an award which governs the union and which was registered with the Arbitration Court. I will read the relevant portion of the Act, so that members can see at once what is meant. It is as follows:—

> Where the terms and conditions of employment appertaining to such vacancy or new office are or will be regulated by the provisions of an award

or industrial agreement in force under the Industrial Arbitration Act, 1912-1941, only those employee applicants who, when they make application for appointment to or employment in such vacancy or new office, are members of an industrial union which is a party to such award or industrial agreement shall have the right of appeal under this section.

Obviously the wages men would not be members of the Tramway Officers' Union, and therefore would be debarred from lodging any appeal because of that prohibition. Members will recall that, until 1948, the tramways and ferries came under the Railway Department's administration and were subject to the rules and regulations of that department governing appointments and the filling of vacancies, which rules and regulations, in turn, were governed by the Promotions Appeal Board Act; and the Railway Officers' Union, not being party to an award, did not come under this prohibition. They have what is called a classification board. If a wages man in the Railway Department makes application for a salaried position and is not successful, he can appeal against the appointment of the man selected. But in the tramways he cannot because of the prohibition. The first amendment seeks to add these words to Section 5—

> unless the Governor declares upon special grounds that this paragraph does not apply in respect of the vacancy or new office.

This will meet the demands of the men in that it will procure for them the right of appeal of a wages man against the appointment of another man. As this is probably the only branch of the service to which the particular Act will apply, it is quite in order that the clause should stand. I think that in the main the men would be more satisfied with the appointments if they knew they had the right of appeal which is quite common in other branches of the Government services.

The appeal board is always made up of an appointee of the union, an appointee of the management, or the employer and an independent chairman, who is nearly always a magistrate; and, as a general rule, a particular magistrate handles these industrial cases so that, by and large, he is a skilled man with a great deal of experience gathered over the years. On the whole the system works very well. Clause 3 of the Bill provides—

> but in considering efficiency the recommending authority and the board shall disregard service in an acting capacity by applicants for the office to be filled, whether the service in an acting capacity has been in that or another office.

Placing that prohibition on the tribunal is going much too far, and is destroying the purpose of the original Act. Section 14 of the Act sets out clearly what the board is expected to do, because it prescribes that every appeal shall be in writing, and shall clearly and concisely set forth the grounds upon which the appeal is made, etc. That portion sets out the machinery, but here are what I regard as the critical subsections—

> An appeal may be made on the ground of:—
>
> (a) Superior efficiency to that of the employee promoted; or
>
> (b) Equal efficiency and seniority to the employee promoted.

That makes efficiency the prime qualification for the job, and I think we all agree with that. If the tribunal, in trying to assess the efficiency of the person appointed, or of the appellant, as the case may be, is denied the right to consider certain experience which either might have, then it is being robbed of the very data it needs to make its decision. Clause 3 is not only inherently wrong in itself, but it goes against the express purpose of the Act. It could be that a scrutiny of the service of the appellant in an acting capacity, or of the appointee in an acting capacity would reveal that one or other was not fitted for the job. It might reveal that the one chosen by the management, in the first place, was the better man for the job; but in any case the tribunal would have access to that evidence and would have the right to make its decision in the knowledge that it was in possession of all the relevant facts.

While I am quite prepared to support the second reading of the Bill, and to agree to the first clause, with which I think the men should be entirely satisfied, I am not prepared to support Clause 3, because I think it is bad, unfair to the tribunal and against the spirit and intention of the original Act.

On motion by Hon. H. Hearn, debate adjourned.

BILL—ADOPTION OF CHILDREN ACT AMENDMENT (No. 1).

Second Reading.

Order of the Day read for the resumption from the previous day of the debate on the second reading.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—New Section 5A added:

Hon. H. S. W. PARKER: I would like the Minister to explain why the child must be with the adopting parent for three months before the adoption can take

place. I foresee a little difficulty in this. The persons desiring to adopt a child might take it, and then, just before the expiration of the three months, decide to return it. That would not be fair to the people from whom they were adopting the child, or to the child either. Generally speaking, when people decide to adopt a child they do not take possession of it until the court has said they can have it. At the end of three months, when they make the application—it would probably be four or five months after they took the child—the court might decide that they are not fit and proper persons to have the child, or that for some other reason the child should not be adopted. That again would be grossly unfair. There may be some reason for the provision with respect to three months, but no information was given in another place on the point.

The MINISTER FOR THE NORTH-WEST: In view of the fact that the Minister who is in charge of this Bill is absent for the moment on urgent business, it will be necessary to report progress.

Progress reported.

BILL—HOSPITALS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [7.57]: I have no great objection to the first portion of the Bill, which permits the board of a hospital to borrow a certain sum of money in order to complete its building, the repayment of such money to be guaranteed by the Government under whatever agreement can be made. At the same time I think the whole method of financing our hospitals is rather slipshod. I have for a long time pressed for something more than this. In my first speech in this House I asked for a hospitals commission. I am not at all certain that a hospitals commission, somewhat similar to the Electricity Commission, could not have put our hospitals into proper trim long before this if it had had the power, as a commission, to borrow money with the repayment guaranteed by the Government; and also the right to float loans on which interest would be paid.

The Royal Perth Hospital has had a checkered career. It is now some 15 years since it was commenced, and it is not yet completed. Certain elementary mistakes were made at the commencement which I am certain would not have been made had there been a commission whose duty it was to care for hospitals. At a later stage there was an unfortunate period when, possibly because of financial reasons, the steel for the second part of the building was not ordered. The State has paid heavily for that 12 months' delay, not only in the cost of the building—because the basic wage has risen during the period—but in the treatment of the sick, because beds were not available.

I once again apply for more stable means of looking after the hospitals of the State. Instead of having an organisation such as we have at the moment, which demands that local bodies shall make representations for their needs, it would be better to have a more expert body. The time has long gone by when members of Parliament felt they were gaining local kudos, with respect to their membership there, by having to make agitation to the State Government for the needs of their hospitals. I am certain that we have reached a stage where this is a matter which needs expert attention and guidance from time to time so that we may meet the necessary requirements.

Only recently we heard that the Government realised that the Meekatharra hospital is in a worse condition than either the Albany or Geraldton hospitals. Yet those towns were regarded, when the plan was put before us, as almost a No. 1 and No. 2 priority in regard to hospital construction. I think there are many hospitals in the State which are probably in a worse condition than the Geraldton hospital, but the question of whether they should be built first or not is one that should be decided by an expert body.

We are told that there is an expert body which calls itself the Hospital Advisory Committee to the Health Council. I do not for one moment believe that this is an expert body to give advice on hospital requirements, because, to the best of my knowledge, the regional plan was put up without the council having inspected every hospital before it made a report. That is the only way anybody can accord a priority for the rebuilding of hospitals. Discussion round a table is no way of deciding whether the hospitals in the north-west, the south-west, or the east should have some priority over those in the west. I maintain that there is only one real method of putting this into proper order, and that is by having a Hospitals Commission whose task it would be to maintain the standard of hospitals and the number of beds that are required in the various parts of the State.

The second part of the Bill is one that I am not so happy about. I realise that it is quite impossible to handle the problem if the shipping companies decide to pay hospital expenses to the men concerned, and not to the hospitals, because the hospitals would quite often see nothing of their money; I refer particularly to men who have to be taken by ships to other parts of the world. It is only fair and right that the law should be altered to ensure that the accounts are paid to the hospitals. But the question arises as to what we should charge these people. Should we charge them the full amount, which is a very high cost, or should we

charge them exactly the same as we would if they were citizens of the State? This applies to every seaman and the company gets charged the full amount.

Hon. H. Hearn: Our seamen would get free service if they landed in Great Britain.

Hon. J. G. HISLOP: Yes. My feeling is that we might at least say to British sailors, "You will be charged what we charge our own people." We have even gone to this extent, that we will not allow any provision in that respect in the Workers' Compensation Act; we have completely waived that altogether, and said that even if that should apply it shall have no bearing on the cost and the shipping companies shall pay the full amount. I cannot agree with that. We depend so much upon shipping, and I feel certain that if we raise the cost to the shipping companies in this way, we will pay it back in freights and other shipping charges.

We should look at this in a reasonable manner. Whether we charge these people exactly what we charge the ordinary citizen of the State, or whether we levy some other charge, we should be prepared to carry some of the burden ourselves, as we do for every citizen of this State. If I remember rightly, a citizen of this State is charged about 35s. a day for hospital accommodation, the full cost of which is getting up to the astronomical figure of £4 a day.

Hon. F. R. H. Lavery: That is a public ward.

Hon. J. G. HISLOP: It will not be long before the cost of a bed in the Royal Perth Hospital will be about £4 a day; something in the neighbourhood of about £27 a week. Yet we are prepared to charge our own citizens 35s. a day.

The other day I wrote to Melbourne on another matter altogether, and I was interested in the reply I received, which stated that in the Royal Melbourne Hospital the cost per day, as an in-patient, for a man admitted under the Workers' Compensation Act is 48s. 11d. That does not meet their costs either, because they are much the same as ours; the last I heard was something over 70s. a day. Even they are bearing the cost to a man who is admitted under the Workers' Compensation Act, and I shall refer to this matter when I speak on the workers' compensation Bill. So all round there is a tendency to vary the charges to in-patients according to the means of those patients, and I think it is only fair that that should be done in regard to these seamen.

I admit that the handling of Lascars, and some of these foreign vessel crews, calls for great tolerance on the part of the nursing staff. The Fremantle Hospital has always been noted for the ability of its staff to handle these seamen; for the courtesy that is extended, and so on. I have never seen nurses of that institution make the slightest bit of difference in the treatment whether a man is an Australian or a Lascar—he is still a sick patient. We will not alter that state of affairs by making an extra charge. A Lascar will not get any better treatment because of the extra charge; it will not make a pennyworth of difference to the nursing staff.

Hon. E. M. Davies: No one has suggested that it will make any difference between a Lascar or a European.

Hon. J. G. HISLOP: No, but I am merely pointing out that these people will not be given any better treatment, even though they will be called upon to pay extra costs. All we are saying is that because a man is a member of a foreign crew he must pay the full costs, if he is treated at the port of Fremantle or is transferred to Perth for special reasons. But if a man is a citizen of the State he will be assisted in meeting his hospital costs. It does not seem to be either reasonable or humane. I admit that the Fremantle Hospital has been faced with extra costs, but if they amount to any more than £1,000 I will be surprised. I am certain that when our seamen are admitted as patients into hospitals in foreign countries, no differentiation is shown, and I think it ill-behoves us to make any distinction.

It does not sound like a charter of the United Nations, and the contents of this Bill do not read like one. We give lip service to that sort of thing, but as soon as we get down to tin tacks, a Bill of this sort appears, and I do not think we really mean it. The House should give careful consideration to the second part of the Bill to see if we cannot be reasonable in our outlook. Members have said that when our men go to Great Britain their hospital costs are met as soon as they land on British soil; and in return, as soon as they land here, we want to force them to pay the lot. I do not think we really mean it, and I think we should carefully consider that aspect before we vote on the Bill. I know the difficulties in Fremantle, but I do not think this is the way to get over them. I will support the second reading of the measure but I will vote against the clause I have been discussing, unless it is radically amended.

HON. H. S. W. PARKER (Suburban) [8.10]: I will support the second reading but, like Dr. Hislop, I will certainly oppose the last clause. On the 2nd July, a conference was held, strangely enough not with the Minister himself but with the Under Secretary, who stated that he would give an answer to the shipping authorities. So far, that has not been done. As was explained by the Minister the full amount, £3 odd a day, is charged against shipping companies for any master, officer or seaman of the Merchant Service who requires hospital attention. But, on the same vessel, if a waterside worker is working and meets with an accident he comes under the provisions of the Workers' Compensation Act, and pays only 35s. a day. There is a tremendous difference.

Hon. E. M. Davies: One is a State taxpayer and the other is not.

Hon. H. S. W. PARKER: Is not a seaman—

Hon. E. M. Davies: They are not charging the seaman; they are charging the shipping companies.

Hon. H. S. W. PARKER: What about the State Shipping Service?

Hon. E. M. Davies: That is only drawing a red herring across the trail.

Hon. H. S. W. PARKER: Well, let us have another red herring. What about the Australian shipping companies? Are not they taxpayers?

Hon. E. M. Davies: They are Australian shipping companies only because they are registered in Australia.

Hon. H. S. W. PARKER: Is there any difference between a man working on the Lake View and Star Mine, which is an English company operating in Australia—

Hon. E. M. Davies: Yes. It pays taxes.

Hon. H. S. W. PARKER: And so do the shipping companies here.

Hon. E. M. Davies: Some of them are only registered here .

Hon. H. S. W. PARKER: As I was saying when I was interrupted, a different amount is to be charged for a person who comes under the Workers' Compensation Act and seamen who come under the various shipping Acts, such as the Merchant Shipping Act, the Australian Navigation Act, and so on; although, in effect, the navigation Acts and shipping Acts provide the same as the Workers' Compensation Act so far as hospitalisation is concerned.

It seems entirely wrong to me that we should make this differentiation, in view of the way our Australian seamen are treated in other countries. Even if a State steamer, or any ship registered in Fremantle or any other port of Western Australia, were to be abroad, the crew would be treated for nothing in England. We should show some reciprocity and it would not affect us greatly if some such arrangement could be made. We could take into consideration the charges made for workers' compensation cases, and arrangements could be made between the department and the shipping companies. As I said, a conference was held on the 2nd July, because the shipping companies said, "You charge the seamen, and we will comply with the law and pay to the seamen their hospital accounts." Of course, that was not in the best interests of the hospitals and frequently there would be little prospect of the hospitals receiving payment. Let me say that in many instances the hospital would not be paid. So obviously it is in the interests of all concerned that the shipping companies pay direct to the hospital.

The shipping companies informed the hospital that they would not pay direct and a conference was held. The companies said, "Very well, pending the decision which may be arrived at during the conference we will continue as in the past and pay direct to the hospital and not ask you to send the accounts to the various individuals." Unfortunately, however, no reply has yet been given by the Under Secretary as to what he intends to do in the matter, and the first those concerned hear about it is that this Bill is before the House.

The Chief Secretary: He might be waiting for this before giving his answer.

Hon. H. S. W. PARKER: It is rather peculiar, and I am glad the Chief Secretary realises that it is a strange way to give an answer. It is not fair or right that there should be this differentiation between a man working on a ship that comes into port and a man who works on the wharf. Is it fair that shipping companies should be charged more than any other industry? Let us take the Lake View and Star Mine on the Goldfields. It is an English company, and its employees come under the Workers' Compensation Act.

Hon. C. W. D. Barker: What about State ships?

Hon. H. S. W. PARKER: They have to pay this large amount. It is another case of the North-West again falling in. But the employees of the Lake View and Star come under the Workers' Compensation Act and they are charged only about 35s. a day as the full cost of hospitalisation.

The Chief Secretary: What would they pay in the Mount Hospital?

Hon. H. S. W. PARKER: I cannot tell the Minister, and have no desire to find out. I daresay better arrangements could be made. I understand that employees covered by workers' compensation are taken to the Mount Hospital. I presume there is a public ward there.

Hon. H. Hearn: They are taken to the Mount Hospital.

Hon. H. S. W. PARKER: It seems to me that this charge will come back and hit us. We know very well that freights to Fremantle are high, and we also know that those freights are passed on to the consumers of the goods landed at Fremantle. Obviously, therefore, if shipping companies have to pay this high rate of about £3 15s. for hospitalisation, the freights will automatically go up to cover it. The manner in which shipping companies pay hospitalisation for their seamen is by joining a so-called club. A number of shipping companies combine together and call it a club, and that club defrays all hospitalisation expenses. At the end of the year, the companies divide, according to their own formula, the amount it has cost them during the year for hospitalisation; but we may rest assured that companies trading to Fremantle will put up their freights to cover the

extra charges. I think the Government would be well advised, therefore, to have further conferences with the shipping companies before continuing with this Bill. The Under Secretary, at least, should have had the courtesy to advise the shipping companies of what action could be taken. Better still, perhaps the Minister for Health, even at this late stage, might meet the shipping authorities and further discuss the matter so that everybody will be satisfied. I cannot see why one industry should be compelled to pay more than any other industry.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

BILL—WESTERN AUSTRALIAN GOVERNMENT TRAMWAYS AND FERRIES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [8.20]: This Bill sets out to do two things. Firstly, it limits the time in which a claim may be made against the Tramways Department to a period of six months; and, secondly, it sets out to define the liability of the Tramways Department in respect of damage to any article that might be carried by a passenger on trams, trolleys or omnibuses. I think the amendments are reasonable. The six-months limit applies to lodging a claim. The claim can carry on and negotiations can continue for a considerable time, and there will be ample time for evidence pro and con to be collected and the claim adjusted.

But the reason for limiting the period to six months or less is that the claim can be investigated while the memories of those concerned in the action, or whatever it may be, are fresh, and while the persons concerned are available. If a claim is not lodged within the six months, and it is ruled out of order as far as the department is concerned, it can, of course, be put before the Minister. Then, if there is any merit in it, and it can be established that the claimant was not at fault, it is always in the discretion of the Minister to take the matter up with Cabinet and possibly settle it as an ex gratia payment. It would not, of course, be a liability against the tramways, as such.

As the Minister when introducing the Bill explained, it has been found recently that lawyers, finding the six months' grace had expired, had brought an action against a tramway employee who was not covered by Section 26 of the Act. The idea of this amendment is to include the employee, for the purposes of the Act, in the same category as the general manager. Liability for any claims in this connection does not rule out third-party insurance risk. That is not covered by this at all, and will remain under the ordinary common law provisions.

The second amendment is really to deal with the question of claims for property which may be lost or damaged during a journey a passenger takes in a vehicle. The Tramways Department contention is that it contracts to take a passenger, say, from point A to point B, for 3d. or 4d., as the case may be. It is possible that passenger may have an article, such as a valuable vase, which is damaged through no fault of the Tramways Department, and he may lodge a claim against the department for the value of the article. The only contract the department had was to convey the passenger himself and not whatever goods and chattels he chose to take with him; and the department claims, I think rightly, that it should be absolved from any liability for damage which might arise. The Crown Law Department believes that as the Act now stands a claim for damages could possibly lie. The passing of this Bill would not rule out the possibility of a claim where negligence could be proved. If there was negligence, either by the department or one of its servants, then it would be liable under common law. But the intention of this amendment is not to include that. It merely takes into account the contract with the Tramways Department, and nothing else, to perform all reasonable obligations to which it should be subject in the contract. That is all there is in the Bill. I think the amendments are reasonable and I support the second reading.

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—COMPANIES ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. L. CRAIG (South-West) [8.30]: When I look at the Chief Secretary, I recall that some years ago he and I were members of a Royal Commission that reviewed the Companies Act. We sat for more than six months, and I believe it was the most extensive review of any Act that has ever been made in this State. At the end of our labours, we were presented with copies of the evidence bound in beautiful morocco —I still have my copy—and I think we deserved them.

The Chief Secretary: I wonder what this presages.

Hon. L. CRAIG: The Minister is becoming a little suspicious of what I am likely to say. The work of the commission was a tremendous job, but I enjoyed it greatly because I gained much experience from it. I was responsible for one or two very im-

portant amendments that today are law. One of them dealt with the provision of a local register of foreign companies trading in Western Australia. This proved of great benefit when shares formed part of an estate and probate could be obtained in Western Australia instead of having to be obtained from some other place.

The Act that resulted from the inquiries of the Royal Commission was criticised by some legal practitioners and praised by others, but I do not suppose that an Act of that size has ever stood for many years without needing amendment, and so, as time has passed, this Bill has been introduced to make certain amendments to the Act. Broadly speaking, I agree with the proposals.

Hon. C. W. D. Barker: You and I are going to agree at last.

Hon. L. CRAIG: I believe the hon. member is rather surprised that I should agree. We agree on many things, especially on matters of agriculture, and I hope we shall find that we can agree on many other things. There are certain companies that are not trading companies. These consist in the main of clubs, which are registered as limited liability companies. If clubs had to comply with the ordinary conditions of trading limited companies, it would be difficult, and so power is proposed to exempt such clubs, which are not trading companies in the true sense of the word, from some of the provisions of the Act. I agree with that proposal. The next amendment is not quite so easy. The idea is that where a company or proposed company issues a prospectus, it shall be printed in a legible type approved by the Registrar of Companies.

Hon. Sir Charles Latham: Not less than eight point face measurement.

Hon. L. CRAIG: If the hon. member can tell me what eight point type is, I shall be glad. I used the word "legible" which means "easily read," and I think that is better than referring to eight point type. In fact, I do not know what eight point type is. Does anyone know what it is?

The Chief Secretary: I shall try to get you a sample.

Hon. L. CRAIG: When a prospectus is issued for a proposed company, the object is to encourage people to invest money in the company. Such a company would not issue a prospectus on cheap paper or in badly printed type. Can anyone imagine people investing money in a company if it printed its prospectus in type that was not legible? If a prospectus is issued in the Eastern States—that means issued by a foreign company—and sent here and the Registrar rejects it, the company will say, "So far as we are concerned, Western Australia is out of this issue." There are many big companies like Courtauld's which have been urged by brokers here to give Western Australian investors an opportunity to invest in their shares.

Hon. Sir Charles Latham: They print their prospectuses in eight point type.

Hon. L. CRAIG: I do not know what eight point type is. This is an important matter. If we in this State lay down conditions that are not prescribed in other States, we shall be left out in the cold.

The Chief Secretary: Are conditions different in the Eastern States?

Hon. L. CRAIG: I understand that similar conditions are not laid down there. Who is to say what is suitable printing? If a printer had a reputation to maintain, would he turn out a prospectus in print that could not be read? This is a quibble that will merely add to the difficulties already imposed on companies.

Hon. L. C. Diver: But our ignorance should not preclude the passing of this legislation.

Hon. L. CRAIG: Suppose Western Australia lays down that eight point type must be used in prospectuses and the Eastern States do not insist upon it, if a prospectus is sent here printed in some other type and the Registrar says he will not allow it on that account, what will our position be? All the other States will have accepted it, and the money will roll in from those States for the flotation of the company and Western Australia will be excluded.

Hon. H. Hearn: It will not get a chance.

Hon. L. CRAIG: That is so, and why? Because the prospectus is not printed in eight point type! Members should appreciate that the requisite money can be raised in the Eastern States; but if a section of shares is allotted to a distant State like Western Australia on the urging of brokers to allow our people to invest their money, and this condition is insisted upon, we shall not be considered.

The Chief Secretary: If the other States are wrong, is that any reason why we should not be right?

Hon. L. CRAIG: All the other States, including even little Tasmania, might be right and we might be wrong.

The Chief Secretary: It could be.

Hon. L. CRAIG: That is not unlikely.

Hon. H. Hearn: And it would still be to our disadvantage. We cannot alter that.

Hon. L. CRAIG: It is better to co-operate and work in with the other States than to insist upon such a condition and be excluded. I shall support the second reading; but these clauses which look innocuous are very important and we should not be foolish about them.

Another point is that auditors should be invited to attend the annual general meeting of shareholders. That is a good provision, because auditors are appointed, not by the directors of a company, but by the shareholders and represent the shareholders. The term "auditor" is derived

from the Latin "audio" meaning "I hear." Before the days of proper book-keeping, auditors went along to meetings and told the shareholders how they thought the affairs of the company were going. They represented the shareholders then and have done so ever since. They are quite outside the control of the directors. The shareholders appoint and fix the remuneration of the auditors, who should not only be allowed to attend the annual general meeting of shareholders but should be invited to do so. I think that is a good proposal.

The next amendment provides that the liquidator of a company shall not be an officer of the company. I consider that a good proposal, too. If a company gets into difficulties, it is desirable that the person appointed to wind up or liquidate the company should be somebody who has not been actively associated with it. That is only common sense because, if an officer of the company were appointed, he might be suspected of getting something out of it to which he was not entitled.

There is a reference in the Bill that I cannot quite understand, namely, the reference to an employee of an employee of the company. That is ridiculous if it means what I believe it does. However, we can deal with that in Committee. In principle, I fully agree with the proposal that the liquidator should be somebody who has had no association at all with the company, for then everything would be above-board.

With the next amendment, I do not quite agree, though there may be some argument in favour of it. The Chief Secretary, when moving the second reading, said that certain mining companies were, in the main, owned by other companies in the Eastern States. That is so, but it might not apply to mining companies only; it could equally apply to other companies. These small companies are kept going by loans from the parent or holding companies. The clause provides that where the parent company holds more than three-quarters of the issued capital of the insolvent company, the debt of the holding company shall be deferred until the debts of all the other creditors have been paid. In other words, the company shall step down from its place of equality when it comes to winding up and stand back until the other creditors have been fully paid.

I do not see why that should happen. We are being asked to stultify the development of these small companies, yet the provisions of the measure would be easily avoided or evaded, so I do not think it is worth the paper on which it is printed. If an owner or a holding company, holding more than three quarters of the shares in a local company and realising that it would have to step down from its position of equality in the payment of debts in the case of liquidation, knew that the company was likely to go into liquidation—as it would know because, owning three-quarters of the shares, it would control the company—

Hon. H. Hearn: They would have representation on the board.

Hon. L. CRAIG: The directors of the holding company would be the directors of the local company. Obviously, in the circumstances I have outlined, they would dispose of those shares by transferring them to another company, or to one of their directors or someone else, so that at the time of liquidation they would not own three-quarters of the shares.

The Chief Secretary: They would have to get a mug to take them.

Hon. L. CRAIG: No, they would only have to transfer them.

Hon. H. Hearn: There would be no liability with them.

Hon. L. CRAIG: They would just transfer them to John Smith, or to another of their companies.

Hon. H. Hearn: And John Smith would have no liability.

Hon. L. CRAIG: None whatever; and at the time of liquidation they would be on equality in the distribution of the assets of the company. So there is nothing to be achieved by this amendment, which would only prove stultifying to the establishment of little companies, and especially in the case of mining companies. It would not necessarily be a mining company, but only big companies with large capital are willing to start off these little companies to run goldmining shows. Without the big mining companies little mining companies would not be established, as Goldfields members know. We should not stultify them by saying, "If you own more than three-quarters of the shares you will not be able to get your money back." The provision, I repeat, could be easily avoided or evaded, so why not leave out these pin-pricking points that are of little value?

Hon. L. C. Diver: Do you mean "evaded" or "avoided"?

Hon. L. CRAIG: Both. One is legal and the other is not. One is entitled to avoid paying income tax but not to evade it. The next provision deals with the position where a liquidator finds difficulty in winding up a company within six months and the registrar can give him permission to extend the time. There is no objection to that. A further clause deals with shares that have no numbers. That is becoming a common practice with many of the bigger companies that have a lot of share dealings. They are changing their shares to stock. If a company has 1,000,000 shares they are numbered from 1 to 1,000,000, and a person buying 100 of them might buy those numbered from 9,363 to 9,463. A company such as the B.H.P. might have 45,000 shareholders

with perhaps 10,000 shares changing hands each day, so one can imagine the enormous amount of office work entailed in transferring the shares and recording the registered numbers. Each transfer must be registered in a book, and the numbers of the shares recorded. They must be cancelled and new numbers issued, and it is a complicated business.

Hon. Sir Charles Latham : They are not all issued in single numbers.

Hon. L. CRAIG: No, or even in hundreds; but each number must be recorded.

Hon. L. C. Diver: It would be no more involved than the records of a bank.

Hon. L. CRAIG: No, except that Smith sells to Brown, and he to Robinson, and he to Crusoe, and the numbers are changed all over the place.

Hon. H. Hearn: And they have to be posted in a share register.

Hon. L. CRAIG: Yes, with columns showing the date and so on. New paper has to be issued each time a transfer takes place and the old paper cancelled and a resolution of the board has to be recorded in the minute book and signed by the directors. I repeat that there is coming into being a practice whereby stock is issued in place of shares, and the stock has no number. Instead of buying 1,000 shares with numbers, one buys a block of 1,000 shares with no numbers. If Smith sells 100 shares to Robinson, they just put him down for 100 shares and that is all there is to it.

Hon. L. C. Diver: How do they know who owns which shares?

Hon. L. CRAIG: They do not, because the shares are all the same.

Hon. L. C. Diver: How would they prevent an unofficial increase in the number of shares?

Hon. L. CRAIG: The total number of shares never changes. The scrip is stamped with its number instead of one's shares being numbered from perhaps 6,543 to 6,643. The B.H.P. has not yet adopted stock instead of shares, as it has scrip all over the world and the change-over would involve getting in all that scrip. Many big companies, such as Courtauld's are in the process of converting their £1 shares to £1 stock.

Hon. L. C. Diver: That practice would lend itself to bogus shares.

Hon. L. CRAIG: No. It is simple and a splendid idea. The Bill provides that where a company, perhaps in the Eastern States, has stock, that shall be accepted here although the shares are not numbered.

Hon. C. W. D. Barker: Do you agree with that?

Hon. L. CRAIG: We have agreed on so much tonight that the hon. member will not let me down now.

Hon. E. M. Heenan: You are both big shareholders.

Hon. L. CRAIG: We are almost blood brothers. There are many investment companies such as Capel Court, Australian Foundation and others. Their objective is to buy shares registered on the Stock Exchange, and they deal in shares. It is a safe and sound investment for the ordinary man who does not know much about shares.

Hon. Sir Charles Latham: We had one investment company here which was not very sound.

Hon. L. CRAIG: Perhaps the hon. member lost money over it.

Hon. Sir Charles Latham: No, but he cleaned it up.

Hon. L. CRAIG: Many of these investment companies are run by J. B. Were & Son, and they are very sound. Australian Foundation would probably have shares in 300 or 400 different companies and so the risk is spread.

Hon. H. Hearn: It is usually gilt-edged investment.

Hon. L. CRAIG: Yes, they generally do not pay a high rate of dividend, but it is a very sound form of investment if properly run. The object of the measure is to ensure that such companies are properly run, and that they must buy shares in public companies and not in private companies whose balance sheets and accounts have not to be submitted to the Stock Exchange. It ensures that the investment company invests only in concerns whose balance sheets and accounts are publicly published, and not in proprietary or private companies.

Hon. C. W. D. Barker: I agree with that.

Hon. L. CRAIG: I will look to the hon. member for support when we come to one or two clauses with which I am sure he and I do not agree. I am glad to see that the Government is endeavouring to keep our company legislation up to date. I support the second reading.

Hon. C. W. D. Barker: In other words, it is a good Government.

Hon. L. CRAIG: It is a good Bill.

On motion by Hon. H. Hearn, debate adjourned.

BILL—COLLIE-GRIFFIN MINE RAILWAY.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [8.57] in moving the second reading said: I desire first to lay on the Table a map dealing with the Bill. The intention of the measure is to constitute the Collie-Griffin mine railway as a Government railway. The history of this line commenced in 1928, when, after a request from the Griffin Mining Coy. Ltd.,

the Government agreed to construct a railway from Collie station to the new Griffin mine in order to assist the company in its operations. An agreement to this effect was entered into on the 31st August, 1928. The company proposed to advance £15,000 to be held by the Treasurer until revenue from the line produced, in addition to working expenses, maintenance, repairs to and depreciation of, rollingstock and plant used on the line, the actual expenditure on the construction of the line with interest thereon at 5 per cent. per annum.

The Treasurer agreed to accept a deposit of £5,000 in cash, which was lodged at the Commercial Bank, and an assignment of uncalled capital on 10,000 shares of £1 in the company. Interest accruing on the deposit of £5,000 was to be paid to the company, except to the extent that the revenue from the line did not meet the operating costs mentioned. When the cost of the line, plus interest, had been recouped from the surplus revenue, the securities were to be returned to the company. Coal purchased by the Railway Department and carried over the line was to be brought into account in determining the earnings.

The line commenced operations on the 18th June, 1929. Following representations from the company, the Treasurer refunded £4,750 of the fixed deposit to the company on the 12th September, 1930, and received in lieu 5,000 shares of £1 paid up to 3d. per share, bringing the number of shares held to 15,000 over the uncalled amount of which a debenture was held.

By Deed of Release, dated the 25th October, 1934, after further representations from the company, the amount representing the cost of construction on which interest was to be computed was reduced from £23,231 to £9,000, and later, the shares and balance of the deposit of £250 were returned to the company. For a number of years the line showed a surplus, but after some time the revenue was not sufficient to meet outgoings, and the company was called upon to pay the difference which, up to December, 1948, amounted to £7,842.

In 1949 the company opened negotiations with a view to acquiring the mine sidings, but during the discussions doubt was cast on the application of that portion of the original agreement which referred to making good the deficiency in revenue from the line. The Crown Law Department advised that the company could not be charged with this deficiency, plus interest, as had been done, as the agreement provided that this recovery could be effected only from, and to the extent of, the interest accruing on the fixed deposit. In addition, the agreement did not provide for depreciation on the line which had been included in working costs. After allowing for interest which would have accumulated and would have been available for meeting the deficiency had the fixed deposit not been refunded, it was clear that the company had overpaid in the vicinity of £4,800.

Following discussions with the previous Government, the company agreed that if the sidings in the immediate vicinity of the mine comprising about 57 chains, were transferred to it, a claim would not be made for a refund of the amount overpaid. The sidings were valued at £2,200. Executive Council approval was given to this proposal on the 20th February, 1953. The balance of the railway, 2 miles 55 chains, was to be taken over by the Railway Commission, and the Griffin Company was to pay the Commission annual charges computed on the usual basis for all siding holders who have a connection with the main railway system. The Treasury and the Railways Commission have agreed that the amount to be taken into railway accounts for the 2 miles 55 chains should be £6,800, as mentioned in the Bill.

Although the railway has always been Government property, it has not been a railway constructed under the authority of a special Act in accordance with the provisions of Section 96 of the Public Works Act, 1902-1950. The Bill will remedy that position and will enable the Commission to operate it under the Railways Act in the same way as any other section of the railways. I move—

That the Bill be now read a second time.

HON. C. H. SIMPSON (Midland) [9.4]: There is no need to move for an adjournment of the debate. As will be gathered from the speech by the Chief Secretary, the matter dealt with by the Bill is most involved. I remember visiting Collie about three years ago, and the representatives of the company interviewed me at that time in regard to having the trouble rectified. I told them that I would investigate the position, and on my return to Perth I examined the relevant files. It seemed that both parties wanted to adjust the matter and that there was no dispute between the company and the Railway Department as to the essential equities concerned. But they were told by the Crown Law Department that nothing could be done under the powers they held at that time. The Bill, however, proposes to wind the matter up. I am sure it will clear up a problem that has been floating for some time and will give satisfaction both to the company and the Railway Department. I support the second reading of the Bill.

In Committee.

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

House adjourned at 9.7 p.m