

# Legislative Council

Tuesday, 27th October, 1953.

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

## QUESTIONS.

### RAILWAYS.

#### *As to Payment of Men on Call.*

Hon. A. L. LOTON asked the Chief Secretary:

(1) Is it a fact that certain key men in the Railway Department are rostered during week-ends to be "on call"?

(2) What is the rate of pay of men so rostered?

(3) What is the rate of pay for men "called"?

(4) In the event of there being more than one "call" to the same person during a day, what payment is made?

(5) Is it correct that a man "called" can get full pay on the daily basis for each time he is called?

The CHIEF SECRETARY replied:

(1) No. At some localities the employees who may be called out, arrange a roster.

(2) Employees are not paid unless called to work.

(3) The industrial awards provide for payment of a minimum of two hours to an employee brought on duty outside his ordinary hours on a Saturday and a minimum of four hours at double time if brought on duty on a Sunday.

(4) The minimum rates apply for each call-out separately.

(5) Answered by No. 3.

## NORTH-WEST.

### *As to Horse Poisoning, Fossil Downs Station.*

Hon. C. W. D. BARKER asked the Minister for the North-West:

(1) Is he aware of the tragedy that has occurred at Fossil Downs station, where all the horses—ninety in number—have died from poisoning, the poison being suspected to have come from imported oats?

(2) Will he have a thorough investigation made to ascertain the true cause of this tragedy?

The MINISTER replied:

(1) It appears that early reports were inaccurate as only five Percherons were affected and the deaths of three confirmed.

(2) The Chief Veterinary Officer has instituted feeding tests at the Animal Health and Nutrition Laboratory to determine whether the sample of oats submitted contains any toxic material. Other possible causes are also being thoroughly investigated.

## NOTICE OF MOTION—TRAFFIC ACT.

### *To Disallow Mechanical Traffic Signal Regulation.*

Notice of motion called on for Hon. H. K. Watson to move—

That Regulation No. 115A made under the Traffic Act, 1919-1952, as published in the "Government Gazette" of the 2nd April, 1953, and laid on the Table of the House on the 11th August, 1953, be, and is, hereby disallowed.

Hon. H. K. WATSON: Thanks to the prompt and intelligent action of the Chief Secretary, the regulation, about which complaint is made in the notice of motion, has, since it was tabled, been suitably amended, and I do not therefore desire to move the motion standing in my name.

Notice of motion, by leave, withdrawn.

## BILLS (2)—THIRD READING.

1. Bee Industry Compensation.  
Returned to the Assembly with amendments.

2. Dairy Industry Act Amendment.  
*Passed.*

## BILL—ASSISTANCE BY LOCAL AUTHORITIES IN WIRING DWELLINGS FOR ELECTRICITY.

### *Second Reading.*

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.40] in moving the second reading said: Compared with the formidable length of its short Title, this is quite a small Bill. Its genesis was a proposal from the Northam Municipal Council that local authorities be given the power to

assist persons with the wiring or rewiring of their homes. For many people the installation or renewal of electrical wiring is costly, particularly in country districts, and the Government said that it was prepared to introduce a Bill providing local authorities with discretionary powers in this connection.

The Bill provides that the owner or occupier of a ratable dwelling-house may apply to his local authority for assistance in the rewiring or wiring of the house. If the local authority considers that such assistance is warranted, it may carry out the necessary work and enter into an agreement with the applicant for the cost to be repaid within 10 years. The cost may be met from the ordinary revenue of the local authority, or from loan funds raised for the purpose. All advances to applicants are to be regarded as rates owing, and to be treated for recovery purposes in a similar manner to rates.

As I have said, this is a small Bill. No obligation is laid on local authorities to assist applicants; they are given discretionary powers in this regard. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

## **BILL—FIREARMS AND GUNS ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the 22nd October.

**HON. SIR CHARLES LATHAM** (Central) [4.41]: This is a most extraordinary Bill for the Government to introduce. In view of some of the remarks that have been made in this House, and judging by the treatment that it received in another place, I think members should give serious consideration to it. The Bill consists of only eight clauses, and its objects are to try to help catch and punish men who have criminal instincts, and to assist the police in preventing such people from carrying firearms and using them. But I would point out to members that there are very few people of that type in this State, and where any shooting has taken place, I would say that it would have occurred even if these amendments had the force of law.

Mention was made about the constable who was shot at Claremont. Even if these amendments had been part of the Firearms and Guns Act at the time that shooting took place, it would not have stopped the constable from being shot. But I would point out that the amendments will affect many other people who have no criminal instincts at all, and I think some consideration should be given to that aspect. The Bill will affect every person who has a sporting piece in his possession, and the measure will more or less

make criminals of those people. There is no doubt that the measure has been introduced in an effort to prevent crimes being committed by hardened criminals. But let us go back to the time when the Act was first introduced.

The principal Act was passed in 1931 and up to that time the control of firearms came under the Police Act; and, in my opinion, that is the most fair and effective way of dealing with it. In 1930, at the beginning of the depression, a certain section of people in this State, who were branded as communists, started to stir up strife and the Government received information that they planned, if necessary, to use force and firearms to gain their desires. For that reason the Commissioner of Police asked the Government of the day to take all necessary precautions to prevent firearms from getting into the hands of these so-called communists. The Firearms and Guns Act was introduced and, if my memory serves me rightly, a regulation was promulgated at that time to the effect that no firearm should be kept in any place unless the bolt or some vital part had been removed and locked up in a safe deposit.

Certain business houses that were displaying firearms in their windows were asked to make sure that precautions were taken to prevent people from breaking the glass and obtaining possession of the firearms on display. That is the reason for the introduction of the principal Act and the mere fact that a constable was shot at Claremont had nothing to do with it at all. There is no doubt that this measure served a useful purpose at the time but I think the best way to control firearms is to make the necessary provision under the Police Act.

Why should we have all these restrictions? Do members know that today it is an offence to discharge a gun on any country road? If a farmer is driving sheep along a country road he is not permitted to shoot a fox or a dingo, because he is not allowed to discharge a firearm on the road! That is carrying things too far. Why should there be all these restrictions simply because some stupid people, who cannot carry guns without discharging them, like to shoot at safety signals on the road and so on? Members can see the result of that sort of thing as they travel along any country road.

On the Carnarvon road and the East-West road some silly cranks have shot bullets through the water tanks, but it is impossible to stop that sort of thing; the only way to overcome it is to try to educate the type that indulges in those practices. It is not a criminal action, although it is an offence to puncture water tanks and allow water, preserved for the use of travellers, to leak out.

Hon. L. A. Logan: Such people want flogging.

Hon. Sir CHARLES LATHAM: It is impossible to stop that sort of thing. I have had a look at the amendments; and while some of them may be useful, I think it would be a good plan if the Government withdrew the Bill and gave consideration, after discussion with the Commissioner of Police and the Crown Law authorities, to introducing necessary amendments to the Police Act. These amendments should be general and, in fact, the whole subject of firearms could be further considered and brought up to date.

The first amendment in the Bill will give authority to a dealer, under his existing licence, to test a weapon. The next one will enable the Governor, diplomats or consular representatives, to be exempt from the provisions of the principal Act as regards application for licences. Most of the other amendments deal with increased fines and penalties. I have no objection to treating a criminal as he deserves or to his being punished as his actions warrant, but this measure will apply to a man who owns what is known as a sporting piece, and he will automatically become a criminal, more or less, if the Bill is made law. So, for that reason, I think the Government would be well advised to withdraw the measure and give it further consideration.

A Bill of this kind can be more ably dealt with in Committee, because it particularly deals with increased penalties. Not only does it increase the penalty by way of fine but also as regards the term of imprisonment. There may be some justification for increasing fines because the value of money has depreciated so much since the Act was first introduced. But the term of imprisonment is not so affected, and the Bill provides that a man shall be liable to two years' imprisonment. Under the measure, it is possible to send to prison for two years a man who is in possession of an unlicensed firearm, but at the same time there are many other criminals who would not be affected by it and who are probably worse than a man who possesses an unlicensed firearm. Let us take the tragedy at Wubin. That man did not use a firearm but he brutally murdered another man. And there are other offences which are punishable by death under the Criminal Code.

The Bill deals only with one side of the matter, and I do not think we are justified in imposing so much inconvenience on thousands of people who have guns, particularly farmers, who use them to destroy vermin, such as kangaroos, dingoes, emus and foxes. These men will be put to a lot of bother if by chance they forget to license their piece—their gun or rifle—at any time; and they will be liable to a penalty. Once a licence has

been issued to a person, he should be permitted to have that licence for the time he owns the gun and is responsible for it. Why should he have to license his gun every year?

Hon. C. W. D. Barker: As a means of checking firearms.

Hon. Sir CHARLES LATHAM: We could quite easily provide that no man shall transfer a firearm to another person; in fact, provision is made for that now. Why should he have to license his firearm every year?

The Chief Secretary: Motorists are likely to suggest a similar procedure for motorcar licences.

Hon. Sir CHARLES LATHAM: I am not sure whether the Minister is expressing the view of the Government or not. The Minister shakes his head; no, of course it is not the view of the Government! The motorcar licence is a taxing measure. Is this a taxing measure? I do not think it is intended to be. So that argument does not impress me very much. I do not propose to weary the House much longer, but would like the Minister to give some consideration to, and perhaps explain, the final clause of the Bill. Clause 8 provides that Section 15 be repealed and re-enacted as follows:—

In the prosecution of an offence against this Act an averment made by the complainant and contained in the complaint of the offence that at a particular time a person was not the holder of a particular licence under this Act is evidence of the matter averred.

The Minister might be good enough to tell us what is meant by the word "averred." I have looked it up in the dictionary and find that the word "averment" has no very definite meaning. It may include allegations of law and it may include allegations of fact. In a case under the Income Tax Assessment Act, the judge said that it meant *prima facie* evidence. This is the type of clause to which most people object because it is incumbent on a person to prove that he is not guilty. I hope the Minister will give us some information as to whether the word "averment" is meant to be taken in respect of a question of law or a question of fact.

Another matter to which I wish to refer, and on which I would like some information from the Minister, is that the Minister for Justice made a Press statement that any person who has firearms in his possession that happen to be unlicensed and have not been accounted for, will receive an amnesty if he hands in the weapons. What authority did the Minister for Justice have for making such a statement? There is no provision for it in the statute and I do not see how the Minister can do any such thing until it is amended. On page 222 of the Stand-

ing Orders, under Section X, of the Letters Patent dealing with grants of pardon by the Governor, we find the following:—

When any crime or offence has been committed within the State, against the laws of the State, or for which the offender may be tried therein, the Governor may, as he shall see occasion, in Our Name and on Our behalf, grant a pardon to any accomplice in such crime or offence who shall give such information as shall lead to the conviction of the principal offender, or of any one of such offenders, if more than one; and further, may grant to any offender convicted in any court or the State, or before any judge, or other magistrate of the State, within the State, a pardon either free or subject to lawful conditions, or any remission of the sentence passed on such offender or any respite of the execution of such sentence for such period as the Governor thinks fit; and further, may remit any fines, penalties, or forfeitures due or accrued to Us. Provided always that the Governor shall in no case, except where the offence has been of a political nature unaccompanied by any other grave crime, make it a condition of any pardon or remission of sentence that the offender shall absent himself or be removed from the State.

Until they prove a man is guilty of violating the law, how can he get a pardon?—and amnesty means pardon. Is the Government going to alter the law to suit itself? It will not be the first time it has done so. We have had the case of entertainments tax, where the law stated a hard-and-fast rate to be charged, but the Government desired to vary that without amending the law.

The Minister for the North-West: You will not let us.

Hon. Sir CHARLES LATHAM: That is wrong in principle, and if another place will not keep the Government on the right track, then it is up to us to do so. But we find the Minister for Justice saying that he has authority to grant an amnesty, provided people bring along their firearms, etc. Under the definition of "firearm" in the Act, ammunition is, of course, included. The Minister has no authority to do what he has suggested. If the Government does not observe the law of the land, how can it expect others to do so?

Hon. H. Hearn: It may acquire it through custom.

The Chief Secretary: Or example.

Hon. Sir CHARLES LATHAM: How can the Government expect the public to live up to the law when it does not do so itself? I object strongly to any Minister of the Crown being able to issue pardons to people, more particularly without their

having been tried first. They should be tried and, if convicted, then it is within the power of the Executive Council, which, of course, includes the Governor, to give them a pardon if necessary. But here we find the Minister saying, "Bring in your firearms and we will let you off."

Hon. F. R. H. Lavery: Was not that to encourage people to bring in their wartime souvenirs?

Hon. Sir CHARLES LATHAM: That reminds me of another point, namely, that if a man has a firearm in his possession and the brand has been removed, then he is liable to a penalty. I know of an instance of a man who bought a firearm that was a souvenir of the war. When the weapon was sold to him, the brand had already been erased. That man would be liable for having such a firearm in his possession although at the time he bought it he was not aware that the brand was missing, and it is only by this new amendment that he would be made responsible for having it in his possession. That is very unfair.

Viewing the whole of the provisions, how will they protect the people? They will not protect them at all. Often these things are not found out until offences are committed, and meanwhile any individual wishing to go out and shoot ducks or rabbits is to be restricted in that respect. He is not to be permitted to shoot from a road and he might be prosecuted for going on to private property. Let us have a little more freedom and common sense, and let us ask the people to exercise common sense and observe the law as it exists. If it is a bad law, let us alter it; if it is good, let us stick to it.

HON. C. H. HENNING (South-West) [5.1]: I listened to the Minister's second reading speech with much interest and propose to support the second reading of the Bill, particularly for the reason that it will tighten up the control of a particular firearm, which tightening up, in the opinion of the police, is necessary because certain happenings may occur here. In many respects, however, the measure does not go far enough. However, I shall deal with that point later.

Section 5 is the first one proposed to be amended. This section provides that licences shall be four kinds—

- (a) A licence to possess a firearm;
- (b) a licence to manufacture and repair firearms;
- (c) a licence to deal in firearms; and
- (d) a licence to conduct a shooting gallery.

The Bill proposes to amend those provisions, but if we look at the regulations that were passed in November, 1931, we find that there is also another licence which may be granted under Section 30. A bank or financial institution may ac-

quire any number of specified firearms and certain persons may possess or use them provided the institution notifies the Commissioner of Police.

There is also a licence under Regulation 29A published in the Government Gazette on the 15th July, 1932. This states that where an owner of a firearm that has been licensed so desires, any other eligible person residing in his household shall also hold a licence in respect of such firearm provided the application is made in writing, and endorsed by the licensee; and no fee shall be payable in respect of any such further licence. Whether that regulation is observed, I do not know, but I have spoken to several members and I know from my own experience that whenever I have desired a member of my family to have a licence for the gun licensed by me, he has had to take out a licence. In other words, three or four people can be licensed for a particular firearm.

I have never heard of what is called Form 5A, though there are 21 other forms in connection with the possession and use of firearms. Sir Charles Latham made a point by inquiring whether this was becoming a taxing measure. If it be necessary to have 21 forms, there must be some revenue to cover the cost of the paper war, but if there were one licence to cover the lot, it would save a tremendous amount of printing and a tremendous amount of paper work in the Police Department. I presume that Regulation 29A may be availed of by any farmer, but why should it be necessary for a farmer requiring firearms for the eradication of pests to take out a licence when a financial institution is asked to do no more than notify the Commissioner of Police? The financial institution merely writes to the Commissioner stating that it has acquired so many firearms and that certain people are to be permitted to use them. I think the farmer is just as reputable as is any financial institution.

Section 9 of the principal Act states that no licence shall be required by any person who is a member of the naval, military or air service or the Police Force or of a rifle club. What does that mean? I inquired some time ago from an inspector of police, and he said that it meant purely and simply that a member of the forces or of a rifle club could use a particular weapon, whether private or issue, on a military range and could carry it going to and from the range. But there are instances where people use them for practice on private property. Many years ago a policeman helped me to do so, and I would swear that he did not know the Act. It was only last week that I discovered this provision.

If a man is a member of the forces, he may keep the firearm but not use it privately till he reaches 65, 70 or 80 years of

age provided he is on the reserve or goes on the retired list, but if on the active list, he may own a revolver or pistol and have it licensed for private use. When he reaches the stage of not desiring to shoot in competitions, he must go to the police and ask for a licence or hand the weapon in; and, judging by the way pistols are being dealt with by the police, I am certain it would mean handing it in. As regards compensation, he would not be likely to receive any, because it is difficult for anyone to get a permit to purchase a pistol at the present time. I think some cognisance should be taken of the fact of a man having possessed a firearm, particularly as a member of the forces, and of his being sufficiently reputable to retain the pistol in serviceable condition when he goes off the active list.

A common carrier or warehouseman shall not require a licence. I should like to know why. If he does not require one, why should a farmer require one to destroy vermin? I take it that provision refers to any common carrier or warehouseman for the protection of his property or property in transit. I am not particularly concerned about the proposed new Section 11A because I believe it has been framed for a definite purpose, namely, to get firearms from the possession of people, particularly from those who are not reputable. I do not cavil at the proposal to increase the penalties, because they are aimed at protecting the public. If the police consider that heavier penalties are necessary, I am prepared to take their word for it.

Now what about the rifle and shotgun used to a large extent by people who indulge in indiscriminate shooting practically every week-end? People may be seen shooting from roads anywhere and at any time between Friday afternoon and Sunday night. The unfortunate part is that, if complaints are made to the police, as I know they have been on one or two occasions, the police refer the complainants to the road boards. This is one of the 13 or 14 Acts administered by local authorities, and provision is also made for it in the regulations. I consider that such a provision should not remain in the Act or regulations when it is absolutely impossible to police it.

As regards offences, I was asked the other day to inquire into the possibility of having people prevented from shooting on certain land. The man in question had a road on one side of his property and an airstrip on the other side, and he said that on Friday, Saturday and Sunday nights, it was dangerous to cross his paddocks, owing to people shooting, not only from the roads but also in the paddocks. I asked the police what could be done and the reply was that the only remedy was for the owner to launch a prosecution. The owner has cows to milk and has to deliver the milk at a set time, and yet he

is expected to go out and catch such people who invariably shoot in the late afternoon and early evening. He is expected to get their names, but there is nothing to say that they must give their right names or produce a licence.

I also asked what was the position of a man with firearms who could not speak English, and was told that no such man possessed a licence. Yet only three or four weeks before, I halted a man on my property and all he could say was "Waroona". He was lost within a mile of the town. The police told me that such a man should not have a licence, but what authority have I for asking him to produce his licence or what chance would I have of getting his right name? That provision should be tightened up so that irresponsible people carrying firearms may be dealt with. Those people do not know the regulations or the Act and particularly the provisions of the game laws as to what birds or animals are protected and when the close season applies to each of them.

Earlier, I mentioned indiscriminate shooting. In the South-West, quite a number of valuable stock have been killed or wounded. The ordinary water tank is a pet target, probably because it is so large. The tail of a windmill is also another pet target. Mr. Lavery, in the course of his speech on the Address-in-reply, spoke of happenings at Kwinana, where people were firing indiscriminately from motor-cars and motorcycles. This sort of thing extends right down into the South-West and I believe into the wheat belt. I consider that those are the people that need to be controlled, as much in their own interests as in the interests of the public. I was pleased to notice that the Minister, in the course of his reply, thanked Mr. Lavery for having mentioned that matter, and I hope that some action will be taken by the police or by way of further amendments to the Act.

Many of these people do not know which are the open or closed seasons, and jackasses, magpies, wild ducks and their clutches are all fair game to them. They have no idea of what is a closed or an open season or what animals are protected. Kangaroos are protected in the South-West where they are not extremely plentiful. About four years ago I was looking for cattle in that area and came across a heap of 28 kangaroos. Each had had its tail removed and three had been skinned. I made a few inquiries and was told that two truckloads of people had come from the metropolitan area and, having spaced themselves about 100 yards apart, between the Harvey River and Lake Clifton, had marched on a front for a distance of four or five miles and had shot at everything in their way. That is what some people call sport, and sport is the reason why a lot of people in the metropolitan area are issued with licences for rifles and shot guns.

I am thinking seriously of moving an amendment, when the Bill is in Committee, to provide that when a licence is issued or renewed a pamphlet shall be supplied to the licence holder pointing out certain offences under the Act and indicating what game are protected and which are the closed seasons. If such a provision became law, we might by means of it get a little more sense into some people. Tanks and windmills also must be protected from those who use firearms indiscriminately. Sir Charles Latham mentioned the amnesty on firearms. There are probably hundreds of firearms in Western Australia not licensed and people have asked me what will happen if they take their weapons to the police—whether they will receive licences or have the firearms confiscated. I hope that the Minister will give some answer to that when replying.

Section 10 sets out who shall not be granted a licence, but does not specify those to whom a licence shall be granted. It is easy for the police to say, "Yes" or "No," but the answer is invariably "No." I believe that any reputable person, provided he has fair and reasonable cause to possess a firearm, should be granted a licence, but what is the good of tightening up the Act in one direction when anyone, by using a hacksaw, can cut down a .22 or .32 rifle and turn it into a concealable weapon which, as the Minister stated, is used by the criminal classes just as much as is the ordinary pistol? Why give licences to people who use their firearms only for indiscriminate shooting? Whether any notice will be taken of what I am saying I do not know, but I can assure the House that wherever one goes in the South-West one meets with complaints about indiscriminate shooting. I support the second reading, but do not think the Bill goes far enough.

**HON. A. L. LOTON (South) [5.20]:** When introducing the Bill, the Minister said that the purpose of the Act is to restrict the possibility of the use of firearms by people with criminal or dangerous tendencies, but I doubt if that is sufficient because, in view of what Mr. Henning and Sir Charles Latham have said, it appears that most of the indiscriminate and dangerous shooting today is done by people from various townships who go out on shooting expeditions without caring what they use for a target or what are the consequences of their activities.

The first provision of the measure deals with licences and one would have expected that greater freedom would be given to the person who is mostly concerned with the use of firearms and who has to use them in the course of his business. I do not think anyone has more real use for a firearm than he who is engaged in primary production, but there is nothing about him in the Bill. Under Section 5 of the principal Act four kinds of licences are provided for. The two amendments

proposed in the Bill are to extend certain benefits to those engaged in the manufacture and repair of firearms.

It is provided that the employee of the manufacturer or dealer in firearms can handle the guns, test them, or offer them for sale and that a record should be kept in a book of the date and place of the testing or demonstration. I would have expected to find some provision with regard to the primary producer and his employees, but it does not appear in the measure. At present if one has a lad of under 16 years of age on a farm he can use a firearm so long as his employer takes the responsibility, but as soon as the young man reaches the age of 16, he is no longer eligible to use a firearm and if he does so, both he and his employer are guilty of an offence.

One reads that in Victoria—where there is the same provision in the firearms legislation—the Graziers' Council is strongly opposed to that provision and said that a farmer should not give his manager a firearm to destroy a beast without committing an offence, and I believe that the same position applies in this State. If I lend a firearm to my employee to destroy a beast or vermin, either on the property or on the road, both of us are guilty of an offence.

The fee charged for the registration or renewal of registration of a firearm is 1s. and although I may not lend my firearm to my employee, that person can go to the local constable and, on the payment of a 5s. fee, register the same firearm. That does not make sense to me. The form of the licence reads as follows:—

This is to certify that.....  
of..... who has signed  
his name in the margin hereof, is  
hereby licensed, in accordance with  
Section 5 of the Firearms and Guns  
Act, 1931, to purchase, use, carry or  
have in his possession the firearms  
hereunder described from the date  
hereof, until the 31st day of December,  
195.....

Under the provisions of the Act at present there need—to state an extreme case—be only one firearm in a district, yet every resident there could license it and become eligible to use it.

A party of three or four might go out shooting, one licensed to possess a 12-gauge double-barrelled shot gun, the second licensed to carry a .32 rifle and the third a .22 rifle or a single-barrelled shot gun and during the day change about, each using another's firearm. In that case they would all be committing an offence as each is licensed to use only the one firearm. The individual himself is not licensed and it is only the firearm that is licensed. I think that it would be preferable to license the individual to use firearms if we are to endeavour to tighten up the indiscriminate use of weapons.

Hon. A. F. Griffith: Some of these people do not know how to handle firearms.

Hon. A. L. LOTON: In many instances the only time they use them is when they take a trip into the country. As has been said, rainwater tanks are often selected as a target as the gush of water is easily seen when they are hit. One sees that kind of destruction all over the country.

Hon. E. M. Heenan: What about haystacks?

Hon. A. L. LOTON: There would not be much to see as the result of firing into haystacks. The vanes of windmills are another favourite target. I think it is essential to allow people to drive along highways and shoot in certain areas, as in the case of a roadway between two rabbit-proof fences it is one method of destroying vermin. One could not run rabbits down on foot unless one had the ability of Mr. Barker, and most of us have not.

Hon. C. W. D. Barker: Why bring me into it?

Hon. A. L. LOTON: Because the hon. member is the most athletic member of this House. I cannot understand why, under the parent Act, a common carrier is entitled to possess a firearm. The words "common carrier" mean a person who carries any class of goods for hire, according to the dictionary that I consulted. If that is the position, I fail to see why a man carting goods from Fremantle to Perth, as a common carrier, should be entitled to have a firearm in his possession. Carriers in country districts would also be entitled to carry firearms or have them in their possession and I do not think it is necessary, although it may have been considered so at the time the Act was passed and such men were conveying mails. I oppose the second reading.

**HON. W. R. HALL** (North-East) [5.30]: I do not care for the Bill. If it had been brought down merely with a view to preventing persons with criminal tendencies from possessing firearms, it would have my support, but I believe it will seriously affect the sporting activities of many ordinary citizens. In my view a person owning a firearm should hold a licence apart from the licensing of the firearm itself. An owner should prove that he is a fit and proper person before being issued with a licence. Many of the accidents caused today are as a result of the use of firearms by people who are inexperienced and know nothing about them.

The Bill seeks to achieve many objects. One clause deals with the sale of a firearm after it has been taken into the possession of the Commissioner of Police. If a firearm is left for any time after it has been used it deteriorates quickly. The barrel becomes pitted and therefore it is not of much value. Mr. Loton also mentioned another point with regard to two people who possess licensed firearms of

the same pattern and yet they are prevented from using each other's gun. To me, that seems to be a foolish provision.

I have often been travelling with a friend in a vehicle and both of us have had licensed firearms and yet neither of us could use the other's weapon. That proved to be rather a disadvantage to me because my friend's rifle was more efficient than mine, having a greater range and being of a better type. I am of the same opinion as Mr. Henning who stated that possibly there are thousands of unlicensed guns in various parts of Western Australia. Whether the recent amnesty on firearms issued by the Police Department will achieve its purpose is open to doubt.

The Police Department has power to refuse a licence for a firearm to any person and on some occasions people of good repute who are well versed in the use of a rifle, have been refused a licence, which, to my mind, is quite unjustified. I repeat my contention that the owner of the firearm is the one that should be licensed and the authorities should first ascertain whether he is a fit and proper person to use one. Members are fully aware that many adolescents, with pea and .22 rifles, often resort to the stupid practice of firing into tanks and windmills.

Hon. H. Hearn: In much the same way as you shot the kangaroo.

Hon. W. R. HALL: That was a long time ago, but it would not be the first kangaroo that I shot. I am very fond of shooting game and there are not too many males who do not care for the sport. After all is said and done, when one is traversing many miles of country that abound with game, shooting becomes an excellent sport, and undoubtedly it appeals to many males. In my opinion the penalties provided in the Bill are too severe. Under the measure it is proposed to increase the penalties already set out in the Act to not less than £25 nor more than £200, or imprisonment with hard labour not exceeding two years, or to both fine and imprisonment, if an offender is caught carrying a pistol. There is no doubt that that is rather a harsh penalty. If the Bill's only object is to prevent people with criminal tendencies from possessing firearms I think it could be achieved in a better way than by a measure of this nature. As I said before, more good would be achieved if the owner of the firearm were licensed.

HON. J. M. A. CUNNINGHAM (South-East) [5.37]: I have been impressed by the remarks made by members on this Bill and obviously it is a non-party measure. I believe it has been brought down for one good purpose and one only. In no way is it designed to create hardship for innocent people. I feel that anyone who has a weapon in his possession for a legitimate purpose has nothing to fear from the Bill.

It has been said that the measure seeks to prevent people with criminal tendencies from possessing a rifle or any other weapon or make it difficult for them to obtain one. That difficulty already exists for such people. It is a well-known fact that in England today, and also in the past, criminals, when apprehended, are seldom found to be carrying firearms because they are fully aware of the penalty for carrying a weapon should they intend to commit a criminal act. I believe it has been the severity of the penalty for carrying an unlicensed weapon that has been the greatest deterrent to people with criminal tendencies.

As the Bill seeks to increase the penalties for carrying an unlicensed weapon, a person who intends to commit some illegal act will think twice before carrying a firearm because he will know that he will receive a more severe penalty if he is apprehended with a firearm in his possession than he would if he were without one. I think most members will agree that over a given period it will be found that deaths and injuries caused by firearms have been as a result of accidents to ordinary citizens who have had firearms in their possession for sporting purposes. I am quite sure that such persons would far outnumber, by 10 to one, the criminals who possess weapons.

Hon. C. H. Simpson: A hundred to one.

Hon. J. M. A. CUNNINGHAM: The hon. member has said that it would be a hundred to one, and I am inclined to agree with him. In the past 12 months in Kalgoolie there have been no fewer than five accidents arising out of possession of loaded firearms, two of which have been fatal; and in regard to the other three, one person was so injured that I feel sure his relations would have preferred the accident to have been fatal because the person concerned is injured for life and is now paraplegic. In this instance the victim did not know that the weapon was loaded and I believe the accident occurred as a result of irresponsibility. Although the primary object of the Bill is to prevent criminals from obtaining or using firearms, in my opinion it will have a greater salutary effect on persons who acquire firearms for so-called sporting purposes.

I invite any member of this House to travel in a vehicle along the York road on any night of the week, particularly during the week-end, between the hours of 10 p.m. and midnight, and he will find that there will be up to half a dozen vehicles, mostly open utilities, travelling along the road with a spotlight. In the back of these vehicles there are generally two or three characters picking off rabbits with a rifle while the vehicle is idling along. That is a common sight. Members may say that it is not permissible for a person to fire a firearm while travelling in a vehicle; but as I have said, that is a common practice on the York road.



On one occasion I was waiting for a bus at the entrance to a farm and I was definitely frightened by the shots from the vehicles as they went by. When I discussed the incident with the farmer with whom I was staying, he told me it was a common practice every evening. If the Bill will prevent a dangerous practice such as that—and I believe it will have that effect—I am all for it. In my opinion the Bill has not gone far enough.

Members who travel in the country, I am sure, frequently have pointed out to them damage that is done to public and private property by irresponsible people who have been indiscriminately shooting at game or deliberately firing at stationary objects for the mere fun of it. The results of these foolish practices can be seen on many road-signs or hoardings which are riddled with bullet holes and, as a result, they may as well not be there because they cannot be read.

Therefore, if the Bill will prevent those practices I am definitely in favour of it. The more difficult it is for a person to acquire a firearm for legitimate purposes the better. The original intention of the Act was to prevent certain persons from obtaining firearms for illegal purposes. However, I do not think we have any great assurance that that object has been achieved.

Even in England recently there was a great scare when certain irresponsible organisations acquired quite a considerable arsenal, for no other purpose than to foment rebellion; and in the circumstances in which we are living in Australia, the same thing could take place. We are living in dangerous days, and ours is perhaps the luckiest of all countries. It is common in today's newspapers to see accounts of Cabinet Ministers and members of Parliament being attacked; in fact, there is an open season with regard to them in other countries. I do not suppose that would happen here, but it could occur if the obtaining of firearms were made too easy.

I would like to mention to the Minister that there is no control over persons acquiring explosives. In almost any country town it is possible to purchase dynamite, gelignite, caps, and fuses. Even a child can thereby create a very dangerous weapon. Fortunately little of that goes on, but there have been cases, and it is still possible for it to occur.

Hon. Sir Charles Latham: You cannot keep explosives about a house.

Hon. J. M. A. CUNNINGHAM: There is no control. There is nothing in the world to prevent anybody from doing so. There is nothing to stop anyone from purchasing these articles and keeping them in the home. In the country there is a legitimate excuse: One is going out to get firewood. That is a common method

of knocking over firewood on the Gold-fields. I do not know how the explosives are obtained.

Hon. A. L. Loton: You can buy them.

Hon. J. M. A. CUNNINGHAM: Yes, they can be bought. I leave that thought with the Minister. A lot of stress has been laid on the easy way firearms can be procured. I suggest it is far easier to conceal on one's person a plug of gelignite and a cap, if one has criminal ideas, than it would be to conceal any weapon, and the explosive could do much more damage. The danger today to life and property is not so much from the criminal classes as from irresponsible but otherwise good citizens who find it too easy to acquire these lethal weapons. I support the Bill.

HON. E. M. DAVIES (West) [5.48]: I support the second reading of the Bill. I believe the measure is a genuine attempt to bring under control certain sections of the community who may have criminal tendencies, and also to try to deal with others who are irresponsible. There is an indiscriminate use of firearms, both on public highways and on private properties; and, as a result, people's lives have been endangered, and damage has been done to property. The measure is designed to bring offenders under a certain amount of control.

A good deal of discussion has taken place concerning sections of the Act that are not covered by this measure, and on ways in which the Act could be improved. But we are not debating those matters. All I can say is that I intend to support the second reading; but I am a little concerned about some of the clauses, and would like more information about them when the measure is in Committee.

There is one clause dealing with a firearm being carried in parts by two or more persons. Some people desire to carry firearms in parts from the point of view of safety, and ask some of their friends to assist them in this way, friends who possibly would not have licences. I assume that they would do this particularly in order to make sure that there was no possibility of the firearms being used while being carried.

There is another clause embodying an amendment to Section 15 which, in my opinion, throws on an individual the onus of proving his innocence. I believe such a procedure is not regarded as being consistent with British law, and I would like some more information about the matter. I trust that when replying to the debate the Minister will be able to give us a little more information on the clauses to which I have referred, to enable me to decide what action to take with regard to them. In the meantime I believe the measure has been introduced for the protection of the people generally, and I shall support the second reading.

**HON. A. F. GRIFFITH** (Suburban) [5.50]: I was interested in the introductory remarks of Mr. Loton, who quoted a portion of the Chief Secretary's speech which I think bears repeating. It was as follows:—

The whole purpose of this Act is to restrict the possibility of the use of firearms by people with criminal or dangerous tendencies.

I think that in the minds of members who have spoken to this Bill there is no doubt that the complaint is not in regard to persons who have criminal tendencies. If such a person were known to the police, there is little doubt that he would not get a licence. Members have referred to certain occurrences in country and metropolitan districts that are already provided for in the Act as it exists. I do not think that the Bill, while having some effect in tightening up certain provisions—as it definitely does in regard to increased penalties—would have any effect whatever on people who now indiscriminately use firearms in places such as those that have been mentioned.

**Hon. C. H. Henning:** That is the unfortunate part of the Bill.

**HON. A. F. GRIFFITH:** When introducing the measure, the Chief Secretary asked members to have a good look at it, and stressed its importance. I agree with him whole-heartedly that it is a very important Bill and affects in their ordinary daily lives those who are owners of firearms. I myself have a firearms licence, but I can honestly say that the Police Department has not the remotest idea whether the firearms are in my possession or not at the moment. I acquired my licence some years ago, and when the renewal period comes around, all I have to do is to go to the nearest police station and pay a fee of 1s..

**Hon. A. L. Loton:** Or post it to them.

**HON. A. F. GRIFFITH:** Yes. The fee being such a small one, it is the habit of people who hold such a licence to forget to pay. The matter very easily slips one's memory. I admit that that has been the case with me, and the police constable in my district has in recent years either rung me up or come to see me in order to tell me that my licence has not been renewed. He has not adopted that practice merely with me; it is one that has been employed by the local police station with others, in order to secure the renewal of licences in a satisfactory manner. That is a service which the Police Department is under no obligation to perform, but which it does perform in order to assist the people who hold licences.

I do not believe the Bill goes far enough. With other members, I am anxious to support a measure that will improve the Act; but I do not believe that this one is adequate, and it certainly will not correct

the faults that exist. I would like to join with other members in suggesting to the Government that it does not proceed with the Bill, but that it has a further look at the matter with a view to introducing a more comprehensive measure which would benefit people who use firearms, and would give greater protection to human beings and property that are subject to danger through the indiscriminate use of such firearms.

**HON. H. S. W. PARKER** (Suburban) [5.56]: I do not intend to oppose the Bill, but I would like to make a few remarks concerning the Act, which to my mind is entirely useless. It was originally brought in for the purpose of finding out where firearms were. It has resulted in the building up of a big department of the Police Force, to carry out the duties it imposes, and there has been a mass of regulations, with the result that the department has become very expensive.

No Act that permits anyone to have a firearm will prevent accidents, and no statute that purports to prevent persons from owning firearms will have any effect on those who desire to break the law. If there were a law to prevent persons from having concealable firearms—pistols and the like—it would have some merit. It is the bad criminal only who carries concealable firearms. He does not carry a .303 rifle. Recently two murders were alleged to have been committed with a .303 rifle, but I have not the slightest doubt that the person carrying that rifle had a licence.

Accidents will not be prevented by an Act of Parliament, but there might be some merit in a measure designed to prevent criminals from having concealable weapons. The Act refers to "any lethal weapon." We all know that underwater fishermen now have a pistol for shooting fish. When these pistols were introduced into Western Australia, an argument arose as to whether they were lethal weapons or not. It can be argued that they are; and equally, it can be argued that they are not. However, it was considered—perhaps rightly—that they are lethal weapons. No doubt they could cause death, by accident or design, to a human being.

The regulations of the various local authorities along the coast prevented the carrying of a lethal weapon on the beach, and so, in effect, entirely prohibited the use of these underwater pistols. As a result, inquiries were made, and finally, after the police had insisted that these underwater pistols be registered under the firearms Act, the Crown Law Department gave a ruling that they were not lethal weapons. I am not going to say that the ruling was right, but it was a commonsense ruling.

The Act goes much too far, and the amendment goes even further because, under it, if a person picks up a gun—a lethal

weapon of any sort—and just points it at a person he is liable to a penalty. Whenever we pick up a gun, it has to be pointed somewhere, and if there are a number of people around, it is almost certain to be pointed at a person. Very few people hold a firearm correctly so that the muzzle is pointing downwards. The penalty is £25.

Hon. A. R. Jones: Quite right, too.

Hon. H. S. W. PARKER: Why?

Hon. A. R. Jones: Because it may be loaded.

Hon. H. S. W. PARKER: If a person points a gun deliberately, I agree he has committed an offence.

Hon. C. W. D. Barker: That is what the Act states.

Hon. H. S. W. PARKER: I was hoping the Minister would say that. It is already provided for in the law, and has been for years.

Hon. H. K. Watson: If he points it, not deliberately, but dangerously, it is still dangerous.

Hon. H. S. W. PARKER: Yes, but who can pick up a firearm without pointing it?

Hon. L. C. Diver: You should not handle a firearm unless you can point it away from an individual. It is always the unloaded one that goes off.

Hon. H. S. W. PARKER: I agree with the hon. member; but what sort of a nation will we become if a person cannot handle a firearm without being instructed? Even air-guns come under this legislation. No young man can touch a firearm until he gets into the army, navy or air force, where he is taught about firearms. I say that is wrong. A person who is not taught how to handle a firearm should not be fined £25 for accidentally pointing it at someone. If a firearm is left loaded, I agree that the individual who left it in that condition should suffer a heavy penalty. However, the Bill does not refer to a loaded firearm, but any firearm.

It is time we had an entirely new Firearms and Guns Act—one that would not require a large number of the Police Force to be engaged in its administration. It should be simple, and should apply, in my opinion, to concealable weapons only. There will always be accidents. We have them with motorcars, medicines, drugs, poisons and so on. Are we to say that everyone has to be licensed with respect to those things? True, there are certain restrictions relating to the purchase of poisons, but we do not provide a penalty if a bottle of poison is left on a shelf where a child can get it; and is that not infinitely more dangerous than the accidental pointing of a firearm? We cannot molly-coddle the people. I hope the Government will see its way clear to

simplifying the Firearms and Guns Act with a view to saving the present enormous administrative cost.

On motion by Hon. A. R. Jones, debate adjourned.

## BILL—HOSPITALS ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 21st October.

HON. J. M. A. CUNNINGHAM (South-East) [6.5]: I am not opposing the Bill. There has been a lot of discussion on the justice of charging a man a greater sum for hospitalisation than another person with exactly the same injury, but who was injured in different circumstances or in different employment. I believe that with one slight alteration, the Bill could be made just. It refers primarily to sailors and seamen, and if we could in some way differentiate between seamen in the employ of our own shipping lines and those employed by foreign shipping companies, it would be all right, as far as I am concerned.

Hon. C. W. D. Barker: Would you not apply it to a British shipping company?

Hon. J. M. A. CUNNINGHAM: No. I think I would exclude British shipping companies.

Hon. C. W. D. Barker: They do not treat us differently.

Hon. J. M. A. CUNNINGHAM: That argument has been used, but I think it is an unfair one. If we were to use the British method of hospitalisation, we would run ourselves into exactly the same position as Britain is in today. It is well known that a visitor to England is entitled, from the minute he lands there, to complete medical treatment. Is that fair to the British taxpayer? There are cases on record where people from Holland have gone to England on a holiday and made an appointment for a later date, and, after going home, they have returned to England for another short holiday and received treatment for their ailments, at no cost whatsoever apart from their fare and the cost of a short holiday. I do not think any Government intended that that should be the position.

Hon. C. W. D. Barker: That is cut out now.

Hon. J. M. A. CUNNINGHAM: I thank the hon. member for the reminder. The Bill, I believe, is taking advantage of the lesson learnt from that mistake. We want to have sufficient safeguards to prevent us from being saddled with the same burden of cost that other countries have had with their medical and health schemes. Today, every citizen in Australia has the right, by the regular payment of a small sum, to protect himself with regard to medical and hospital treatment and medicines. Various people form themselves into groups and become registered, and by so doing they get that protection at a slightly reduced rate.

It has been said here that they are charged 35s. per day, but the objection is that the sailors would be charged in excess of £3 per day. That amount represents the actual cost of the hospitalisation. In Western Australia today there are citizens who are charged that amount. Recently, in Kalgoorlie, there was a slight epidemic of an infectious disease. The doctors, who were not prepared to take any risk, sent the children into the infectious diseases hospital in large numbers. Many of the children were discharged as being not infected, but nevertheless they were charged at the same rate as the infected children—the full amount of £3 odd. The charge was made to the local governing body, which tried to recover it from the patients. Nevertheless, the fact remains that the hospital authorities raised the charge against the people.

A man who is injured and who has not any insurance cover by way of workers' compensation insurance and so on, is not charged at the rate of 35s. a day but the £3 that we are considering now.

Hon. E. M. Davies: Where does it say in the Bill that you are charged something?

Hon. J. M. A. CUNNINGHAM: I think the hon. member realises that is the basis of the whole thing. He knows as well as I do what the charge is. If he does not, he can easily find out. It is at the full rate if the cost of a bed in hospital.

Hon. E. M. Davies: The Bill does not make any reference to that.

Hon. J. M. A. CUNNINGHAM: No, but it is to permit the seaman to be charged at that rate.

Hon. E. M. Davies: At the ascertained cost.

Hon. J. M. A. CUNNINGHAM: Yes, which I think is £3 5s., but the actual figure does not matter. This cost is charged to some of our citizens today in certain circumstances, and if they have no redress, why should aliens who are injured on board their own ships, and who are left here to be treated, enjoy the generous, reduced rates which apply to those of our people who pay for them through their contributions to some scheme?

A seaman, because he is employed by a shipping company and lives on board a ship, receives hospital and medical treatment in the sick bay on board, but the average citizen does not. If a member of the public has to go to hospital, he must meet his normal commitments under the hospital benefits scheme, but if a sailor takes ill or sustains a minor injury, he goes into the ship's sick bay and is treated by the ship's doctor, which is a considerable advantage to him over a period. If, however, he receives a serious injury and has to be left in a public hospital in this State, I believe the charge is just and reasonable.

Hon. C. W. D. Barker: Do you think it fair that our own coastal sailors should pay it?

Hon. J. M. A. CUNNINGHAM: I do not think that really should come under anything that we should have to worry about. Their companies provide them with hospitalisation in certain circumstances, and if a man has to be left behind in a hospital, then it is their lookout, not ours.

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

Hon. J. M. A. CUNNINGHAM: There is one final point to which I would like to draw the Minister's attention. Although this aspect is not directly connected with the Bill, it concerns hospitals and hospital finances. I refer to the type of letter that is sent out to patients, at the expiration of their treatment. This concerns only those who are members of a hospital scheme, and the letter is sent when the society has met its obligations and the balance is due. On occasions, pensioners have written to the Hospitals Collection Service and asked that the balance of the accounts be written off, which is the normal practice. But the type of letter that has been sent back to them is most objectionable.

I have a copy of one of these letters, and I wish to draw the Minister's attention to it in an endeavour to have the phraseology altered. The following letter was written to a pensioner who asked that the balance of his account be written off:—

The Hospital Benefit Fund against whom you signed a procuration has paid £31 4s. as their contribution is reduction of your account of £33 11s. 2d.

This service has no connection with any recognised benefit society and cannot enter into any dispute regarding amount paid by them on your behalf. If you have any query regarding the amount paid, you should deal directly with the society concerned.

The payment leaves an outstanding balance of £2 7s. 2d. for which you are personally responsible and your immediate settlement is requested.

That is a comparatively mild letter compared with some that are sent out. I asked permission to retain it with the idea of bringing it to the Minister's notice. In the circumstances I have outlined, I think the phraseology could be altered. I apologise to the Minister for bringing this question up on the second reading of the Bill now under discussion. I support the measure.

HON. E. M. DAVIES (West) [7.35]: I rise to support the Bill. It provides for two amendments, the first dealing with the method of raising money for the completion of the Royal Perth Hospital. I believe this is one way of overcoming the difficulties of providing finance, and it will make it possible for certain expendi-

ture to be undertaken over a period of years. I have no objection to that, and I believe it is a step in the right direction. The other amendment was responsible, to my surprise, for most of the discussion that took place in the Legislative Assembly.

The whole of the opposition is based on the claim that this measure will increase hospital charges. The Bill has nothing to do with increased hospital charges to seamen, but merely provides that the shipping companies shall pay to the board the prescribed fee. I am rather surprised to note from the Press that responsible people in another place have objected to this measure. First of all, the Leader of the Opposition raised great objection to it and, I believe, said the Bill was most un-British. Secondly, the ex-Minister for Health, Hon. Dame Florence Cardell-Oliver, raised certain objections, and Mr. Ross Hutchinson, the member for Cottesloe, also objected to it, and moved an amendment during the Committee stage.

Hon. A. F. Griffith: He is on the board of the Fremantle Hospital.

Hon. E. M. DAVIES: I do not need the hon. member to tell me that. If charges to seamen were increased, it occurred during the regime of the previous Government. The Fremantle Hospital Board—and for the edification of Mr. Griffith, I am also a member of that board—

Hon. A. F. Griffith: I am sorry. I realise that now.

Hon. E. M. DAVIES: A letter was received by the board from the Medical Department, dated the 15th December last year. This letter informed the board that it should charge the daily ascertained rate to seamen and that rate, at the Fremantle Hospital, is £3 13s. 10d. per day. Seamen are not charged that sum, but a deduction is made for the cost of the x-ray department, the pathological department and the medical superintendent's salary, which reduces the charge for shipping cases to £3 7s. 4d. a day. That rate was charged to seamen as from the 19th January this year and, following that, certain objections were raised by the shipping companies. It is rather peculiar that members of another place should object to this measure and endeavour to put something into it that does not exist. Those members have said that the Bill will mean increased costs. It will not have that effect at all, because the shipping companies will be asked to pay the prescribed fee and they have been paying that fee, since January of this year. The last indication received was that the shipping companies would in future pay the money to the seamen and they, in turn, would pay the hospital accounts. Hence the necessity for this Bill, which will make it legal for the shipping companies to pay the prescribed fees.

The Navigation Act provides that, upon the presentation of accounts, the shipping companies shall meet the hospital expenses of seamen, the maximum amount being 35s. a day. As everyone knows, costs have increased considerably; and as the Navigation Act provides for a maximum of 35s. a day, the shipping companies have threatened that they will pay only that sum to the seamen and the hospitals will have to collect from the patients concerned. So members can see the necessity for the introduction of this measure. I do not deny that certain people would pay their accounts; but I believe there are a number of others who, having received the money from the shipping companies and then having joined their ships, would probably forget all about their hospital accounts. There are other sections of the public who are charged the full ascertained daily rate. I refer to patients who come under the Repatriation Department, and the Commonwealth t.b. patients. For those people the Commonwealth Government pays to the hospital the full daily ascertained rate of £3 13s. 10d., while seamen are charged only £3 7s. 4d.

We have heard a good deal about the merits and demerits of this Bill, and mention has been made of the fact that Australian seamen who are hospitalised in the United Kingdom are not charged any fees. I do not deny that is so, but if the problem is to be overcome it will be necessary for the Commonwealth Government to enter into an agreement with the United Kingdom so that some measure of reciprocity can be provided. It is not fair that the people of this State, who are called upon to maintain our hospitals should have to bear the expense of patients who are put ashore by the shipping companies. In the first place, the Navigation Act makes the shipping companies liable for the payment of these fees, but unfortunately the maximum amount provided for is not commensurate with present-day charges.

Hon. C. H. Simpson: Have you any idea, from your records, of how many such cases there would be over the course of a year?

Hon. E. M. DAVIES: I cannot say definitely; but, speaking from memory, about 120 or 130 cases a year are treated in the Fremantle Hospital. Mention has been made of certain coloured seamen. I do not want to debate that aspect because I believe that, irrespective of their colour, those people are human beings and are entitled to hospital treatment. There are certain features that might be regarded as objectionable to white people, but facilities have been provided in the Fremantle Hospital so that some of these difficulties have been overcome. I do not think we should deal with that question to any extent.

There are a number of people in Western Australia that are called upon to pay large sums of money for hospital treatment. The means test cannot be applied to a lot of them, and they are compelled on going into hospital to meet the full charges of the hospital concerned, and at the same time are called upon to pay the fees of the medical officer who attends them. I think Mr. Cunningham mentioned the fact that a number are called upon to pay accounts which they are not capable of paying because of the condition of their finances.

I do not think there is anything wrong with the measure. I venture to say that if the previous Government had been returned, it would have brought down a similar Bill; because it was at the direction of the Medical Department while under the control of Dame Florence Cardell-Oliver that this instruction to charge daily ascertained rates less the amount I have mentioned—bringing the charge down to £3 7s. 4d.—was sent to the Fremantle Hospital Board. That is regarded as being fair, because the medical superintendent, the x-ray department, the pathological department, and the other departments would still be necessary, irrespective of whether seamen came into the hospital or not. So the department did not believe in loading that charge on to the seamen, and it has accordingly been reduced from £3 13s. 10d. to £3 7s. 4d. The measure has been brought down to correct an anomaly. It would not have been introduced had not the shipping companies intimated through their legal adviser that in future they would pay the hospital accounts direct to the seamen, and that the hospital could collect the amount from the seamen themselves. I feel sure members will readily appreciate that there would be a great deal of trouble if that occurred. The measure is a fair and equitable one, and I trust members will support it.

On motion by the Minister for the North-West, debate adjourned.

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

*In Committee.*

Resumed from the 21st October. Hon. W. R. Hall in the Chair, the Chief Secretary in charge of the Bill.

Clause 2—New Section 5A added (partly considered):

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

That in proposed new Section 5A all the words after the word "State" in line 4 be struck out.

The Bill has been brought down—rightly, I think—to try to do away with an anomaly. There have been instances where judges have not seen fit to make an order because they considered they had

not the jurisdiction to do so. If the clause is accepted as it is, it will contain a severe anomaly. How can a child a week old be in the custody of the applicant for at least three months? There are many cases of adoption taking place at Perth immediately after the birth of the child. I am anxious to encourage the effective operation of this measure, but I think the Minister will agree that it would be impossible to adopt a child one week old by first having it in one's custody for three months, and a person would have to have the child for that period before he could adopt it. In the interim, the applicant might decide he did not want the child.

Hon. C. W. D. Barker: That is possibly the reason for it.

Hon. A. F. GRIFFITH: Then what happens to the child?

Hon. F. R. H. Lavery: It goes back to the Child Welfare Department.

Hon. H. Hearn: A child could go to and fro quite a lot.

Hon. A. F. GRIFFITH: Is that good for the child?

Hon. C. W. D. Barker: It might be in the long run.

Hon. A. F. GRIFFITH: My knowledge of the operation of the Child Welfare Department, and all I have heard, convinces me that the department never gives a child to an unsuitable person. I am taking the case of a newly-born child because I think it is the best example. The purpose of the Bill is to overcome the apparent inability of the court to make an order for adoption because the judges feel they have not the jurisdiction to do so where the child is not domiciled in the State. My amendment would correct that anomaly. Then the question of having the child for three months would not enter into it.

Hon. H. K. Watson: As is the position at present.

Hon. A. F. GRIFFITH: That is so. But my amendment goes further in that it allows the court to make an order only in respect of those children whose domicile is Western Australia or where the domicile of the parents is Western Australia.

THE CHIEF SECRETARY: The period of custody of the child was taken from the English Act; but in view of the strong cases put up by Mr. Parker and Mr. Griffith, and being a reasonable man myself, I am prepared to accept the amendment, because I think it will improve the Bill.

Hon. E. M. HEENAN: I am rather surprised at the readiness with which the Chief Secretary has accepted the amendment. These lines caused me a good deal of concern and I cannot see much merit in the proposal. I mentioned this ques-

tion of adoption to a doctor friend of mine and said that we had before us a Bill dealing with it. I said my first conclusion was that it was not a very good proposition. My doctor friend thought it was a good idea. He said it does happen that people want to adopt a child and get a baby that has just been born. Though they have the best intentions, possibly within a matter of weeks, because the child develops some condition, they are doubtful as to the advisability of adopting it. My doctor friend thought that it would be in the interests of the child and the parents if the proposed legal state did not go any further. I assume that that is the motive behind the proposal. The three months probationary period would be in the interests of the child and of the parent.

**HON. A. F. GRIFFITH:** We have to exercise care. When a person applies to adopt a child, he must be possessed of the right spirit, and it would be undesirable if the child could be cast off if it developed some disease. In a recent case, a child that was about to be adopted developed certain tendencies that made it undesirable for the family to take it, and either the department or the court held that the child was not medically fit for adoption. Section 9 of the parent Act gives the judge discretion, and that should meet the situation pointed out by Mr. Heenan.

**HON. H. S. W. PARKER:** I support the Chief Secretary. The procedure for adopting a child occupies some time; and the judge, before making an order, may compel the attendance of witnesses. The adopting parents are always present, and sometimes the parents of the child. The judge makes detailed inquiries and a police report is presented. Meanwhile the adopting parents may have the child and may withdraw their application. All necessary protection is provided in the existing law.

**THE CHIEF SECRETARY:** When the suggestion was made by Mr. Parker on the second reading, I referred the matter to the departmental officials and other advisers, and they agree that the three months period should be deleted.

**HON. J. G. HISLOP:** The release of a child to another lot of parents might be damaging to the child's psychology. It would be pleasant if this sort of thing invariably worked out well, but not always does it do so.

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

Title—agreed to.

Bill reported with an amendment.

## **BILL—COLLIE CLUB (PRIVATE).**

### *Second Reading.*

**HON. E. M. HEENAN** (North-East) [8.12] in moving the second reading said: This Bill seeks to rectify a situation

that has arisen concerning the Collie Club. Collie Club Ltd. was registered on the 16th September, 1907, and the purpose of the Bill is to legalise the present position and permit the assets to be vested in an association proposed to be formed under the Associations Incorporation Act. The new body will be known as the Collie Club Incorporated.

The necessity for legalising the present position of the club is due to the following reasons:—Share certificates were not issued; there was no proper forfeiture shares and there was no proper reallocation of shares. In the course of years, some of the records of the club have been lost, and because of the impossibility of ascertaining who are the present shareholders, the present committee may be said not to have been properly elected. Clause 3 provides for the legalisation of the company under the Companies Act. Under Clause 4, the club is to be incorporated under the Associations Incorporation Act and the assets vested in the new association. The object of forming an association is that it would be much more convenient for the club to operate under the Associations Incorporation Act. This Act is designed to give organisations corporate status, but is limited to associations that do not trade or secure pecuniary profits to members from the transactions thereof.

The Collie Club is an organisation suitable to be incorporated under the Associations Incorporation Act, as its members are not entitled to receive any of the profits of the club. The assets go back into the club and provide additional amenities to the members. In 1948 the West Australian Club, which is situated in St. George's Terrace, found itself in circumstances somewhat similar to those of the Collie Club, and special legislation was passed to deal with the situation. The report of the Select Committee which inquired into the circumstances of the Collie Club is before members, and I presume the majority of them have read it. That document merely amplifies what I have stated. A general meeting of members of the Collie Club, held on the 15th December, 1952, approved of the proposals contained in the Bill. If the measure is agreed to, the club will pass a further resolution and steps will then be taken for incorporation under the Associations Incorporation Act. I hope the proposals contained in the Bill will meet with the unanimous approval of members.

**HON. H. K. WATSON** (Metropolitan) [8.17]: As Mr. Heenan has pointed out, this Bill is in terms similar to those of the measure passed a few years ago with respect to the West Australian Club, and if my memory serves me rightly, similar legislation was passed in relation to the Bufalo Club. The present position has arisen from the coming into operation in 1947 of the Companies Act of 1943.

Quite a few clubs then found that, technically, they were not complying with some of the provisions of that legislation. Incidentally, it may be remembered that in the companies measure which is now before the House an amendment is proposed which, if passed, will enable the Attorney General to permit any club of this nature to be granted exemption from the provisions of the Act, and that will obviate the necessity of future Bills of this nature coming before the House to deal with any particular club. For those reasons I support the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

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

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

*Second Reading.*

Debate resumed from the 21st October.

**HON. H. HEARN** (Metropolitan) [8.22]: This is a simple measure, but it has a sting in its tail. The first provision will do a very good job in extending the privilege of appeal to a body of men who hitherto have not had that right. Bearing in mind the general conditions of Government service, I, like other speakers, feel that these employees should have that right. It is my intention to support that part of the measure; but I am at a loss to understand why the second part of the Bill was introduced because it proposes that, if the measure becomes law, it will be mandatory that whoever makes the appointment of an officer or deals with any appeals concerning the appointment, must ignore the efficiency of the person while holding the position in an acting capacity. If that kind of thing obtained in private enterprise it would cause a great deal of trouble.

When, after two or three years, the time arrived to make a permanent appointment, the only thing that counted would, under the provisions of the Bill, be seniority. I know that in the Government service seniority is most important, but surely it should be left to the head of the department concerned, or the appeal board, to take note of the job being done by the officer concerned in an acting capacity. I am wondering whether this measure is one of those—fortunately met with but rarely in this House—introduced for a special purpose, and I will be glad if the Chief Secretary will answer that question when replying. I do not think we should be asked to say, in considering a permanent appointment, that we will close our eyes to the efficiency shown by an employee while in an acting capacity, as that

would be scarcely British justice. I support the second reading, but will vote against the second portion of the Bill.

**HON. L. A. LOGAN** (Midland) [8.25]: I support the measure for the same reasons as were given by Mr. Hearn. I have no complaint to make about the first part of the Bill, but think the second portion is likely to cause controversy. If a man in a Government department dies, his place may be filled within a week by another officer in an acting capacity. We know that he may be in the job for six months before applications for the position are called for, and I do think it is fair to provide that the efficiency he may have shown during that period should not be taken into account, and that only his experience and work up to the time of appointment should be considered.

The Chief Secretary: That is correct.

**Hon. L. A. LOGAN:** This provision will deal only with a hasty decision to put a man into the position.

**Hon. H. Hearn:** That is not correct.

**Hon. L. A. LOGAN:** It is; but, in considering efficiency, the board should disregard service in the acting capacity.

**Hon. H. Hearn:** But that could go on for three years.

**Hon. L. A. LOGAN:** It is unlikely that after three years there would be any appeal or that someone else would apply. I think members are trying to make much of something that will not occur. An employee filling a position in an acting capacity may do a good job for perhaps six months, but that should not give him any priority over those who were eligible to apply for the position when it became vacant.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [8.28]: I am pleased with the response that the Bill received but am surprised at the interpretation placed on it by Mr. Hearn.

**Hon. C. H. Simpson:** It is the only one.

**The CHIEF SECRETARY:** I do not think so. Mr. Logan has put the case very clearly. We have a man filling a position in an acting capacity, and another man who would probably have been put into the acting position may have been ill, on long service leave, or absent through some other cause—

**Hon. C. H. Simpson:** That makes no difference.

**The CHIEF SECRETARY:** — and, because of that, we are asked to give him an advantage. All this measure does is to take into consideration the picture when the position first became vacant and to ignore the experience the man may have gained while in the acting capacity.

**Hon. C. H. Simpson:** It prevents that being taken into account.



The CHIEF SECRETARY: It puts all the applicants back as if the appointment was made when the vacancy first occurred.

Hon. C. H. Simpson: They still have that right.

The CHIEF SECRETARY: All this measure does is to say that any efficiency that may have been gained by the man while in the acting position must be disregarded.

Hon. A. F. Griffith: Where in the Minister's experience has the authority hearing an appeal taken temporary service into consideration?

The CHIEF SECRETARY: They have not the right of appeal at present, but this Bill seeks to give it to them.

Hon. A. F. Griffith: Had they no right of appeal at all?

The CHIEF SECRETARY: Not in this regard. All this clause proposes is that, when an appointment is made, any efficiency shown by an appointee in an acting capacity shall be disregarded.

Hon. C. H. Simpson: The clause applies to all appointments made, whether in the Tramway Department or otherwise.

The CHIEF SECRETARY: That might be so; but all it will do will be to place applicants on the same level as when the vacancy occurred, and their ability will be judged as at that time.

Hon. C. W. D. Barker: That is only fair.

The CHIEF SECRETARY: Of course it is! If not, we are granting an advantage to the person who is appointed in an acting capacity.

Hon. C. H. Simpson: No; you are taking away the chance from a man who has an opportunity of showing what he can do.

The CHIEF SECRETARY: And the hon. member is ruling out all the others except that individual who has been acting in the position.

Hon. C. H. Simpson: No; the tribunal has all the evidence before it.

The CHIEF SECRETARY: Under this clause, it will still have all the evidence.

Hon. C. H. Simpson: The Bill says it shall not.

The CHIEF SECRETARY: What the Bill seeks to do is this: A vacancy occurs and an appointment is made. An unsuccessful applicant has then the right of appeal against that appointment. Every applicant is then considered on his merits. That is the correct procedure to adopt, and it will still apply if this clause is agreed to.

Hon. C. H. Simpson: How can the tribunal assess the merits of the applicants if it has not the evidence before it?

The CHIEF SECRETARY: It will have all the evidence.

Hon. C. H. Simpson: No.

The CHIEF SECRETARY: There are thousands of appointments made in both the Commonwealth and the State Civil Service to positions in which no one is acting. In such cases, how would a tribunal assess the position?

Hon. C. H. Simpson: It would have all the evidence before it.

The CHIEF SECRETARY: The tribunal would have all the evidence before it under this clause. If the hon. member desires to give an applicant an unfair advantage over other applicants, he will vote against the clause, but if he wants to give every applicant a fair deal, he will vote for the clause. I served in the Commonwealth Public Service for 20 years, and the right of appeal applied, and in no appointment was the efficiency gained by a man who had served in an acting capacity ever considered.

Hon. A. F. Griffith: The man who filled the position temporarily would be the best man to pick.

The CHIEF SECRETARY: Not necessarily. There are many reasons why a person is appointed in an acting capacity. He might happen to be readily available when the vacancy occurs, and is allowed to carry on.

Hon. L. A. Logan: And he might be in with the boss.

The CHIEF SECRETARY: That is so. Therefore, if he is appointed, he will be given an unfair advantage over other applicants simply because he has been fortunately placed. All this clause will do will be to put him back on the same level as was the case before he filled the position in an acting capacity and then all applicants for the position are judged on the same plane.

Hon. C. W. D. Barker: The clause will merely give everyone a fair go.

The CHIEF SECRETARY: Yes. However, I believe the second reading will be agreed to, and if there are any more arguments they can be continued during the Committee stage.

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 14 amended:

Hon. C. H. SIMPSON: I ask the Committee to vote against this clause. I am afraid there has been some misconception, according to the arguments put forward. I know some of the past history of this question. It concerns a system which allowed the general manager of the Tramway Department to select a man from the wages staff for appointment as a ticket inspector. That is a position which requires certain qualifications; and the practice of the general manager was to select.

from time to time, likely men who had good service records and who were alert, so that they might be given a trial. Sometimes they did not measure up to the position. Although they may have been excellent employees on the wages staff, once they were given this extra responsibility, they could not cope with the job. As the Act stood, those who considered they were equally efficient with those who were selected had no right of appeal. Their only recourse was to appeal to the Minister over the head of the General Manager of the Tramway Department. On two or three occasions appeals were made to me; but after considering the facts put before me, I ruled in favour of the decision made by the general manager.

The union has now persuaded the general manager to ask for amendments to two sections of the Act. The first is to give them the right of appeal, and the second stipulates that any service performed in an acting capacity as a result of the first amendment shall be disregarded by the tribunal. I have already said that I think it is only fair that unsuccessful applicants should have the right of appeal, and for that reason I am supporting the relevant clause.

Clause 3, however, denies the right of the tribunal to consider whether the men appointed in an acting capacity were a failure after being given a trial. The clause applies not only to the Tramway Department but also to every branch of the Civil Service. It is regarded as being highly dangerous by those industrial officers who have the task of trying to attain equality and reserve some distinction of merit as provided in Section 14 (2) of the Act, which reads—

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.

The first consideration is superior efficiency, and that is a sound principle on which a tribunal such as this should base its decision, particularly with appointments in the Public Service. I do not agree that Clause 3 will operate to the detriment of those who can claim equal merit to the appointee. As has been said, it is quite possible that one employee may be on long service leave and, as a matter of convenience, another who is readily available might be appointed in an acting capacity. But members should not think for one moment that the tribunal, on which there is a union representative, a departmental representative and a magistrate skilled in industrial affairs, would not take that into account. The general manager is anxious to obtain the best man he can, because his appointment will reflect credit on the system. I think it is wrong that the tribunal should be denied the right of considering the merits of a man who has been

appointed in an acting capacity and for that reason I am asking the Committee to reject the clause.

Hon. C. W. D. BARKER: I oppose the amendment, because I think there has been some misconception in regard to it. Members seem to fear that the tribunal will consider only seniority and not efficiency. Regardless of the fact that a man may be appointed in a temporary capacity when a vacancy occurs, the tribunal has to consider the position from the day the vacancy existed and disregard any advantage that may be gained by a person who has acted in the position.

Hon. H. Hearn: Tell me why it should.

Hon. C. W. D. BARKER: I cannot see why a person who is fortunate enough to act in the position should have an advantage over a man who has the qualifications to fill the position but, as a result of the acting appointment, is not considered. All applicants should be placed on the same basis.

Hon. H. S. W. PARKER: It seems to me that we are losing sight of the principal object of the tramways administration; that is, that it shall be well served with the best man available. He is the one that should receive the appointment. There have been instances of where a man who has been appointed to a higher position has been a failure because he could not stand a certain amount of emotion. If a man proves to be a failure in a position to which he is promoted then the tribunal cannot say that he is the most efficient to hold that office. Up to the time of that appointment he may have been a most efficient officer. But he may have got to a grade beyond his capacity, and I think the board should be entitled to take into consideration the fact that a man has proved himself efficient in his acting appointment. It is for the welfare of the State. We must not look to the individual but to the welfare of the particular department.

Hon. R. J. BOYLEN: Mr. Simpson has put up a good case for the retention of Clause 3. He stressed the word "efficiency." That is the idea of inserting the clause, because the position resolves itself into the board's making a decision, whereas the person appointed in an acting capacity may have been selected by one officer of the department concerned. That is one of the things we are trying to get away from. A person could very easily be appointed in an acting capacity in a department because someone else was away ill, or on three months' leave and was therefore deprived of serving in an acting capacity in the higher position. If we struck out this clause, a definite advantage would be given to the person who was fortunate enough to obtain the temporary appointment but who might not

have been efficient enough to receive that appointment had someone else with greater ability been available at the time.

Hon. F. R. H. LAVERY: I do not think the secretary of the Tramway Union could have put up a better case than Mr. Logan did. When a person has to be selected to fill a vacant position it has to be remembered that the management will select one it thinks the best fitted to carry on the job, but he might not be anywhere near the senior person.

Hon. H. Hearn: You are arguing for seniority now.

Hon. F. R. H. LAVERY: If the hon. member will wait until I finish, I will carry that further. Some time last year an employee of the Railway Department was acting as foreman at the goods shed in Perth. He was very efficient, but he was somewhere between five and six years junior to very many other men who could have applied for the job and under normal circumstances would have been accepted as being efficient men for the position. Owing to the war and the shortage of men, this man was able, as a temporary employee, to prove to the department that he was efficient. Under the Act, there was an appeal against his appointment and he was hurt at the time because he considered he was the most efficient person for the job. But the man selected in his place left no doubt whether the appeal was right or not. It is only fair that the good luck of a man in receiving a temporary appointment for two or three months before a vacancy is filled should not, by reason of the training he thus received, debar other men from getting the job. It is possible that four or five men suitable for advancement could be absent from their place of employment for some reason or another and thus be unable to be appointed to the temporary position. Mr. Simpson seems to be worried that this provision will be extended to some other departments.

Hon. C. H. Simpson: It must apply to others.

Hon. F. R. H. LAVERY: We are dealing with the tramways.

Members: No, it is general.

Hon. F. R. H. LAVERY: Yes, I admit I made a mistake. This provision does cover all. There are a number of departments where opportunity for promotion are limited, and I think that Mr. Logan hit the nail fairly on the head in what he said.

Hon. J. G. HISLOP: I am grateful to Mr. Lavery for clearing my mind on this matter. He has definitely proved to me—and surely to the Committee—that what is required is possibly in the existing legislation. He gave us an exact case of what we are talking about, an excellent example of a man having been appointed to an acting position and displaced on ap-

peal under existing legislation. I now have no hesitation; I know what to do.

Hon. L. CRAIG: My interpretation of this clause is that it means that in considering applicants for a permanent job, no experience that they gain in a temporary or acting capacity shall be taken into consideration. Is that correct?

The Chief Secretary: Yes.

Hon. A. F. GRIFFITH: Mr. Craig's interpretation of this clause is mine. Surely if that is the correct interpretation, the possibilities of the man in the instance envisaged by Mr. Simpson, that the Government wants to lift up and give an opportunity to, are completely defeated because, when it comes to an appeal, seniority takes precedence.

Hon. C. W. D. Barker: That is where you are wrong.

Hon. A. F. GRIFFITH: I am certain that Mr. Lavery was thinking predominantly of seniority.

Hon. F. R. H. Lavery: No, definitely not!

Hon. A. F. GRIFFITH: I agree with Dr. Hislop that Mr. Lavery gave us a good example. He told us of a man who had been promoted in a temporary capacity and against whose permanent promotion there had been an appeal.

Hon. H. Hearn: And he had been successful and was efficient.

Hon. A. F. GRIFFITH: But he was not happy, because another man displaced him. I do not think that there is any necessity for this clause.

Hon. C. H. SIMPSON: We must not forget that the application of Clause 3 is not confined to the Tramway Department alone, because this is an amendment to an Act which covers promotion in any branch of the service. My objection is that it provides that the board, which is entitled to all the evidence it can get, must disregard certain evidence which may be very valuable. My experience of boards has been considerable, and I think that they are very fair tribunals that take into account all the circumstances. The board in this instance will be most anxious, because of its obligation to pick the best man, to obtain all the evidence it can, but Clause 3 says it shall disregard certain information; that it shall not have it. I consider that the tribunal should have all the information it can get, and should not be deprived of any of it.

Hon. C. W. D. BARKER: Mr. Logan referred to the fact that the man appointed might be a friend of the boss. That is so. If a possible appointee was a son, or a cousin, or other relation of the head of the department, who do members think would get the temporary job? Of course the man would appoint his own relation!

But that would not mean to say that that relation was any more efficient than five or six other men in line for the job.

Hon. J. M. A. CUNNINGHAM: Do you believe that?

Hon. C. W. D. BARKER: Yes it happens every day. The head of the department would give the job to his relation. Service rendered in a temporary capacity should not be taken into consideration in the making of a temporary appointment.

The CHIEF SECRETARY: I think with Mr. Parker that the State must be considered in this matter. That is what I am doing when I ask members to agree to the clause. Members may as well take away the right of appeal if they do not carry this clause.

Members: No!

The CHIEF SECRETARY: Of course! Otherwise it means that every man who gets into an acting appointment will receive the job permanently; or that will be so in 999 cases out of 1,000. The person in the acting appointment has the job because he is the only one with experience of it. So long as he does not go to work drunk or make a terrible mess of the job, he has extra efficiency over and above all the others. The man who is lucky enough to be appointed in an acting capacity has the advantage over everybody else.

Hon. J. G. Hislop: You must think a lot of the appeal board!

The CHIEF SECRETARY: I know something of appeal boards. I was a member of the Commonwealth Appeal Board for many years. No member can tell me anything about such boards. I was for years the employees' representative on the Commonwealth Appeal Board, and I know what happens.

Hon. H. Hearn: They have improved since your day.

The CHIEF SECRETARY: All the amendment is seeking to do is to put every man on the same plane up to the time of the acting appointment. The deciding factor is what they have been able to do in the same job, together with their length of service. If members cut out this provision, it is equivalent to saying, "You have gone a step further and have been able to do the work, therefore you must be more efficient and so you get the job." The whole sting goes out of the right of appeal.

Hon. A. F. Griffith: What takes place at an appeal board? It is pretty important.

The CHIEF SECRETARY: I do not want to go into that now, but it has this importance, that an appeal is always loaded against the man who is appealing.

Hon. C. H. Simpson: No

The CHIEF SECRETARY: If we do not judge each man on the same level, then we must give some advantage. This puts them on the same level by judging them on their efficiency and length of service. Why should the man who was in the acting position have an advantage? This is only a fair and reasonable request.

Hon. J. M. A. CUNNINGHAM: How long would a man be liable to be in an acting capacity? Would it be possible for him to be there for two or three years?

Hon. H. Hearn: It is not impossible. There is one now.

Hon. J. M. A. CUNNINGHAM: If a man were acting for two or three years, he should be given some credit for the job he had done.

The CHIEF SECRETARY: I cannot see any reason why a person would be in an acting capacity for two or three years, although, when someone who has a lot of long service leave to cut out, retires, such person might be there for the best part of 12 months. In most cases it is a matter of a few weeks, or a couple of months at the most.

Hon. H. Hearn: There was one case in the tramways where a man was acting for three years.

The Chief Secretary: There was something wrong there.

Hon. C. H. SIMPSON: I remind members that this does not apply only to the tramways, but to the whole of the Public Service. Apparently my friends opposite are arguing in favour of the principle of seniority. I claim that any evidence that can be placed before the appeal tribunal is most important to enable it to arrive at a fair decision. It is not right that the dice should be loaded against the appellant. I know of at least three appellants who gained the verdict in the railways in the last 12 months.

The Chief Secretary: How many did not?

Hon. C. H. SIMPSON: Not many, because there are not too many of these cases. A magistrate gives his decision according to his interpretation of the evidence. He has the employers' representative on the one hand and the employees' representative on the other, and they put up their cases to the best of their ability; but nearly always there is unanimity between the parties and the magistrate when they sort the evidence out, because in most cases the decision is eminently reasonable.

Hon. L. A. LOGAN: It is obvious that Mr. Simpson wants the appeal board to take into consideration the activities of only one man—the man appointed to the temporary position.

Hon. C. H. Simpson: No.

Hon. L. A. LOGAN: He wants the appeal board to take cognisance of his period of acting service.

Hon. C. H. Simpson: No. All I say is that the evidence should not be disregarded.

Hon. L. A. LOGAN: The appellants, who had no opportunity of showing their efficiency in that particular phase, might be much better than the acting man. This will give preference to the man in the acting position. If we take out the word "shall" and put in the word "may", it still applies, because the appeal board will be told of the man's efficiency. The position will be loaded in favour of the man in the acting employment. I do not want seniority to prevail in the service.

Hon. H. Hearn: You will get it.

Hon. L. A. LOGAN: Not necessarily. The appeal board is the judge and the magistrate generally has had a fair amount of experience in this type of work, and he is assisted by a representative of the employer and a representative of the union. I object to the dice being loaded against the men who have not had an opportunity to act in the position.

Hon. E. M. HEENAN: We all want the tribunal to act fairly and justly. We do not want any man to have an advantage or be placed at a disadvantage. The main point arises when a vacancy occurs and someone is appointed to the acting position. In these circumstances one individual appoints another to the acting position. There may be three or four or more men with equal qualifications, and the foreman appoints one of them. Naturally the man who is appointed to act will do his utmost to show what he is made of.

Hon. C. H. Simpson: Sometimes it works the other way.

Hon. E. M. HEENAN: Yes, I suppose so; but if there are half a dozen men who could be selected, I agree with Mr. Logan that the one who is appointed gets a start on his colleagues.

Hon. H. L. Roche: Do you think they should all get a chance to do it?

Hon. E. M. HEENAN: They cannot all have a chance. The remaining four or five men are undoubtedly at a disadvantage as compared with the acting man.

Hon. C. H. Simpson: Do you not think the union representative would explain that fully to the tribunal?

Hon. E. M. HEENAN: The tribunal, with the best intentions would, perhaps, be unconsciously biased in favour of the acting man who had done an excellent job; but any one of the others might have done equally well, if not better. The acting man gets a flying start. From what I have been told, there have been several instances of fathers being in the position of appointing their sons to acting positions.

Hon. C. H. Simpson: This applies to the whole service.

Hon. E. M. HEENAN: The same principle applies. If we adopt the clause as it is, no harm will be done to anyone, but it will, I think, preclude the acting man from gaining a tactical advantage over the others. I do not think that is fair or just, and it is not in the best interests of the service or of the State. No matter how well the acting man might show up—and he is out to do his best—no one could say that another man might not have done equally well. A tribunal would say, "Here is Smith who has been acting for so many months. He has done an excellent job, and we will not take the risk of passing him over in favour of some man who has not had that opportunity."

Hon. H. Hearn: Mr. Lavery said they did.

Hon. E. M. HEENAN: That is my summary of the position after listening carefully to the pros and cons which have been fairly and capably put forward.

Hon. H. S. W. PARKER: During the course of my practice I appeared before the appeal board on many occasions and the person supporting the appointment against which I was appealing could always win if the superior officer in the department simply said, "In my opinion Mr. A. is more efficient than any of the others." If I am appearing for Mr. B. I can only say that Mr. B. is an excellent man. Why should we turn round and say that the appeal board is not to take into consideration how any particular individual fulfilled his duties in the acting capacity?

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

|      |       |    |
|------|-------|----|
| Ayes | ..... | 11 |
| Noes | ..... | 13 |

Majority against ..... 2

#### Ayes.

|                       |                       |
|-----------------------|-----------------------|
| Hon. C. W. D. Barker  | Hon. E. M. Heenan     |
| Hon. N. E. Baxter     | Hon. F. R. H. Lavery  |
| Hon. E. M. Davies     | Hon. L. A. Logan      |
| Hon. L. C. Diver      | Hon. H. C. Strickland |
| Hon. G. Fraser        | Hon. R. J. Boylen     |
| Hon. Sir Frank Gibson | (Teller.)             |

#### Noes.

|                       |                      |
|-----------------------|----------------------|
| Hon. L. Craig         | Hon. J. Murray       |
| Hon. A. F. Griffith   | Hon. H. S. W. Parker |
| Hon. H. Hearn         | Hon. H. L. Roche     |
| Hon. C. H. Henning    | Hon. C. H. Simpson   |
| Hon. J. G. Hislop     | Hon. J. McI. Thomson |
| Hon. Sir Chas. Latham | Hon. J. Cunningham   |
| Hon. A. L. Loton      | (Teller.)            |

Clause thus negatived.

Title—agreed to.

Bill reported with an amendment.

## BILL—ELECTORAL ACT AMENDMENT.

### Second Reading.

Debate resumed from the 22nd October.

**HON. R. J. BOYLEN** (South-East) [9.25]: I intend to oppose this Bill because I consider that "how to vote" cards are a definite advantage to electors, or at least the large majority of them. I should say that these cards fulfil the same role, particularly for people in the country centres, as advertisements in the Press do for people in the metropolitan area and some of the larger country towns. For many years people have been accustomed to going to tables and obtaining these "how to vote" cards or seeking information about the people who are contesting the elections. Where a number of candidates are involved, many people seek advice as regards preferences and in the great majority of instances the "how to vote" cards are actually only replicas of the ballot papers, with the exception that the candidates are arranged in the order of preference of the party concerned.

There are many people, particularly elderly people, who get into the ballot boxes and become somewhat confused about how to record their votes. Consequently many votes are invalid, and unfortunately we see too much of that sort of thing at present. If we were to prevent the use of "how to vote" cards near polling booths, many more invalid votes would be cast. Members have said that some of these cards contain misleading statements. That may or may not be so, but I have seen few to which exception could be taken. If the cards do contain misleading information, there is provision in the Act to deal with it. I would be more inclined to support a Bill of this nature if provision were made to alter the ballot papers themselves. I think some indication should be given on the ballot papers of the parties to which the candidates belong. That would be a definite advantage, and there has been a move somewhat along those lines with regard to Senate papers.

The candidates listed on those papers are divided into groups. There are the Labour Party group, the Liberal Party group and so on. From advertisements, electors are able to ascertain the group which represents a particular party. That, in itself, is a little misleading because there are such a large number of groups and such a large number of candidates contesting those elections. In such cases I think these "how to vote" cards are a definite advantage. Reference has also been made to the cost of the cards to candidates at an election. If we are going to compare costs we must take into consideration the heavy expense incurred in advertising in the Press. Advertising in the newspapers can be of particular advantage to one or two parties, especially the financial ones, because they are in a better position to pay for these advertisements.

I have had many years of experience at elections, and I have never known of any case where cards have been given

out less than 50 yards from the polling booth. This aspect is well policed on the Goldfields, but there is a little confusion as to the distances involved in State and Federal elections. I have never seen anyone poke one of these cards under an elector's nose, as some members have suggested. I have seen some people taking exception to getting a Labour card, and I have seen others taking exception to getting a Liberal card; but I think all who represent the parties hand out the cards in a polite way, and the majority of the people merely pocket the cards, put them in their handbags, or throw them on the ground. I cannot see any harm in that practice.

If we agree to this Bill, the people handing out the "how to vote" cards will be a mile away from the polling booth, and it would be ridiculous to say that voters would come along and ask for cards that far away from a polling booth. It would be almost impossible for invalid people to obtain advice on how to vote, and on many occasions these people are put to the expense of hiring taxis to take them to the polling booth. It is ridiculous to say that they should be put to the expense of hiring a taxi to go out and obtain a "how to vote" card and then return to record a vote. These cards are a definite advantage, and they are most useful in trying to make people assume their responsibilities. The great majority of people have some affiliation with one party or another.

By means of the cards, people can decide whether they want to vote for the Liberal Party or the Labour Party. They will get some indication and some help as to how to go about the matter. We should endeavour to educate people and make them interested in politics so that they will have an active responsibility in the affairs of the country. We do not take exception when we see placards that advocate recruiting for the army, the navy or the air force. They serve the same purpose in that they make people conscious of their responsibility to the country and give them some knowledge of what is involved. I think the Bill has been brought down with a more sinister motive and not merely for the purpose of trying to save expense. I oppose the second reading.

**HON. L. A. LOGAN** (Midland) [9.31]: I support the Bill. Not long ago we had a State election, and I was placed in the unhappy position of having to organise for that election by trying to find people to man the polling booths. I then realised the utter stupidity of this system of handing out "how to vote" cards on polling day. Mr. Boylen says that people who had not followed the election would want to know how to vote.

Hon. R. J. Boylen: I did not say "not followed the election."

Hon. L. A. LOGAN: The hon. member said that they would want to know how to vote when they got into the polling booth.

Hon. R. J. Boylen: I did not say that.

Hon. L. A. LOGAN: The hon. member said that they would get their ballot paper and would know how to vote. If the person concerned were conscientious enough to know what was going on concerning the election, she would have that card in her bag when she went to the booth. She would not wait till she got there to be handed one.

Hon. L. Craig: Why "she"?

Hon. L. A. LOGAN: Or he. What about those people who arrive by car? In the country districts particularly, about 40 per cent. or more people arrive at the polling booth by car and they pull in within the 50 yards permitted. What about those people? According to the law they are not supposed to be issued with a "how to vote" card. If it is so essential for everybody to have a "how to vote" card, is it not essential that those 40 or 50 per cent. of people should also get one?

The Minister for the North-West: Do you not think they do?

Hon. L. A. LOGAN: If the law were not broken, they would not get one.

Hon. C. W. D. Barker: It all depends on your organisation.

Hon. L. A. LOGAN: From my knowledge they are all within 50 yards of the distance permitted, and if they are handed a card when they pull up at the polling booth, then the law is broken.

The Minister for the North-West: Do you not think they get one before they get there?

Hon. L. A. LOGAN: I say the law is being broken; that is what is happening. The argument of people having an interest breaks down when we find these people coming by car and not being entitled to receive a card on polling day, unless they do so outside the 50-yard limit. It is not possible for them to do that unless they pull their cars up first and then take the cards. Not many of them do that. Much has been said about lack of interest during polling day, and members who oppose the Bill seem to think that handing out "how to vote" cards at elections will create an interest. Surely we want some interest to be taken before the day of the election! If people are to wait for the polling before taking an interest in the matter, what good is that to the country? When I go to the country, I like to feel that the people have taken an interest during the period prior to the election, not on election day. So that argument does not hold water.

I am sorry that Mr. Heenan is not in his seat, because during an interjection I said I would reply when I stood up. He said the case was grossly over-stated when one member mentioned that cards were poked under people's noses. The hon. member knows as well as I do that that was said figuratively. It is not a gross over-statement either. If members will cast their minds back to polling day, they will recall that when people approach the polling booth they are faced by three or four men who flash out a card and say, "Here is your card." Is not that poking cards under one's nose?

Hon. E. M. Davies: Where is your nose?

Hon. L. A. LOGAN: As I have mentioned, this was referred to figuratively and the hon. member knows that as well as I do. Much has also been said about advertising. I suppose the party to which I belong does less advertising than any other, and yet I am supporting the Bill. Both the Liberal Party and the Labour Party spend a great deal more money than we do upon advertising, so that argument does not enter into it either. It would not be a bad idea if we banned all newspaper advertisements after the Wednesday, and followed the system adopted by the A.B.C. which bans all advertising on the Wednesday prior to the election.

The Minister for the North-West: You mean the Federal election.

Hon. L. A. LOGAN: That is so. Nobody is growling about that. Yet we find members wanting this system to continue because it has been in vogue since 1904. I think it is unnecessary, and that is why I am opposing it. I took this matter up with my executive some months ago. I agree with Mr. Boylen that the easiest way out of the difficulty would be to put the party designation alongside the name of the candidate. If that were done, "how to vote" cards would be unnecessary. That might be a way out of the difficulty, but that matter is not before the House. Accordingly I have to support Mr. Parker in an endeavour to amend the Act so that it will become unnecessary for "how to vote" cards to be handed out.

Members have said that if those cards were not handed out on polling day people would take more interest in the election prior to polling day. It would be something if we could accomplish that. As I have said before, this measure is not to stop people from knowing how to vote. In the majority of cases their cards are sent to them through the post, or by men going around on bicycles and placing them in their letter-boxes. Almost every card, newspaper advertisement, and poster indicates how the person should vote. There is no necessity for anybody to go to the polling booth without knowing how to vote, so there is no need for "how to vote" cards to be handed to them on election day. I support the second reading.

**HON. L. C. DIVER (Central) [9.40]:** I would like to say a few words without committing myself one way or the other, though I have a leaning towards the Bill, so long as it proves to be a corrective. I want to make sure that if the Bill became law it would not create a greater anomaly than exists at present. For instance, if it is passed, it would be necessary to have "how to vote" cards distributed by post or by other means prior to election day. The position would arise, especially with the ill-informed section of the community, that they would go to the polling booths and record their votes, taken in many instances from the "how to vote" cards. There would always be that percentage of people who, while wanting to vote, had forgotten their "how to vote" cards and would immediately ask their friends who perhaps had remembered to bring their cards for a loan of them. To my mind, that would immediately create an offence if this Bill became law. I agree that it is high time we educated people on how they should vote. If they did not want to vote—and there are always those who get a little upset at times—they could soon remedy the position by making their vote informal.

In trying to justify his contention that this Act should not be amended, Mr. Heenan said it had been on the statute book since 1904. In that year adult franchise had not been the lot of the ordinary man for many years; and I venture to say that had one asked an elector of those days whether in 50 years' time it would be necessary to hand out "how to vote" cards, he would have laughed one to scorn and said, "Heavens above, by that time everyone will know for whom he should vote on polling day and why he is going to vote for him!"

It is time we approached this measure from a non-party angle. Since it was discussed last week, I have had an opportunity to speak with great Labour supporters in the country. I have discussed the measure with men who have spent considerable time assisting the Labour Party on polling day, and they said, "My word, I wish that could come about, for the state of affairs we have today is ridiculous!" In some places we have both parties sitting at one table under a tree and the cards lying on the table.

**Hon. E. M. Davies:** That is not shoving them under your nose.

**Hon. L. C. DIVER:** The cards are there, and for courtesy's sake, people generally take one. So why not have a table outside the polling booth without anybody in attendance at all. Anyone who then wanted a card could take it. I do not think the time has come when we should flood the length and breadth of the country with "how to vote" cards.

**Hon. C. W. D. Barker:** What about migrants?

**Hon. L. C. DIVER:** I am sorry to say that in the majority of cases those people know more than the average Australian does. As a rule, the immigrants take a very keen interest in politics and, after having been here a few years, they can tell the average Australian more about the business than he knows. I am satisfied that they need no coaching whatever. They prize this privilege, and that is why many of them have come to Australia, having been denied a similar privilege in their own country. As each of these men attains citizenship, give him the opportunity and he will exercise the franchise without being handed a "how to vote" card on polling day. I hope that members will endeavour to make some headway towards improving the Act and not treat this matter on a party basis.

**THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [9.46]:** Much stress has been laid on this Bill; but if members consult the Act, they will find no mention of "how to vote" cards, and the appropriate provision goes much further than such cards. The effect of the Bill would be to prohibit in the metropolitan area any activities by any party. It would have the effect of closing committee rooms and preventing information from being given to anyone that sought it. In the country, the provision of a distance of one mile from the polling booth would not have the same effect, but polling booths in the metropolitan area would not be a mile apart.

**Hon. H. S. W. Parker:** That is so.

**THE MINISTER FOR THE NORTH-WEST:** Therefore, the measure would prevent any information being given. The hon. member proposes to amend Section 183, which provides that any person who in any way interferes with an elector in the polling booth with the intention of influencing or advising him as to his vote, etc., and the hon. member would make it read, "either in the polling booth or within one mile thereof." What are committee rooms for? A person enters a committee room to ascertain whether his name is on the roll.

**Hon. H. S. W. Parker:** He is asking for information and is not being influenced as to his vote.

**THE MINISTER FOR THE NORTH-WEST:** It would be tantamount to advising him as to his vote. The hon. member said that the "how to vote" cards have no effect, but that 10 per cent. of the electors become confused by them. Ten per cent. is a fairly large proportion in any electorate, and if that percentage needs guidance, why not permit it? This practice has done no harm in the years it has been permitted, and I have not seen any outcry in the Press about it. To my knowledge, there has not been one letter of complaint in the Press about people handing out "how to vote" cards.



The hon. member said that one might leave a card on the floor of a motor-car, and he asked whose fault it would be if any elector picked it up. But why resort to that sort of thing when there has been no public opposition to the present arrangement, at any rate not to my knowledge?

Hon. H. S. W. Parker: I am afraid you have been up North.

The MINISTER FOR THE NORTH-WEST: Yes, but I read the papers and have not seen any reference to this matter. If anybody could show me a reference to it in a newspaper, I should be glad to see it.

Hon. H. S. W. Parker: Did not you see the leading article the other day?

The MINISTER FOR THE NORTH-WEST: Yes, and it did not pat the hon. member's Bill on the back. I also read something else in the paper, and this has reference to confusion. It said that the Bill was introduced by Mr. Parker, L.C.L., and further down it read—

Opposing the Bill, Mr. Parker (Lab.) said that he had never seen people annoyed by being handed how-to-vote-cards.

Hon. H. S. W. Parker: I think I am entitled to start an action for libel there.

The MINISTER FOR THE NORTH-WEST: But the hon. member, so far as I have noticed, has not endeavoured to put the electors right on that point. Apparently he is prepared to run both ways and confuse the electors as much as possible while, at the same time, he claims to be attempting to help them. That is the amusing part. One good point raised during the debate was advanced by Mr. Heenan, to the effect that "how to vote" cards created interest in the elections. Yet, in the report in "The West Australian," all other speakers were mentioned except Mr. Heenan.

Hon. H. S. W. Parker: According to you Mr. Barker was not mentioned.

The MINISTER FOR THE NORTH-WEST: The people know Mr. Barker, and so do we. I am opposed to the one-mile provision, a reason being that the Federal Act stipulates 20 feet from the entrance. Our provision is 50 yards, and that means a clear 100 yards in front of the booth if the returning officer is doing his job. I cannot see how elections could be conducted in the metropolitan area with this restriction, though in the country it might not matter so much. People in the metropolitan area are not fully informed and—

Hon. Sir Frank Gibson: So intelligent?

The MINISTER FOR THE NORTH-WEST: I would not say that; but people arrive at the booths in large numbers, and many of them are greatly confused. In the matter of absentee voters, what will happen? An elector might inquire the names of the candidates in his district;

he would know the man for whom he wished to vote, but might not know what parties were represented by the other candidates and might be desirous of not voting for a communist as No. 2. I have had an experience of that sort in the North on several occasions.

A committee room would have to be a mile from a polling booth, and how would the hon. member manage that in the metropolitan area? To do so would be impossible, and the measure would be absolutely unworkable. If the distance were made another 25 yards the effect would be slight, but I repeat that to stipulate a mile would prohibit all activities in the metropolitan area on election day. We know that house-to-house canvassing is carried on, and that throughout polling day electors are picked up in motorcars and conveyed to the booth. Legally, one would not be permitted to give those people any advice. The measure would have the effect of cutting out not only the use of "how to vote" cards but also of all advice. Therefore, I oppose the second reading.

HON. J. M. A. CUNNINGHAM (South-East) [9.55]: I have no strong feelings on the measure, one way or the other. I have heard good arguments advanced on both sides, and have been swayed both ways.

The Chief Secretary: Last time you were swayed, you voted the opposite way.

Hon. J. M. A. CUNNINGHAM: Good arguments are always worth listening to. I shall be in a difficult position if I support the majority of our people because this measure would have the effect of placing some candidates at a considerable disadvantage. If I may be permitted to refer to my own district and to myself as the only candidate representing my party, I find it difficult to man all the booths, and therefore have to leave some unmanned. I do not know that that is a great disadvantage, though it does present a difficulty to a candidate placed in that position. There are candidates down here who find themselves in a similar position. I do not know that the Bill can achieve much good, and so I have to consider a different reason.

I think the "how to vote" card does exert a certain amount of psychological pressure on electors going to the booths. In a district known to be strongly Liberal, strongly Labour, or strongly anything else, the average elector is diffident about refusing a card handed him on behalf of the predominant party in the district. If a Labour man offers a Liberal supporter a card, he takes it because he does not wish to declare publicly where he stands. We are told that this is done in a nice way and the elector is at liberty to accept or refuse it. I have handed a person a card and he has taken it and then gone on to the next table where he has been

handed an opponent's card with one hand and relieved of mine with the other. But one can do nothing about that.

If an elector knows his own mind, it does not matter what card is handed to him. If one is a Liberal and is given a card advocating Smith the Labour candidate, one votes for the other man, so that I do not think that the "how to vote" card has much effect. This handing out of cards is strictly forbidden in England. There one may not hand out a card if it even remotely resembles a ballot paper. On the other hand I believe that such a card is a useful guide, probably to a majority of electors. Many people jog along sweetly during the year, hearing a name mentioned from time to time and learning that the man is doing a good job, and so decide to support him. On the other hand, a large number of people take no interest in politics and could not name one of the parliamentary representatives for their district.

Hon. Sir Frank Gibson: Then they should not have a vote.

Hon. J. M. A. CUNNINGHAM: I do not say that, but many people could not name half the members that represent them. However, they are entitled to the vote. I believe the "how to vote" cards form a useful guide to such people and they are entitled to have it.

Hon. A. F. Griffith: A lot are entitled to the vote, but exercise it only because the law requires them to do so.

Hon. J. M. A. CUNNINGHAM: At present we are discussing the most democratic franchise in the Commonwealth and an entirely voluntary vote for a non-party House. I am not particularly inclined one way or the other on this matter. On the score of cost I would probably be happy if the measure were thrown out, but I will listen to further debate and may be swayed either way.

On motion by Hon. C. H. Henning, debate adjourned.

*House adjourned at 10.1 p.m.*

## Legislative Assembly

Tuesday, 27th October, 1953.

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

### QUESTIONS.

#### RAILWAYS.

*As to Port Zones and Regrading of Great Southern Line.*

Mr. HILL asked the Minister for Railways:

Is it the Government's intention to adhere to the present port zones or to aim at more efficient and economical working of the railways by adopting the suggestions with regard to port zones and regrading of the Great Southern railway, appearing on page 23 of the Outports Royal Commission's report?

The MINISTER replied:

The matter will be considered in the light of present and future developments at the ports of Albany and Bunbury.

#### HARBOURS.

*As to Policy of Development.*

Mr. HILL asked the Premier:

(1) Did the Government consult shipping interests to obtain their views before deciding on what he referred to as "a well balanced policy of harbour development"?