

Legislative Assembly

Thursday, 8th August, 1957.

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

QUESTIONS.

EDUCATION.

(a) *Spencer Park Primary School, Albany.*

Mr. HALL asked the Minister for Education:

(1) Will he give an approximate date for the commencement of operations for the building of Spencer Park primary school, Albany?

(2) Will the proposed school be built by contract or day labour?

The MINISTER replied:

(1) End of October.

(2) Day labour.

(b) *Domestic Science Centre, Leederville.*

Mr. JOHNSON asked the Minister for Education:

(1) When was the domestic science centre commenced at Leederville?

(2) When was it last completely renovated?

(3) How many of the following items of equipment have been supplied to the centre:—

(a) refrigerators;

(b) electric irons;

(c) (i) electric sewing machines;

(ii) non-electric sewing machines;

(d) cake mixers;

(e) linoleum?

The MINISTER replied:

(1) The quarters were converted to home science on the 12th April, 1904.

Teaching of home science commenced on the 19th April, 1904.

(2) 1949, and similar work is now being carried out.

(3) (a) Nil.

(b) One.

(c) (i) Nil.

(ii) One.

(d) Nil.

(e) Supplied to office, passage and maid's kitchen.

(c) *Resumption of Orange Grove School Land.*

Mr. WILD asked the Minister for Education:

(1) Is he aware that a portion of the school building ground at Orange Grove is being resumed for the new access road passing through the district?

(2) Will he make arrangements to purchase vacant land adjacent to the school to offset that lost by this resumption?

The MINISTER replied:

(1) Yes.

(2) Alternative arrangements will be made.

FORESTS.

Cutting in Mundaring Weir Catchment Area.

Mr. OWEN asked the Minister for Forests:

(1) What acreage of forest and Crown lands in the Mundaring Weir catchment area has been cut over for milling and other purposes during the past two years?

(2) What has been the volume or tonnage of green timber cut for milling in this area by—

- (a) Wundowie saw mill;
- (b) Industrial Extracts Ltd;
- (c) other saw mills?

(3) What acreage within the catchment has been totally cut over for firewood and charcoal purposes by Wundowie?

(4) Is it proposed to plant any of this cut over area with pines?

The MINISTER replied:

(1) Approximately 19,000 acres.

(2) (a) Wundowie sawmill, approximately 20,500 loads.

(b) Industrial Extracts, approximately 5,000 loads.

(c) Other sawmills, approximately 1,500 loads.

(3) So far as Crown land and State forest is concerned, nil. There has been some cutting on private property.

(4) No.

NAVAL BASE.

Establishment in Western Australia.

Mr. HALL asked the Premier:

With the contemplated visit of Britain's Minister for Defence, Mr. Duncan Sandys, in mind, will he place the case for the establishment of a naval base in Western Australia, either at Albany or Cockburn Sound, before Mr. Sandys?

The PREMIER replied:

Yes, personally if the opportunity presents itself; if not, then through the Prime Minister.

RAILWAYS.

(a) Freight on Passenger-Goods Trains

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

What rates are charged for cartage of goods by passenger-freighter:—

- (a) Katanning to Pingrup section;
- (b) Katanning to Jerramungup section;
- (c) Brookton to Corrigin section;
- (d) Kondinin to Hyden section?

The MINISTER FOR TRANSPORT replied:

The freight rates for the conveyance of goods by passenger freighter bus are identical on the sections enumerated, and the charges per parcel are as shown in the following example:—

Miles. Up to	Weights.					
	7lb.	14lb.	28lb.	56lb.	84lb.	112lb.
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
15	1 6	2 0	3 0	4 6	5 6	6 6
25	2 0	2 9	4 0	5 6	7 0	8 0
50	2 3	3 8	5 0	7 0	8 6	10 0
75	2 6	4 0	5 6	8 0	10 3	12 0
100	2 6	4 8	6 6	9 6	12 0	14 0
125	2 9	5 0	7 6	10 6	13 6	16 0

Perishable goods are charged at half the above rates, at the bulk weight of each consignment.

(b) Tambellup-Gnowangerup, Servicing of Engines.

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

What arrangements are made for the servicing of engines running on the Tambellup-Gnowangerup railway line?

The MINISTER FOR TRANSPORT replied:

The locomotive stabled at Tambellup is changed over weekly with a locomotive from Katanning.

Coaling and cleaning are performed by the cleaner stationed at Tambellup.

(c) Resignation of Assistant Commissioner Clarke.

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

Under date the 3rd August, the "Daily News" stated "Railman Quits Job," referring to Mr. Clarke, and it said—

He tendered his resignation yesterday to Railways Minister Strickland and the Minister accepted it.

Will the Premier confirm that this means that the Government has confirmed the acceptance of the resignation.

The PREMIER replied:

Yes.

KING'S PARK.

Preservation of Natural Bush.

Mr. ROSS HUTCHINSON asked the Minister for Lands:

(1) As one of the stated objectives of King's Park is the preservation of the natural bushland, will he ascertain from the board what has been done and what is now being done to check and eradicate veldt grass in the park?

(2) Will he ask the board to state the ways and means it has adopted or intends to adopt, in regard to the preservation of the natural bush?

The MINISTER replied:

(1) In 1939, the board tried as an experiment the grubbing and hand-weeding of about one acre that was heavily infested with veldt grass. The cost was high and there was a tremendous crop of grass on this area during the following year.

The board has carried out a 10-chain square survey of the park to determine the extent and volume of the veldt grass.

On a very heavily infested portion, it carried out a controlled grazing experiment for a period of three years with dairy cows, but with no success.

The Department of Agriculture has advised that a spray to kill veldt grass would also destroy native vegetation.

Veldt grass seeds very freely and therefore spreads quickly.

The State Forests Department has assisted in experiments on veldt grass control.

Inquiries in South Africa have failed to discover any reliable method of eradication or control.

Short of a disease or an enemy peculiar to veldt grass, there does not appear to be any economic or practicable method of control for King's Park.

(2) From the appearance of the bush areas in 1938, it did not appear that much, if any silvicultural treatment had ever been carried out. Much of it was, and still is, a burnt out wreck of forested area.

In 1938, firebreaks were established and employees were trained in the use of fire-fighting equipment whilst controlled burning was carried out based on a three to four-year cycle.

Many parts of the park carrying considerable numbers of dead and burnt out trees were worked over by felling these trees and converting them for sale as firewood, and over 3,000 cords of wood have been sold, with much more still available. On much of this cut over country there is good natural regeneration of banksia and sheoak with very little eucalypts, but this is not unusual.

In addition, the board has raised in its own nursery and planted in the bush areas, some 5,000 trees, mostly eucalypts.

Attempts have been made to increase the density of native flowering plants by seed sowing.

There are areas in the park with little botanical value and because of veldt and other grass infestation do not warrant intensive silvicultural treatment.

SNAP FREEZING INDUSTRY.

Processing of Peas and Vegetables, Albany.

Mr. HALL asked the Minister for Agriculture:

Will he have the Department of Agriculture investigate all avenues and consult all interested farming organisations, with a view to interesting them in the growing of peas and other suitable vegetables for the purpose of establishing a snap freezing industry in the Albany district?

The MINISTER replied:

The Department of Agriculture has carried out the necessary investigations relating to the growing of peas and other vegetables in the Albany area with a view to their use for snap freezing. This information has been made available by both the Department of Agriculture and the Department of Industrial Development to food processors in this State and in the Eastern States in an endeavour to interest them in undertaking snap freezing operations at Albany. As yet, no processors are interested in snap freezing of vegetables at that centre.

BERNIER AND DORRE ISLANDS.

(a) Objection to Lease for Grazing.

Mr. NORTON asked the Minister for Fisheries:

Will he explain to the House why his department objects to the leasing of Bernier and Dorre Islands for grazing when they are not fauna reserves?

The MINISTER replied:

Four extremely rare and interesting species of marsupial fauna are now found only on Bernier and Dorre Islands. If the islands were leased for grazing, the department believes that these species would be entirely lost to the world as were their mainland counterparts because of an inability to withstand any interference with their natural habitat.

(b) Reference of Applications for Lease.

Mr. NORTON asked the Minister for Lands:

Will he explain to the House why Bernier and Dorre Islands are referred to the Protector of Fauna when applications are made for the leasing of them for grazing as they are not listed as fauna reserves?

The MINISTER replied:

Bernier and Dorre Islands were reserves under the Game Act, 1912. Although that Act was repealed in 1952, the Chief Warden of Fauna has opposed the granting of leases because rare species of bird life and marsupial fauna occur on these islands.

HOSPITALS.

Theatre Charges, Kalgoorlie.

Mr. MOIR asked the Minister for Health:

(1) Is it correct that theatre charges at the Kalgoorlie district hospital have recently been increased from £3 3s. to £5 5s. for major operations; from £1 11s. 6d. to £3 3s. for minor operations and labour ward charges from £2 12s. 6d. to £3 13s. 6d.?

(2) If so, what is the reason?

(3) How do charges for these services at Kalgoorlie hospital compare with similar charges at other Government hospitals?

The MINISTER replied:

(1) The rates quoted are correct except that the charge for a minor operation is £2 2s., not £3 3s.

(2) To bring charges more into line with costs, which exceed the new rates.

(3) Identical.

TRAFFIC LIGHTS.

Installation at Russell Square.

Mr. HEAL asked the Minister for Works:

With the allocation of finance this year for street lighting and the approval of the Perth City Council for the installation of lights in Russell Square, West Perth, will he give consideration to the erection of these lights this financial year?

The MINISTER replied:

Yes, if the Perth City Council accepts the parallel lighting scheme already proposed to it.

REVENUE AND EXPENDITURE.

Comparison of Results, 1956 and 1957.

Mr. COURT asked the Treasurer:

(1) What is the explanation of the worsened financial result announced for July, 1957, as against July, 1956?

(2) Which major headings of income and expenditure varied in these two months, and to what extent?

(3) What are the reasons for the increased railway deficit for July, 1957, as against July, 1956?

(4) Is the announced railway deficit for July, 1957, namely, £383,850, before or after charging interest and sinking fund?

The TREASURER replied:

(1) Increases of revenue arising principally from legislative action were almost entirely offset by reduced collections from the Railway Department. In July, 1956, the railways were engaged in an abnormal wheat haulage which was completed before the end of last financial year.

Increased expenditure occasioned in the main by higher costs of servicing the public debt and by basic wage, marginal and award payments granted since July, 1956, resulted in the increased deficit in July, 1957.

(2)—

	£000	£000
Revenue increases—		
taxation 	245	
Other 	84	
	329	
Less decreases—		
railways 	280	
Net increase 	49	
Expenditure increases—		
Special Acts—in-		
terest and sink-		
ing fund 		99
Other 		29
Public works 		32
Education and la-		
bour 		30
Public utilities 		83
Other departmen-		
tal 		42
		315

Less decreases

—several de-
partments

97

218

(3) Increased operating expenditure and reduced revenue as mentioned in answer to No. (1).

(4) The announced railway deficit for July, 1957, includes sinking fund charges but excludes interest.

NATIONAL RADIATION ADVISORY COMMITTEE.

State Representation.

Mr. COURT asked the Minister for Health:

(1) Has the State representation on the National Radiation Advisory Committee set up by the Commonwealth Government?

(2) If so, is there consultation between the State and the Commonwealth on this subject?

(3) Is the Government satisfied with the conditions under which x-rays are used and serviced in this State and are any changes proposed?

The MINISTER replied:

(1) No.

(2) Yes. There is a Commonwealth-States Committee on which this State is represented.

(3) Not in every respect. The Government recently appointed a Radiological Advisory Council which is considering regulations for the control of radiation in the State and the inspection and licensing of equipment.

WATER SUPPLIES.

Surveys, Wiluna-Meekatharra Area.

Mr. O'BRIEN asked the Minister for Mines:

With reference to the reported investigation of water resources in the Wiluna-Meekatharra area by C.S.I.R.O.—

(1) Have other investigations been made previously?

(2) Were any military surveys made for water in this region?

(3) What artesian and subartesian water-carrying structures are known in this area?

The MINISTER replied:

(1) Yes. The Government Geologist made an inspection east of Wiluna for the department in 1951.

(2) Not to our knowledge.

(3) No major artesian structures are known in this area but subartesian water-carrying structures exist. A copy of the Government Geologist's report can be supplied if required.

HOUSING.*Commission Homes Vacated and Rents.*

Mr. COURT asked the Minister for Housing:

With reference to the answers he gave to Nos. (1) and (2) of questions I asked on the 1st August, regarding State Housing Commission houses, will he give details of—

- (a) the actual weekly rents charged for each type of accommodation.
- (b) the amount per week of the variations that have taken place over the last three years for each of the rents referred to in (a)?

The MINISTER replied:

(a) The rents are calculated on the cost of individual houses. The rent of any one type of home can be varied by the following factors:—

- (i) Brick or timber framed type.
- (ii) Two or three bedroom and verandah space.
- (iii) Siting and foundations required.
- (iv) Land and road construction costs.
- (v) Rates payable to local authority.
- (vi) Rate of interest. (Under the 1956 Commonwealth-State housing agreement the interest rate is 4 per cent. compared with 3 per cent. under the 1945 agreement.)

(b) The average rentals over all homes at the dates shown are as follows:—

30/6/55—£2 5s. 6d.

30/6/56—£2 9s.

30/6/57—£2 13s. 6d.

NORTH-WEST GRAZING.*Survey of Potentialities.*

Mr. COURT asked the Minister for Agriculture:

(1) Is the Government collaborating with C.S.I.R.O. in its comprehensive regional survey to assess the potentialities of 26,000 square miles of grazing country in the Wiluna-Meekatharra areas?

(2) If so, to what extent?

(3) If not, does it propose to approach the Commonwealth Government with this end in view to achieve the maximum benefits from the survey?

The MINISTER replied:

(1) Yes.

(2) To make the survey possible the Department of Lands and Surveys gave special priority to aerial photography work over the area involved, and this has now been done.

The Department of Agriculture is providing a graduate officer to accompany the two C.S.I.R.O. men comprising the advance

party and is providing all the transport. The same arrangements will probably apply to the main party activities next year.

(3) The State Government, through the Director of Agriculture, has made repeated approaches to C.S.I.R.O. for co-operation in dealing with research into the pastoral problems of the Wiluna-Meekatharra area. The survey by the Land Research and Regional Survey team is the direct result of these approaches and is a necessary preliminary to a research programme.

EGGS,*Disposal of Chilled Products.*

Mr. WILD asked the Minister for Agriculture:

(1) How many dozen eggs were placed in cold storage by the W.A. Egg Marketing Board for later release in the short period during the last financial year?

(2) What was the average price paid by the board for such eggs?

(3) How many of these chilled eggs were sold, and at what price?

(4) How were the remaining eggs disposed of and at what price?

The MINISTER replied:

(1) 436,320 dozen.

(2) 4s. 5.33d. per dozen.

(3) 341,460 dozen were sold locally at an average price of 4s. 5.67d. per dozen.

(4) The remaining 94,860 dozen eggs were transferred to export pulp. No realisation price for these is yet available, and will not be known until a definite purchase price for the 1957-58 season's pulp has been arranged and agreed on between the Australian and United Kingdom representatives.

LEAVE OF ABSENCE.

On motion by Mr. I. W. Manning, leave of absence for one week granted to Mr. Mann (Avon Valley) on the ground of ill-health.

BILLS (2)—FIRST READING.

1, Coal Miners' Welfare Act Amendment.

Introduced by the Minister for Mines.

2, Country Areas Water Supply Act Amendment.

Introduced by the Minister for Water Supplies.

BILLS (2)—THIRD READING.

1, Health Act Amendment.

2, Bank Holidays Act Amendment.
Transmitted to the Council.

BILL—NOLLAMARA LAND VESTING.*Message.*

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

Second Reading.

THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren) [2.35] in moving the second reading said: The subject matter of the Bill covers the resubdivision of certain lands, now known by the name of Nollamara, to the north of Perth and east of the Wanneroo-rd. The purpose of the Bill is to enable the completion of arrangements for financial assistance from the Commonwealth Government for housing development by the State Government in those areas.

In the year 1950 the State Housing Commission acquired a considerable area of freehold land in the locality by private negotiation, and, in some instances, by resumption. Nollamara is just one section of this tremendously large area which will be used for future building programmes. The financial arrangements made between the Commonwealth and State Governments impose an obligation on the State to give a clear title to the land before any work can be proceeded with or, if it has already proceeded, then to have it validated; and this is really the reason for the Bill being presented here today.

I referred to a large area because I think I am right in saying, that in 1950 more than 8,000 acres were acquired by the State Government for the purpose of a large home-building programme. Since then the policy has been followed that there will be five separate housing estates each with its own centre, and then a further area set apart—it will be centrally placed—to serve all the people in these localities. All told over the years, to give an inkling of what will take place, not less than 14,000 to 15,000 homes will be permanently established in the area.

After acquiring the Nollamara area, the subject of the Bill, the State Housing Commission naturally conferred with the Town Planning Board and the Perth Road Board and following these conferences, the commission's town planning consultant, Miss Margaret Feilman, redesigned a subdivision of Nollamara to conform in every way with modern standards and requirements and with particular reference to the provision of new roads in more appropriate positions than those that are to be found there today.

Members will appreciate that there was the utmost urgency to build houses, and, as a consequence, building operations were proceeded with and a considerable number of homes have already been

provided for a great many people. I think there are about 600 homes in that area today and the policy of the State Housing Commission during this financial year is to increase that number by 300 or 400 further houses. Certain lots in the original subdivision have been sold privately by the previous owners of the land and many of them have been built on over the years, so it was vitally necessary for the State Housing Commission to negotiate with the present holders of the land—some of which has houses on it—so that their existing certificates of title could be transferred to the Housing Commission for the time being.

Mr. Bovell: Did the owners agree?

THE MINISTER FOR LANDS: Yes. I will deal with the only exception in a moment. Negotiations have proceeded very smoothly and so the commission became the actual owner of the land for the time being. At the same time as these negotiations were in progress, as is natural with the Housing Commission in undertakings of this kind, it entered into agreements with the owners that it would transfer to them new certificates of title to the land, including the new lots on which their houses exist. The commission has had very little difficulty in that area.

The owners agreed to transfer their existing lots to the commission in exchange for new titles coming under the new subdivision and the only impediment to these negotiations with the existing occupiers was in relation to the owner of two small lots in the locality—lots 23 and 24—who agreed to the slight amendment to her boundaries—after all she would have had no reason not to agree because the alteration actually gave her more land than she had before, and she was quite happy about it—but unfortunately her two sons failed to withdraw their caveat against the existing certificate of title, under this claim in which they consider they have some interest.

As the result of that, it has not been possible to proceed in the manner adopted in other cases by way of transfer to the commission and then back again to the owner. That is the only case of disagreement or refusal to co-operate with the Housing Commission in that regard and the commission cannot find a reason for it. There is, in fact, an area of something like 5-9/10ths perches of additional land being added to the property. The fences and so on are completed and the mother, who owns the land, agrees to the transaction but for some unknown reason the sons, who appear to have an interest in the land, have refused their co-operation. There has, therefore, to be provision in this Bill for the adjusting of the boundaries of lots 23 and 24 in order to

authorise the Registrar of Titles, notwithstanding the fact that the caveators have not given their consent, to register the transfer of the existing certificate of title to the commission and, upon approval of the new plan, for the resubdivision to be registered and transferred from the commission back to the owners.

I mention this because it is included in the Bill although it is by no means the main purpose of the measure. It had to be referred to, however, in order to indicate that the authority of Parliament is required to regularise this transaction between the Housing Commission and the person concerned. The main purpose of the Bill is to close the various roads and rights of way in the old subdivisions that have been obliterated by the new design and resubdivision and to vest in the State Housing Commission the land contained in the old roads and rights of way, the fee simple of which in some cases remained registered in the names of the original subdividers.

Hon. L. Thorn: Could you not do that under a Road Closure Bill?

The MINISTER FOR LANDS: It has to be done now because of the urgency of the matter and of a promise made to the Commonwealth Government. A Road Closure Bill will not come before the House until the end of the session, and it was felt that the question was important enough to warrant a special Bill. The measure also contains provision for the cancellation of a private drain reserve surveyed in similar manner to all rights of way but designated on the old plan as a drain reserve.

That is all the Bill contains. It is vitally necessary in order to enable the completion of an arrangement for financial assistance from the Government which was finalised on the 14th February last for the purpose of financing the erection of 150 war service homes at an approximate expenditure of £3,000 each. In this connection I might add that when the discussions were taking place between the State and the Commonwealth a firm assurance was given to the Commonwealth that steps would be taken to enable certificates of title, completely clear of encumbrances, to be obtained for the lots on which the war service homes were to be built. I therefore think members will agree that there are no valid objections to the measure.

I would point out the importance to the State of what is contemplated in this regard. Even up to the present we know that the additional finance that has been found by the Minister for Housing has given tremendous stimulus to the building industry at a time when it was most needed, and when we envisage what this area will look like in the future, completely

changing the outlook with modern and up-to-date town planning methods, I am convinced members will agree that anything we can do at this stage to facilitate the easy working of the Housing Commission should be done. I move—

That the Bill be now read a second time.

On motion by Hon. L. Thorn, debate adjourned.

BILL—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [247] in moving the second reading said: The reason for the introduction of this Bill is an accident that occurred on the 31st December, 1956, to the s.s. "Zephyr," which hit the Fremantle railway bridge. As the result of the collision, three of the piles and a fender support above water level were damaged to the extent that they had to be replaced and one supporting pile and one fender pile were snapped off below water level. The Railway Department was not advised of the accident until the 2nd January, it being reported by a person who was a passenger on the "Zephyr" at the time of the accident.

A report was obtained on the 3rd January from the master of the vessel but only as a result of inquiries by the Harbour and Light Department. Had the collision resulted in more serious damage to the bridge, a major railway disaster might have occurred. It is obvious that accidents of this nature should be reported, in case serious damage has occurred. At present, the parent Act provides in Section 96 that when a harbour or river ship sustains any casualty, the definition of which term includes a mishap or accident, the master or owner should within 24 hours or so soon as possible afterwards report the occurrence by letter to the Harbour and Light Department. As a result of the "Zephyr's" mishap, it is considered that all accidents should be reported without delay.

The Bill proposes, therefore, that the owner or master of a ship shall report any accident immediately after it occurs. This report must be made by the fastest means of communication available and must be followed by a report in writing within 24 hours of the mishap. If the written report cannot be sent within 24 hours, it must be submitted as soon as possible thereafter. I think members will realise that had the accident to the "Zephyr" been a little more serious and no report had been received, the next train crossing the bridge could have seriously shaken the foundation and it is quite within the realms of possibility that

a major accident could have occurred. It is for that reason that this small measure has been introduced and I move—

That the Bill be now read a second time.

On motion by Mr. Crommelin, debate adjourned.

BILL—INTERPRETATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th August.

MR. ROBERTS (Bunbury) [2.52]: The Minister in his second reading speech said that this was a small and non-contentious Bill; I agree with him in both those remarks, but I would point out that it is a most important measure so far as Parliament is concerned because it amends the Interpretation Act, 1918-1954. Section 31 of that Act specifies the meaning of service of a notice or document and states how the service may be effected on the person to be served. The amending measure will add two new subsections to Section 31 of the principal Act. One of those new subsections reads as follows:—

(4) Where by any Act, regulation, rule, or by-law, service of any document is permitted or required to be effected by registered post, then if the document is eligible and acceptable for transmission as certified mail pursuant to regulations made under the Post and Telegraph Act, 1901, of the Commonwealth Parliament or under any Act passed by that Parliament in amendment of or substitution for that Act, the service of the document may be effected either by registered post or by certified mail.

Under the Commonwealth Post and Telegraph Act, 1901-1950, Subsection (1) of Section 38, covers registrations while Subsection (2) deals with the acknowledgment of the receipt of registered letters and Subsection (3) states that letters, etc., with valuable enclosures must be registered. In the Post Office Guide, Rule No. 254, covering registered post, reads as follows:—

The public is advised to send by registered post all articles containing anything valuable or of an important nature. Registered articles are given special treatment during transmission and consequently loss is of rare occurrence. When sending money orders, postal notes, bank notes, and etc., a record should be kept of the numbers and other particulars as such are necessary in support of a claim for compensation.

That is a new rule.

Recently the Postmaster General's Department introduced a new service under the heading of "certified mail" and the description of the service is this—

The certified mail service provides for a receipt to the sender and a record of delivery at the office of address for a period of 12 months. A return receipt advising delivery of the article may be requested at the time of posting. No record is kept at the office of posting and a certified mail article is handled in the ordinary mails.

It differs from registered mail inasmuch as certified mail is, as the Minister pointed out, not as costly and also no record is kept of individual articles while they are being transmitted through the post.

The Minister for Justice: There is not the same documentation.

Mr. ROBERTS: That is so. But one can get proof of delivery and it is a cheaper service. As the Minister indicated in his second reading speech, it will make a great deal of difference so far as costs to various Government departments are concerned, also to various business concerns. Recently the Postmaster General's Department circularised various business organisations—and I take it, the Government also—throughout the State in regard to certified mail and for record purposes think it should be quoted. The director stated in his circular—

You may have noticed a recent announcement by the Postmaster General concerning a new service known as the certified mail service. As this service can, for certain classes of articles, replace the registered post to which reference is sometimes made in legislation, you may be interested to know of the advantage that may be obtained by its use.

When an article is sent by certified mail a receipt of posting is issued to the sender. At the delivery office a receipt is obtained from the addressee and will be held for a period of 12 months so that proof of delivery may be obtained should this become necessary. Should the sender wish to obtain an immediate acknowledgment of receipt, this can be secured by completion of the necessary documents at the time of posting and payment of an additional fee.

Certified mail will not be subject to the same security handling and documentation as applies in the case of registered mail and is therefore not suitable for articles of monetary value. It is, however, just as suitable as the registered post when the main considerations are proof of posting and delivery and it will, therefore, be suitable for transmission of certain

types of documents, including legal papers of no cash value and postal ballot papers.

As the minimum fee for the registered post is 1s. 3d., and that for certified mail 6d., both exclusive of normal postage, the certified mail service offers some economies to the public where it is suitable.

So I feel that the Minister has introduced a measure which will be of considerable value to the public from an economic point of view.

The Minister for Justice: And to private enterprise.

Mr. ROBERTS: Yes. I congratulate the Government on introducing the measure because, as the Minister will agree, the Interpretation Act is a most important one. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—STIPENDIARY MAGISTRATES.

Message.

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

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [3.3] in moving the second reading said: Here I have a Bill—

Hon. D. Brand: And it is not a small one this time!

The MINISTER FOR JUSTICE: No, it is not very small, but I am hoping it will not be contentious. My friends on the other side of the House want progress, and this Bill does aim at that.

Mr. Court: Tell us about the contentious part first!

The MINISTER FOR JUSTICE: There is nothing contentious in it. It is only what the hon. member makes it. It is something like the Electoral Bill, I think. The proposals contained in the measure are—

(a) To give effect to a request made by stipendiary magistrates to be brought under the provisions of the Public Service Act in respect of the fixation of salary, allowances, leave entitlement, etc;

(b) to place resident magistrates who at present come wholly under the provisions of the Public Service Act on the same footing as stipendiary magistrates; and

(c) to remove doubt which now exists as to the extent of the jurisdiction of magistrates.

Today we have the position where resident magistrates are assisting stipendiary magistrates in the Perth and Fremantle districts—which have been proclaimed stipendiary magistrate districts—and their jurisdiction is open to question. In addition, considerable administrative difficulties are occasioned thereby. Junior magistrates stationed in remote areas come to the metropolitan area on leave and the opportunity is taken to afford them experience by allowing them to preside on the bench in the metropolitan courts. Here again, their jurisdiction, when so presiding is in extreme doubt.

Further, in some Commonwealth legislation it is provided that a stipendiary or police magistrate shall exercise jurisdiction. Resident magistrates are not included. In consequence, it is at times necessary for a stipendiary magistrate to travel to a country district to preside in a matter brought under Commonwealth law, although there is a resident magistrate stationed there who is capable of presiding but is unable to do so.

These magistrates, whether they be stipendiary, resident or police magistrates, hold exactly the same qualifications because they have to pass the same examinations. A legal practitioner has the qualification, but others, of course, qualify by examination. There should be no difficulty there in so far as their powers are concerned, but at present there is. The Bill, therefore, will bring all magistrates into conformity and will be conducive to justice throughout the State.

Because of the doubt which exists in regard to the extent of the jurisdiction of resident magistrates and the administrative difficulties arising therefrom, and since the functions of resident magistrates are essentially the same as stipendiary magistrates, this measure is now submitted to Parliament for the purpose of removing any such doubt and to place all magistrates on an equal footing as regards jurisdiction, tenure of office, salary fixation, leave entitlement, etc.

The submission of a new measure is the best way to go about this. If passed, the 1930 Act will be repealed. With regard to the appointment of a special magistrate under the Child Welfare Act, the existing provisions will be maintained, but the present occupant of the office will become a stipendiary magistrate.

Mr. Bovell: Why not call all of them stipendiary magistrates?

The MINISTER FOR JUSTICE: If the hon. member waits, he will find that we intend to do so. Existing provisions for a temporary appointment of magistrates under the provisions of the Public Service

Act, in certain circumstances, will be maintained. A special code in respect of tenure of office has been inserted. All magistrates—stipendiary, resident or special—holding office at present will have a uniform retiring age of 70. Future appointees, however, will be required to retire at 65. The provisions of the Public Service Act shall apply to stipendiary magistrates with respect to the fixation of salaries, allowances, leave, etc. The proposals in the Bill are acceptable to stipendiary and resident magistrates. In future, therefore, all our magistrates will be known as stipendiary magistrates and there will be no differentiation in regard to their powers and work performed.

Hon. A. F. Watts: Have you dealt with all the provisions concerning dismissals, investigations and charges? What has given rise to all that?

The MINISTER FOR JUSTICE: All magistrates will come under the Public Service Act, and, consequently, I did not consider there was any need to deal with those points fully.

Hon. A. F. Watts: They have already been dealt with?

The MINISTER FOR JUSTICE: Yes, they have been dealt with. I move—

That the Bill be now read a second time.

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

BILL—JURIES.

In Committee.

Resumed from the 6th August. Mr. Norton in the Chair; the Minister for Justice in charge of the Bill.

Clause 58—Restriction on newspapers publishing names or photos, etc., of jurors on criminal trials (partly considered):

Hon. A. F. WATTS: I do not agree with this clause as it stands. Even if I were prepared to agree, which I am not, to the whole of the proposals in the clause, it would still, I think, require amendment, because the first thing I see wrong with it is that it refers to a person who is registered as a proprietor of a newspaper, or prints, publishes, etc. a newspaper. A newspaper is defined in the Newspaper Registration Act as something that is published more frequently than each 26 days. So if the Minister had his way with this clause it would make the daily and weekly newspaper liable to the provisions of the Bill while the monthly periodicals, which could do precisely the same thing if they wished, would be exempt from its provisions.

So, whatever happens to the amendments I propose to move, I think the Minister had better give consideration to

the aspect to which I have referred, because I would suggest that not even the Minister would want a publication which is printed more frequently than once in every 26 days to be subject to this legislation, while that printed less frequently than 26 days be not subject to its provisions. I propose to move to strike out a large part of the clause. I need not elaborate the principles I have in mind as they were fairly set out by the member for Vasse two or three days ago, and I said that I agreed very substantially with his sentiments.

I do not think, however, that even the member for Vasse would consider that the taking of photographs of juries and their publication anywhere—especially when we have juries as this Bill, if it becomes law, will obviously require—could be said to be desirable or necessary. I want to retain to the Press the right to freely publish news, except possibly in one or two extraordinary cases to which I will later refer. I am not unwilling to allow this law to be amended so that there will be some restriction on the taking of photographs and of their publication. So my first amendment is designed to strike out all references to newspapers because I decline to impose even the minor restrictions I have in mind on those institutions only, and propose that it would be equally unlawful for me or anyone else to take a photograph of the jury and not merely for a newspaper or periodical to do it.

If my amendment succeeds, it will be clearly seen that the restriction on the publication of news and the reports of proceedings will be entirely removed, and the only restriction will be on what I might call photography, subject, however, to a very limited proposal I have further on in regard to a request from the magistrate conducting a preliminary hearing in connection with charges where the death penalty can be involved. I will, however, deal with that later. I move an amendment—

That all words after the word "person" in line 17, down to and including the word "trial" in line 31, page 35, be struck out with a view to inserting the following words in lieu:—

who takes or causes to be taken any photograph or likeness or other pictorial representation of any person summoned to attend or empanelled as a juror for any trial whether civil or criminal.

The MINISTER FOR JUSTICE: This amendment was only placed on today's notice paper which was not circulated until 12.15 p.m., so I have not been able to study it very thoroughly. The amendment seeks to restrict only the taking of photographs and not the publication of proceedings, yet that was the recommendation of the select committee. Some

heed should be taken of the recommendation. That committee considered it highly desirable that there should be a prohibition on the publication of jurors' names or photographs, and that jurors should remain as anonymous as possible before a trial in order to give the fullest possible protection from publicity or the consequent dangers which at times exist.

Hon. A. F. Watts: That is what I am after, to save jurors from publicity by having their photographs taken.

The MINISTER FOR JUSTICE: The select committee also considered the matter of Press publicity and stated that in many trials it appears that in some cases the Press acts in a manner prejudicial to a fair trial by high-lighting the evidence to build up a good seller. This applies particularly to preliminary trials, the Press publicity of which is read by the public as a whole, many of whom are potential jurors, and may result in some cases in influencing a juror before he goes into court.

Hon. D. Brand: You agree that the recommendation of the select committee is so strong that you have to adopt it.

The MINISTER FOR JUSTICE: Otherwise there would be no point in appointing select committees.

Hon. D. Brand: Why then did you ignore the report of the select committee on local government?

The MINISTER FOR JUSTICE: The Government has a right to do that. I would like to quote the opinion of the Under Secretary for Law in this regard. It is as follows:—

The select committee reported as follows:—

Your committee considers it highly desirable that there should be a prohibition on the publication of jurors' names or photographs and that jurors should remain as anonymous as possible before a trial, in order to give the fullest possible protection from publicity or the consequent dangers which do at times exist.

Your committee considered the matter of Press publicity. In many trials it appears that in some cases the Press acts in a manner prejudicial to a fair trial by high-lighting the evidence to build up a "good seller." This applies particularly to preliminary trials, the Press publicity of which is read by the public as a whole, many of whom are potential jurors, and may result in some influence on the juror before he goes into court.

It would perhaps be highly desirable to prohibit the Press from publishing the evidence of a

preliminary trial where the accused is committed for trial. The Press could attend and listen but not publish any evidence where a man is committed for trial.

The proceedings might have been going on for two or three weeks. What is to happen in the interval before an accused is committed for trial?

Hon. A. F. Watts: You will see that in an amendment that is to come on later.

The MINISTER FOR JUSTICE: The statement goes on—

Cabinet agreed to the provision as in the 1945 Draft, plus the select committee's recommendation.

The 1945 Draft Bill provided for the imposition of restriction on newspapers publishing names or photos, etc. of jurors on criminal trials, but did not restrict publication of proceedings in a Lower Court.

The Victorian Act imposes restrictions on newspapers publishing names and additions of empanelled jurors on criminal inquests. It imposes no restrictions on newspapers publishing proceedings in the Lower Courts.

The next part of the Under-Secretary's statement goes against the measure, but nevertheless I shall read it. It says—

Judge Devlin commented that—

It is only in a few cases of exceptional public interest that a jurymen is likely to read an account of the preliminary proceedings, and it is doubtful if in any event he will read it with such attention as to carry away any clear recollection of a particular part of the evidence.

The amendments proposed by Mr. Watts would appear, in effect, to reduce the penalty provided in the Bill, viz.: a minimum of £20 and maximum of £200, to a minimum of £10 and a maximum of £50. This, I submit, would be reasonable in respect of the publication of names or photographs of a member of a jury, but would not be appropriate to an offence of publishing proceedings in a Lower Court. In my opinion, that penalty, if the clause stands, should still be £200.

Mr. Watts' amendments also appear to make it an offence only to take photographs, but apparently do not make it an offence to publish such photographs as well.

The amendment will only make it an offence to take photographs, but apparently it is not an offence to publish them.

Hon. A. F. Watts: If the Press cannot take the photographs, they cannot be published. That is fairly obvious.

The MINISTER FOR JUSTICE: On the other hand, the Press might take photographs and yet not publish them. Would they not be penalised under the amendment? I shall go on with the Crown Law opinion which states—

In my opinion, the existing provision with regard to restriction on the publication of names and additions to names, and photographs should be retained.

The further amendment would make it an offence to publish Lower Court proceedings only in cases of committal for wilful murder, murder or any other offence for which the penalty is death.

I submit it would be most difficult for any Court at the outset to decide whether or not it would be in the interests of justice to prevent publication of proceedings, since the Bench would have an open mind at that juncture and there would probably be a suggestion of prejudice if an order were given for the restriction of publication of proceedings. In committal cases such as the recent Wagin murder case, proceedings are published from day to day, and it would be too late at the conclusion of the case to make any order of restriction.

I am inclined to agree with the views of Judge Devlin, when he says that it is doubtful if a juror would read the account of preliminary proceedings with such attention as to carry away any clear recollection of a particular part of the evidence.

Hon. A. F. Watts: Now you are blowing your own proposals right out.

The MINISTER FOR JUSTICE: I always like to be just and fair, so I put both sides of the case, yet I must protect the select committee and the work it has done.

Hon. D. Brand: Hear, hear! I agree with that principle.

The MINISTER FOR JUSTICE: I am putting forward the recommendations of that committee and I cannot understand the complaint.

Hon. D. Brand: That was the position regarding the Local Government Bill.

The MINISTER FOR JUSTICE: We are not dealing with local government; we are dealing with juries. I have a book here entitled "Trial by Jury," written by Sir Patrick Devlin, who is a High Court Judge for Her Majesty in England. Extracts from the book read as follows:—

The Press and Comment on Pending Trials.

The Press as a rule is extremely careful. There are inevitably occasions in court in which a discussion takes place in the absence of the jury about the admissibility of evidence and

thereby the nature of the evidence is revealed. If it is ruled out, the Press takes care not to publish it, so as to avoid the danger of any juror learning about excluded evidence. One danger has not, in spite of recent discussion about it, been dealt with. In the preliminary proceedings evidence may be admitted, and therefore properly published in the Press, and thereafter excluded at the trial. If a juror has read the evidence in the Press, it is said that it is useless then to exclude it at the trial. It might be a wise precaution for the defence to ask that evidence, which it considers objectionable and which is given in the preliminary proceedings, should not be published; and it is very likely that the Press would comply. It is only in a few cases of exceptional public interest that a juror is likely to read an account of the preliminary proceedings and it is doubtful if in any event he will read it with such attention as to carry away any very clear recollection of a particular part of the evidence.

What goes on in the jury room is not only to be subject to no interference but it is also to be kept secret. It is doubtful whether there is any formal obligation upon a juror not to disclose what takes place in a jury room and it says a good deal for the sense of responsibility of the average juror that it never seems to have been necessary to decide the point.

On page 47 is the following:—

It has also been generally accepted by the public as a rule of conduct, that what passes in the jury room during the discussion by the jury of what their verdict should be ought to be treated as private and confidential.

I feel the same about this as the Under Secretary for Law and Judge Sir Patrick Devlin—a judge of the English High Court—that there is not very much to be feared so far as the Press is concerned. However, we had a select committee which thoroughly investigated the position, and it was a very mixed committee.

Hon. A. F. Watts: Very!

The MINISTER FOR JUSTICE: The select committee was unanimous in its decisions. I have not had very much time to study the amendment and would suggest that if the Leader of the Country Party will agree to let the Bill go through, I will send his amendment to the Crown Law Department to have it thoroughly investigated and have it inserted in another place. We have made mistakes before, but I have a certain obligation so far as the select committee is concerned. This committee recommended the 1945 Act as a basis on which to work

and in conjunction with its recommendations, it has submitted the Bill as I have presented it to Parliament.

Mr. BOVELL: The Minister has given a long speech in connection with the proposed amendment of the Leader of the Country Party but, in my opinion, he has missed the real point at issue which is that no photograph should be taken of a juror and, if one was taken, it should not be published. I repeat my previous statement, which I made during my second reading speech, that I uphold the traditional system of the freedom of the Press. The main function of the Press is to report proceedings and publish news, and the matter of photographs appearing in the Press is possibly of a secondary nature. It was certainly not the custom of newspapers to publish photographs when the tradition of freedom of the Press was established.

I think the Leader of the Country Party has submitted the amendment to assist the Minister in overcoming some very real objection that some of us may have in regard to the operation and activities of the Press. The Minister should give serious consideration to the amendment which, in my opinion, does not transgress on the freedom of the Press in the way of conveying news to people, because the Press is not mentioned. The fact is that photographs should not be taken. We know that photographs are not permitted to be taken in these Houses of Parliament without special permission. If we wanted to model the Bill on those lines, we could include a provision giving the magistrate power to grant special permission for them to be taken.

The Minister wants the clause to go through and have it amended in another place. I am not going to be lulled into any false security and will oppose the clause going through as it is, the principle of which is a restriction on the freedom of the Press.

The MINISTER FOR JUSTICE: I have not had sufficient time to study this amendment.

Mr. Bovell: Report progress.

The MINISTER FOR JUSTICE: No, I will make a promise to send it along to another place and have it moved as has been done here by the Leader of the Country Party. The Bill will have to come back here and the amendment could then be discussed.

Hon. D. BRAND: This is just a matter of principle and I cannot understand why the Minister will not accept it here. We all noticed that the journalists expressed doubt about the proposition that we in Parliament should place some limitation on the Press. They went so far as to say that we might get to the point of preventing them from reporting Parliament. They do so little of it at present that it hardly comes into the argument. Nevertheless, there is a principle at stake.

I do not feel, especially in the light of the alternative put up by the Leader of the Country Party, that we cannot achieve our objective of getting into line with the intention of the clause and, at the same time, preserving, as we must at all costs, the freedom of the Press even though from time to time we may have differences in respect to the publicity it gives to this Chamber. Although I feel the Minister is quite sincere in suggesting he will have the clause examined with a view to having some amendments made in another place,—

The Minister for Justice: That is fair.

Hon. D. BRAND: —it is not satisfactory to us. I would like the Minister to accept it here and indicate that he agrees with the principal that it is wrong to place certain restrictions on publicity.

Mr. PERKINS: I do not see why the Minister is in such a violent hurry over the Bill as to ask us to accept it with what we regard as obnoxious provisions when he could report progress and have the amendment examined and then debated here. We do not know what reaction his legal advisers may have. The Minister might have some other suggestions to put forward which would meet the objections that some of us see to the clause. But I feel it is impossible for us to have the opportunity to express our opinions on them unless they are debated here.

We're close to the end of the session. I could understand the desire of the Government to get the legislation as far on the way as possible, but this is a very early stage of the session and there is a great deal of other business on the notice paper. I hope the member for Stirling will not accept the suggestion the Minister has made.

Hon. A. F. WATTS: I think that everything the Minister has said is in support of the amendments I have on the notice paper, including the one I am now moving.

The Minister for Justice: I want you to give me further time to consider it.

Hon. A. F. WATTS: I am prepared to give the Minister as much time as he wishes, but I cannot agree that it should be considered in another place which means that this Chamber really will not consider it. I agree with the member for Roe. If this were the 8th November or December—

Mr. Bovell: I hope we will not be sitting in December this year.

The Minister for Justice: You would still put up the same argument.

Hon. A. F. WATTS: No. I have, at different times, agreed to what the Minister is now suggesting, but I am not going to agree to it at the beginning of August.

Sitting suspended from 3.45 to 4.8 p.m.

Hon. A. F. WATTS: I can only suggest to the Minister that if he wants further time, and I appreciate his desire in that regard, he should report progress. The amendments were available yesterday afternoon but the fact that he did not receive them until a quarter past 12 o'clock today—

The Minister for Justice: It was half-past 12.

Hon. A. F. WATTS: —is no fault of anybody. Certainly, it was no fault of mine and as there is plenty of time, if the Minister does not want to carry on with the discussion, he should report progress. Otherwise, as far as I am concerned, the Committee can make its own decision.

The MINISTER FOR JUSTICE: Although the Leader of the Country Party is not to blame, it is only reasonable and fair that I should be permitted to study the amendment, but I have had only a short time in which to peruse it. I realise now that there is some merit in it, but if the hon. member allows the Bill to go through, I will see that his amendment is dealt with in another place. Further, the Bill will be returned to this Chamber for the consideration of the Committee again. If the Leader of the Country Party is not prepared to agree to that, I will ask the Committee to vote against the amendment, and I do not want to do that if I can avoid it.

Mr. PERKINS: It seems to me that there is another way to get out of the difficulty. I would suggest to the Minister that he might postpone this clause until after the other clauses have been considered by the Committee. That is possible under Standing Orders. If that were done, it would give the Minister an opportunity to deal with the rest of the Bill and he could then come back to this clause at a later sitting of the Committee.

The Minister for Justice: That would not give me a chance to discuss the clause with the Crown Law Department.

Mr. PERKINS: The Minister would definitely have an opportunity to do that. This clause can be discussed when the Committee meets again at some later date. Surely private members have some rights! I definitely think that this is the procedure that should be followed especially when the Minister says that he thinks he may be able to agree to the amendment.

The Minister for Justice: I want an opportunity to study it.

Mr. PERKINS: Surely the Minister could discuss the amendment to this clause with his legal officers and so give members of the Committee an opportunity to debate this point further! It is not the fault of private members of the Committee that the Minister has not conferred with his legal officers on this amendment. I think the Minister is being somewhat

unreasonable in the attitude he is taking. If Ministers are to continue adopting such an attitude, the only answer is for us to discuss all clauses in detail. If that procedure is followed a great deal more time will be spent on legislation.

The Minister for Works: Get on and do that!

Mr. PERKINS: If any of the members sitting on the ministerial bench were sitting on this side of the Chamber, they certainly would not agree to this procedure in any circumstances.

The Minister for Works: Let us hear your argument on the clause.

Mr. PERKINS: I do not think the Minister for Works has heard anything that has been said in regard to this clause.

The Minister for Works: You have certainly not put up anything in connection with it.

Mr. PERKINS: There was considerable discussion on the Bill before the Minister came into the Chamber.

The Minister for Works: You are supposed to be speaking on this clause.

Mr. PERKINS: If the Minister for Works thinks I am out of order, he should take the point up with the Chairman who could decide the issue.

The Minister for Works: I am not saying you are out of order. I am saying that you have not put up any useful proposition.

Hon. A. F. Watts: It is the Minister's proposition he is talking about, namely, the proposition to let the Bill go through and introduce the amendment in another place.

Mr. PERKINS: In this instance, the Minister is adopting an unreasonable attitude and I hope, even at this late stage, he will go some way towards meeting us even if it is only to postpone this clause and let us continue discussing the remaining clauses of the Bill.

Mr. BOVELL: At this stage, I have become more and more convinced that it is the Government's desire to start a campaign to curb the freedom of the Press. It is also trying to curb the freedom of this Committee by saying that the proposed amendment can be dealt with in another place. If any criticism has been made of another place, it has always come from those on the opposite side of this Chamber. The members of the Government are always condemning the Legislative Council and now it is proposed that we should not deal with this amendment in this Chamber but should permit it to be dealt with in another place. That shows the inconsistency of the Government.

The Minister for Justice: Those are the words of a child of Vasse!

Mr. BOVELL: Perhaps, but out of the mouths of babes and sucklings come words of wisdom, and they are coming out now, if the Minister accuses me of being a babe.

The Minister for Transport: You are more like a suckling to me.

Mr. BOVELL: I wish I were a babe and could have my time over again. However, the Minister, in his delightful way, is trying to draw a red herring across the path. The question that is now under discussion is whether the Press is to retain its freedom or not. The Government is anxious to rush this clause through. It is anxious that we should accept it as it is and have the proposed amendment dealt with in another place. I am fully aware of the tactics adopted by Governments in endeavouring to get legislation through, and this Government is not behind the scenes in trying to achieve its desires when it is convinced that those desires should be fulfilled. I therefore hope the Minister will see reason.

The Minister for Justice: I have made a reasonable offer.

Mr. BOVELL: I will admit that outside the Chamber the Minister is the most reasonable man one could hope to meet, but inside it he is most stubborn and he is being more stubborn than usual on this particular occasion.

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

Ayes	17
Noes	23
Majority against	6

Ayes.

Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Oldfield
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	(Teller.)

Noes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Potter
Mr. Hall	Mr. Rhatigan
Mr. Heal	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Brady	Mr. Mann
Mr. Moir	Mr. Cornell
Mr. Hawke	Mr. Thorn
Mr. W. Hegney	Mr. Crommelin

Amendment thus negatived.

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

That the word "twenty" in line 35, page 35, be struck out with a view to inserting the word "ten" in lieu.

The Bill provides for alternative penalties. It says that a person who offends against the provision which the Committee has now decided to allow, commits a contempt of the Supreme Court, and is punishable by that court and is liable to a penalty of not less than £20 or more than £200. I propose to change the £20 to £10. Contempt of court can be punished by the Supreme Court by fine or imprisonment and the penalty, if the court sees fit, can be a very heavy one. It has therefore occurred to me that the purpose of putting in an alternative penalty is to allow a small penalty to be inflicted where the court considers that contempt of the Supreme Court is not the charge that should be laid. If it is to be an alternative and lesser penalty, it certainly should not be a fine of not less than £20 or more than £200, because that is a substantial penalty.

The MINISTER FOR JUSTICE: This is another amendment I have not had the opportunity to study. But I promise to have the Bill recommitted after giving further consideration to it and, if the amendments are warranted, they will be agreed to; if not, they will be opposed. I undertake to recommit Clauses 17 and 58 if the Leader of the Country Party will agree.

Mr. BOVELL: I will not agree to that.

The Minister for Justice: If you do not, you will have them all defeated.

Mr. BOVELL: We will have them all defeated now, in any case. The Minister for Justice knows that the correct procedure is to report progress. I gave way on Clause 17, but I am not going to give way on this one. I know what the position would have been had the Minister and his colleagues been on this side of the Chamber. I recall an instance when the present Minister for Transport spoke for hours on end and the next day we saw a photograph of him clad in his pyjamas.

The Minister for Transport: And they were very nice pyjamas, too.

Mr. BOVELL: The amendments were placed on the notice paper and the Minister for Justice could have asked the Leader of the House to postpone the Order of the Day if he was not ready. But the Minister for Justice is merely endeavouring to bludgeon this clause through. Not only does it affect the system regarding juries but the whole freedom of the Press.

The Minister for Justice: I thought you would be fair and reasonable.

Mr. BOVELL: I am entirely fair and reasonable. The Minister quoted an opinion given by Sir Patrick Devlin. To my mind, that substantiates the amendments moved by the Leader of the Country Party. As a matter of fact, the opinion said that the magistrate shall only request, and I think that should be the

case. No self-respecting editor of a newspaper, which has a large circulation in the community, would go against the wishes of any court. I am sure of that. I would like the Minister to report progress.

The Minister for Justice: You want to be dogmatic and have your own way.

Mr. BOVELL: I know the Minister has a brutal majority.

The Minister for Transport: Democratic majority.

Mr. BOVELL: I do not think it is very democratic to see the members on the Government side blindly follow the Government to whichever side of the Chamber it moves. The restriction of the Press is one of the methods employed by communist countries to curb the freedom of the people. I do not agree with what the Press publishes on a lot of occasions. I certainly do not agree with a sub-leader which was published in regard to country high schools.

The CHAIRMAN: I trust the hon. member will keep to the amendment.

Mr. BOVELL: I am doing so by drawing a parallel. I do not agree with Press comments which are made from time to time, and therefore I am quoting an instance. The sub-leader to which I referred says that the Government was right in spending £2,100,000 on high schools in the city and £130,000 in the country. I disagree with the Press on that account, but I still allow it to have the right to express an opinion. The Leader of the Country Party objected to quite a lot of what the Minister had to say, but he did not deny him the right to say it.

Mr. ROSS HUTCHINSON: I cannot understand why the Minister cannot make a decision on this particular amendment.

The Minister for Justice: I could make a decision but it might be a wrong one.

Mr. ROSS HUTCHINSON: The issues are so clear and evident that the Minister should be able to make up his mind immediately and decide one way or another. The correct method would be for him to report progress. The objective of the Leader of the Country Party is to reduce the penalty from £20 to £10.

The Minister for Justice: You cannot piecemeal Clause 58; it must be taken as a whole.

Mr. ROSS HUTCHINSON: When speaking to the Minister the other night in regard to a Bill which I was handling in Committee, I asked him for some information. The Minister told me it was perfectly clear and read the relevant section. The clause with which we are now dealing is 100 times clearer than the clause to which I referred, so I cannot understand why the Minister will not make a decision.

The Minister for Justice: I won't piecemeal Clause 58.

Hon. Sir Ross McLarty: I am sure the Deputy Premier would agree to report progress.

Mr. ROSS HUTCHINSON: The explanation given by the Leader of the Country Party was very clear and the Minister should make up his mind.

Hon. D. BRAND: I do not understand why the Minister cannot achieve the objective he has in mind of being able to thoroughly investigate and approve the amendments of the Leader of the Country Party after reporting progress. He is evidently too pig headed. On the other hand, he is usually co-operative and we see no reason why he should refuse to accept the amendment or allow himself the time necessary to give it complete consideration.

The Minister for Justice: I want to give complete consideration to Clause 58.

Hon. D. BRAND: Why not report progress? There is quite a deal on the notice paper to keep us occupied until 6.15 p.m.

The Minister for Justice: I will recommit.

Hon. D. BRAND: We do not agree to recommit; we want it dealt with now or given full consideration at another sitting. It is all very well to suggest that it does not mean a great deal in placing limitations on the Press. I think the Premier said that it is easy to impose taxes, but difficult to lift them. The same principle applies here. If we permit legislation to go through this Chamber which will place limitations on the Press, it is the thin edge of the wedge and we, on this side, do not wish to be party to that sort of thing. It is easy to pass laws which will place restrictions on the Press, but it is difficult to repeal them.

Mr. Bovell: Especially to establish a precedent like this.

Hon. D. BRAND: I am disappointed with the Minister in charge of this Bill. He has had full co-operation from this side of the Chamber and I am afraid he is not turning the other cheek at all. If he desires this debate to go on, that is how he will have it.

Hon. J. B. SLEEMAN: It seems to me that the pig headedness is not all on one side. It is a matter of Tweedledum and Tweedledee. The Minister said he will recommit the Bill on Tuesday. I do not think the Opposition by refusing recommitment want the penalty reduced because the brutal majority will be put into effect and it will be carried. However, if the Bill is recommitted, there is a possibility that the Opposition will get what it wants.

Hon. D. Brand: Why not report progress?

Hon. J. B. SLEEMAN: Why does not the Leader of the Opposition agree to recommitment?

Mr. PERKINS: I think the right course for the Minister to take is to report progress. The difficulty we are faced with is that the Minister wants the Bill to go through, after which he will consult his legal advisers and discuss this matter later or on Tuesday. He is asking us to agree to provisions in the Bill which we find most obnoxious. It is no use the Minister shaking his head; we must debate these provisions.

The Minister for Works: Get on and debate it!

Mr. PERKINS: We are trying to.

The Minister for Works: I have been listening for some time and it has not been done yet.

Mr. PERKINS: The Minister is asking us to accept provisions which we regard as obnoxious and dangerous. The member for Stirling pointed out that there was an extraordinary provision in this clause providing for a minimum penalty which is rather higher than necessary, while there is already provision for the contempt of the Supreme Court to be punished by that court as it thinks fit. Surely that is a peculiar provision to put in a Bill! The Minister should produce good reasons for the clause to stand as it is. He seems inclined to agree that the amendments suggested from this side are reasonable and that he might be able to accept them.

The Minister for Justice: Some are.

Mr. PERKINS: I hope this one is. The Minister should produce some cogent reason why the penalty should continue to stand at £20 instead of being reduced to £10. But he does not do so. The figure of £20 is purely arbitrary. Why cannot we have £10?

The Minister for Justice: You could easily have made it £5.

Mr. PERKINS: We do not mind how small it is.

Mr. Bovell: This conforms to other penalties in the Bill.

Mr. PERKINS: The attitude of the Opposition on this question is consistent. Previously we have been insistent that the freedom of the Press should be maintained. The freedom of the Press, as we know it, has been built up over the years in British countries and it has been a factor in maintaining the democratic way of life of which the countries of the British Commonwealth have something to be proud.

The Minister for Transport: How do you make that out?

Mr. PERKINS: I can point to other countries that are worse off in this regard. If members want a concrete instance of

what can result from a curtailment of the freedom of the Press, I might refer them to Argentina because they are well conversant with the events of recent years there.

The CHAIRMAN: Order! I think the hon. member should come back to the amendment.

Mr. PERKINS: I will not offend for long. Members will agree that "La Prensa" was classed as one of the great newspapers of the world until the Peron regime curtailed the freedom of the Press and suppressed that journal. I point to the disastrous consequences in that country that have been highlighted in recent times. The points we are putting forward are not mere passing whims but are serious.

Mr. BOVELL: The reason for the amendment is to reduce the penalties.

The Minister for Transport: Thanks for reminding us; we have not discussed it for half an hour!

Mr. BOVELL: The Government claims to be consistent. I do not agree that it is, but on this occasion it can be because the highest penalty throughout the Bill is £50.

Hon. J. B. Sleeman: Is that the most anyone can be fined under it?

Mr. BOVELL: Yes. But when it comes to newspapers, the Government reveals its true attitude—that it has a vendetta with the local Press and will make it pay for any misdemeanours it may, intentionally or unintentionally, commit because the penalty is raised from £50 to £200. It reminds me of the increases in land tax values.

The CHAIRMAN: Order! The hon. member is getting away from the amendment.

Mr. BOVELL: I realise that, Sir. The Minister, to be consistent, should either increase the other penalties in the Bill from £50 to £200, or decrease this penalty. I support the amendment.

Hon. A. F. WATTS: My objective in the matter is to reduce the minimum penalty from £20 to £10. The Minister surely does not require Crown Law advice on this point! I could subscribe to his wanting such advice if I were going to move my last amendment on the notice paper because unquestionably it seeks to break new ground. But this is only a matter of the Minister determining whether he thinks, in all the circumstances and bearing in mind that there is another means of penalising these offenders by proceedings for contempt of the Supreme Court, an alternative penalty of a minimum of £10 is sufficient, or whether he insists that it should be a minimum of £20.

He does not require any particular advice on this subject; or even to use any mental arithmetic. It is only a question of assessing how seriously he regards the offence; and there is another punishment for it including imprisonment if the court chooses to inflict it. The Minister says that he wants to get advice on a subject on which I cannot see the need for advice. He wants us to drop the amendments on the clause, go on with the rest of the Bill—which would be passed in about five minutes—and then next Tuesday he will, under promise, recommit Clause 17 and this clause also. So far as I can see, all he is going to gain by that procedure is 48 hours and at a time when there is no hurry. This is a matter which we are quite competent to decide now.

THE MINISTER FOR JUSTICE: If the Leader of the Country Party will agree to postponing this clause, I do not see the difference in recommitting the Bill to deal with it. I would agree to postpone it.

Hon. A. F. Watts: I did not suggest postponing it. My worthy colleague the member for Roe suggested it.

THE MINISTER FOR JUSTICE: But the hon. member would agree to it.

Hon. A. F. Watts: I did not join in with that suggestion.

THE MINISTER FOR JUSTICE: If the Leader of the Country Party will agree to postponing the clause, I will adopt that suggestion.

Mr. Perkins: We cannot do that now because we have already passed a part of the clause. Had the Minister agreed to my suggestion in the first place, we could have postponed it.

Mr. BOVELL: I think the Minister is being very inconsistent and I do not know of any Standing Order that will allow us to postpone the clause at this stage. Perhaps the member for Fremantle or the member for Pilbara who are ex-Speakers could advise us.

Mr. PERKINS: I want to make my position clear. When I suggested that we postpone the clause it had not been dealt with. Now that we have passed portion of it, we cannot postpone it. The Minister suggests that we should accept this clause but it must be perfectly clear to everybody that there are some provisions in it which we feel we cannot accept. So I think the Minister is unreasonable. I do not want to appear inconsistent but now that we have passed portion of the clause we cannot postpone it.

Mr. COURT: I support the amendment of the Leader of the Country Party only because I think it is the lesser of two evils. If I had my way, the clause would be struck out in its entirety. However, he is doing his best to remove some of

the objectionable features. We agree that where a person commits a contempt of the Supreme Court, the court should have the right to punish as it thinks fit, in accordance with the offence. But the alternative is that the person is liable to a penalty of not less than £20 nor more than £200. In my opinion, this business of having a minimum penalty is undesirable, and I am amazed that the Minister is persisting with it. He has been one of the greatest advocates of maximum penalties being determined and a few days ago he and the member for Cottesloe had a discussion on the same matter. The Minister said that the magistrates would punish only according to the seriousness of the crime. Yet on this occasion he introduces a piece of legislation, and insists on it, which has a minimum penalty.

The Minister for Justice: I am not insisting on it. I want to have a look at it and recommit the clause next Tuesday.

Mr. COURT: People who feel that this clause is obnoxious are not going to support it either tacitly or positively, and the only way they can register an emphatic protest is by voting against it.

The Minister for Transport: You have a few thousand words to prove it, surely!

Mr. COURT: The Minister for Transport knows that one can speak until one is blue in the face in this place and it does not get one anywhere. The only thing that registers with the people is the way one votes.

The Minister for Transport: If it is on the voices, no one knows how one votes except by the recorded speeches.

Mr. COURT: That is so.

The Minister for Transport: Very well! Why not get on with the business?

Mr. COURT: On a matter of a vital principle, I think it is important that one should be prepared to record one's vote. It is the only positive way one can claim that one voted for or against something, apart from the fact that one can produce a speech on the subject. I want to make it perfectly clear at this stage that I am opposed to the clause in toto, but I am supporting the amendment as a means of alleviation. Why the Minister should not want to report progress is beyond me. The last part of the clause is another reason why we consider the minimum penalty is objectionable and if the Minister persists in his attitude, that fine should be kept as low as possible.

Mr. JOHNSON: I oppose the amendment. The point that has been overlooked in this discussion is not only the amount of the penalty but on whom it will fall. The intention of the penalty is not to curb the freedom of the Press but to prevent the growth of licence. There have been many cases—though not so many in Western Australia, as elsewhere—in which

the alleged freedom of the Press has been misused. The word "Press," whilst a very wide generalisation, refers in the main to our daily, weekly and longer-period newspapers and magazines. They are establishments of some size and, in the main, are limited liability companies which have neither soul to be damned nor tailpiece to be kicked, but who have very large assets. We have seen—and I have in my hand a history on the subject—the growth of the gutter Press in more countries than one. I hope it does not come here.

Mr. Bovell: There is no gutter press in Western Australia.

The Minister for Transport: It is not very far from it on many occasions.

Mr. Roberts: That is the opinion of the Minister.

Mr. JOHNSON: People have been pilloried in the Press as the result of preliminary inquiries, and similar proceedings, all over the world, particularly in the United States of America. If there is anything objectionable in these proposed penalties, it is that they are far too low. It must be realised, for instance, that the largest daily newspaper company has just issued its balance-sheet. It is paying a dividend of 15 per cent. on capital and shareholders' assets running over the £2,000,000 mark. A minimum penalty of £10 on that organisation would be a drop in the ocean.

Mr. Bovell: This applies to the provincial Press which is struggling for existence.

Mr. Oldfield: As a shareholder, you will be responsible for your portion.

Mr. JOHNSON: That is true. The Press has trained journalists and experts in their jobs, and if they offend against the law they do so deliberately, and in nearly every case with the object of making a profit. For that type of offence the penalties are far too low. The minimum penalty would be sufficient in the case of a struggling country Press, but the maximum is far too low for the city Press. I support the clause as printed.

Hon. J. B. SLEEMAN: May I act as mediator? We have had enough argument on this subject. The Minister on this side of the House and the Leader of the Country Party on that side of the House are both being stubborn in this matter. I suggest we ask the Leader of the Country Party to withdraw his amendment and then postpone the clause.

Hon. A. F. WATTS: The Minister proposes that we should postpone the clause.

The Minister for Justice: It has been amended.

Hon. J. B. Sleeman: I did not know that.

The Minister for Transport: An unsuccessful attempt was made to delete a certain word.

Hon. A. F. WATTS: I am quite prepared to stand here while the member for Fremantle and the Minister for Justice continue their side discussions.

The CHAIRMAN: The Leader of the Country Party may proceed.

Hon. A. F. WATTS: The Minister has now suggested that the clause be postponed. I presume he has some idea of saving time, but I do not quite see how. If he postpones the clause he might just as well report progress because he will not be able to get on with the measure until Thursday. He will have to deal with the clause on Tuesday and will not be able to recommit it until after the Committee's report comes up for determination. Wednesday is private members' day, though he may be able to deal with it then as formal business. Will the Minister agree to report progress?

The Minister for Justice: No.

Hon. A. F. WATTS: In that case, I must persist with my amendment.

Mr. BOVELL: I am sorry the Minister will not agree to the amendment, or alternatively, to report progress. The article by Sir Patrick Devlin, to which the Minister referred, points out that in Great Britain the Press is given the opportunity of publishing what it considers necessary in the best interests of the public.

The Minister for Justice: I have been quite impartial and fair, even when I quoted that article.

Mr. BOVELL: I give the Minister credit for that.

The Minister for Justice: You are being unfair.

Mr. BOVELL: No, I am not, but I do not propose to compromise on a matter of principle. The Minister wants to restrict the freedom of the Press and if we start that now, there is no knowing where we will end. It will be the beginning of a police State similar to that which exists in communist countries, and I am sure nobody wants that. In moving that the minimum penalty be £10, the Leader of the Country Party is trying to meet the Minister halfway.

Hon. J. B. Sleeman: You have changed your opinion in the last few minutes. You ask for my ruling and when I give it, you will not accept it.

Mr. BOVELL: I respect the interpretation of Standing Orders given by the member for Fremantle, but I appeal to him to be silent. He may have made a reserved decision, but he remained silent when I asked him for his guidance.

The Minister for Education: What are you talking about?

Mr. BOVELL: If the Minister for Education would only wake up and show he is able to understand simple English, we might be able to get on. It is the first

comment the Minister has made since question time, and I did not even know he was here. As I have said, the Leader of the Country Party is going halfway to meet the Minister, because in no other part of the Bill is a minimum penalty referred to. There is a maximum penalty but no minimum penalty.

Mr. PERKINS: I would like to ask you for a ruling, Mr. Chairman, though I do not know whether I will have to move that the clause be postponed. I was under the impression that since the amendment to excise certain words had been defeated, it means that the words concerned must stand. I would like to ask you whether you would accept a motion that Clause 58 be postponed until after other clauses of the Bill have been considered.

The CHAIRMAN: Not while there is before the Chair a motion to amend the clause. It would then depend on whether the clause was amended or not, because Standing Order No. 285 states—

Any clause may be postponed, unless the same has already been considered and amended.

If this clause is not amended, I would then consider that it did not come within that Standing Order.

Hon. J. B. Sleeman: Get your Leader to withdraw his amendment and you will be right.

Hon. A. F. WATTS: I want to make it clear to the Minister that the intention of my amendment was to meet him halfway. I object to the provisions of the clause as they stand at present. They are contrary to well-established principles from which we do not want to depart. Firstly, I made an attempt to compromise on the question of photographs. For all practical purposes, the Minister has got away with his restriction on publication, and safe, and so forth of any newspaper, and, in the light of that, we must accordingly consider what sort of punishment should be meted out to people who break that law, because that is the law we are considering at the moment.

There is no difficulty in determining whether the minimum penalty should be £10 or £20, especially when we consider that the penalty is only an alternative to one which can be very much more severe if the court chooses to order it, particularly if we consider that imprisonment is more severe than a monetary penalty, only. I cannot see the necessity either to postpone this clause or to accept any of the other suggestions made by the Minister. If he wants to come back here after taking advice on a type of amendment which is between what I have proposed and what is in the Bill, then I can appreciate his position. The right course is to report progress.

The Minister has not told us what he intends to do. He said that he wanted to have a look at the matter. Does that mean

he wants to look at my amendment or that he is contemplating some compromise between the present position indicated in the clause and what we think ought to exist, a compromise somewhat different from what I proposed. If he wants to do that and seeks to report progress, I shall be only too happy to have his suggestion when he produces it: if it is at all practicable, I shall agree to it. But we have no indication that that is intended. All that has been done is to defeat an amendment.

All that is before us at present is the question of the minimum penalty being £10 or £20. There is no necessity for any delay on that point and it is only a question of making up our minds one way or the other. If the Minister wants to think about this point and if he came back with some proposal different from that contained in the Bill, and different from what is proposed, that might be a laudable idea, but there is no indication of that.

Mr. COURT: I would like to refer to the remarks made by the member for Leederville who commented on the financial standing of some of the newspapers in this State. By interjection someone stated there were provincial newspapers which are not so financial as the daily Press in this city. I would point out one important provision in the Bill. Whilst it might be comparatively easy for a newspaper, as a limited company, to pay the penalty imposed, the fact remains that there is ample provision in this clause for that penalty to be paid by an individual. Members will note that correlated to the matter under discussion, there is provision in the clause as follows:—

Without affecting any other liability of any person under this section or otherwise, a company or other body corporate is liable to any punishment or penalty for any offence under this section as if it were a private person so far as the punishment or penalty is enforceable against a company or body corporate; and if any director, manager, secretary, or officer, of a company or any member of the managing body of a body corporate commits, or knowingly authorises or permits an offence under this section, he also is liable to the punishment or penalty for the offence.

There might be people in the organisation where a £20 penalty would not mean much; against that there would be others to whom a £20 penalty could be quite a burden, having relation to the particular offence.

A further objection I have to a minimum penalty at all, even if it is brought down to as low as £10, is the fact that if a trivial offence has been committed—what might be termed an unintentional offence

—the magistrate or person trying the case will have no alternative but to impose a penalty of £20 as a minimum. He cannot impose a nominal penalty of £1. I cannot understand why the Minister wants to depart from a principle which he normally advocates under these circumstances. There must be some reason why he wants to fix a minimum penalty in the first place, and, secondly, to start it at such a high level.

The Minister for Works: The maximum penalty is £200, which is pretty high. It is reasonable under the circumstances, if a minimum is to be imposed, to have one which is also substantial.

Mr. COURT: It is not a good principle to have a minimum penalty. Some authorities like to see a minimum penalty provided because they contend it scares people from committing offences. Under certain provisions of the Health Act, the inspectors like to have the minimum penalty provision because they can then say to an offender, "You know there is a minimum penalty for this offence." In this case it is not left to the magistrate to determine whether a trivial or unintentional offence has been committed. If a party commits the offence, he must pay at least the minimum penalty under this legislation.

I feel that a breach of this particular clause is most likely to be committed unintentionally by a small provincial newspaper. The public cannot remember what they should and should not do in the eyes of the law. It is said that every person should know the law, but it is impossible in practice for people to know all the laws. It could happen that some country newspaper, quite unintentionally and thinking an item of news was of local interest and value to it, breached this particular provision. The magistrate trying the case will have no alternative, when he determines there is an offence, but to impose the minimum penalty if he does not want the offender to be dealt with for contempt by the Supreme Court. The Leader of the Country Party has made a compromise of £10 minimum. My only objection to that amendment is that he did not reduce the amount lower still.

Mr. PERKINS: I agree with the comments of the member for Stirling. I realise that the Minister is in some difficulty, although no vital principle is involved by reducing the amount of the minimum penalty. I cannot see why the Minister will not agree to the amendment. He has not produced any real reason for his refusal. He has merely said that he would like to have a look at the matter. I agree that the Minister in charge of the Bill has a responsibility, and it is all to the good that the Minister takes that responsibility as seriously as he does. On the other hand, I would emphasise that

the principle involved in this amendment is very much less evident than the vital objection which he might take in regard to the amendment which was the subject of discussion previously. If the Minister contemplates altering this provision at some later session of Parliament, I would be happy if he would agree to the amendment, because if he found some objection to the operation of that provision he could come back to this House and put up some proposition.

As the Leader of the Country Party said, the Minister might contemplate taking some other line of action. He has not taken us into his confidence on the point as yet. All he has told us is that he does not think he should agree to the alteration of the penalty provision until he has had a look at it. In this regard the Minister is being somewhat unreasonable in asking us to agree to the clause, pending his further consideration. I realise he is in some difficulty. The only way for him to get out of that difficulty is to agree to report progress and postpone consideration of the clause until a future sitting. As was pointed out, he will not lose very much time by agreeing to the amendment. He will avoid putting some of us on this side in a predicament by agreeing to a provision which we do not accept as being desirable.

Hon. J. B. Sleeman: Once this amendment is agreed to, there will be no chance to alter the penalty provision.

Mr. PERKINS: If the amendment is carried it will certainly be with the support of members opposite. The Minister should realise that the Bill has yet to be passed in another place, and by adopting his present attitude, he will not be helping his case. I trust that he will agree to report progress.

Mr. BOVELL: I support the remarks of the member for Roe.

Hon. J. B. Sleeman: It is tedious repetition.

Mr. BOVELL: I am repeating my appeal to the Minister.

The Minister for Justice: It is no use appealing to me; I have made up my mind. If it is debated and defeated, it will not be recommitted. If members opposite are reasonable, the Bill will be given to reconsider it.

Mr. BOVELL: The Minister has adopted a stubborn attitude on this point. I would emphasise that this Bill was introduced only a week ago. On the first sitting day after it was introduced, this Bill, with 63 clauses and three schedules, was dealt with. I do not know how many places it moved up on the notice paper. The Deputy Premier in charge of the House said we were going to deal with Order of the Day No. 14, and at that time we

were only up to No. 4 on the notice paper. We achieved considerable progress until we reached Clause 17.

The Minister was not quite sure of the position under discussion at that time and we agreed to a recommittal of the Bill. The Leader of the Country Party discussed certain amendments he proposed to make. Members were aware of my attitude from my second reading speech. I was against Clause 58 entirely. In an endeavour to co-operate with the Government, the Leader of the Country Party moved certain amendments. The Minister should have realised that the Leader of the Country Party was offering him very liberal co-operation indeed, but he persisted in his ideas. He has become stubborn about the matter and has refused to report progress on a simple proposal to reduce the minimum penalty from £20 to £10.

There are not many clauses left. I can assure the Minister I have nothing contentious to discuss other than this clause; if he will report progress I will have nothing to say, apart from comments on the Second Schedule, which sets out the people who are exempt from jury service. It is in his own interest to report progress and let us clean up this matter early on Tuesday.

Hon. D. BRAND: I feel that on this matter the Minister could well confer with the Deputy Leader of his party and one or two other sleeping Ministers and arrive at some decision to make a slight reduction which would meet the demands of the Opposition. As the Deputy Leader of the Opposition has pointed out, the amendment is merely to reduce the minimum penalty from £20 to £10, and all the discussion with departmental heads will not help the Minister to arrive at a satisfactory conclusion; it is a matter for him to decide.

For my part, I would like to ask who decided upon the £20 in the first place. Was it a departmental head who took the figure out of the air and put it in the Bill? We, as an Opposition, consider the amount too high a minimum penalty for what might possibly be some trivial offence. As the time is going by and the Minister has not made any progress, I appeal to him to report progress on this issue. The Opposition is willing to co-operate with him in that regard.

The Minister for Works: It does not take any co-operation to report progress.

Hon. D. BRAND: Then do so!

The Minister for Works: That can be done at any time.

Mr. HEARMAN: There is one point to which I would like to draw attention. The member for Nedlands indicated that an offence could easily be committed unwittingly, and if it were a provincial paper that was concerned, the injustice that

might arise from the offence would probably be very slight—that is, if there were any real injustice at all. I cannot believe that some small country newspaper is likely to have a great influence on a decision of a jury. In fact, I think it would be only a 100 to 1 chance that what was published would ever come to the notice of the jury.

The Minister for Transport: It could have a great effect on the reputation of a perfectly innocent man, though.

Mr. HEARMAN: If the Minister will allow me to develop this theme, he will see what I am getting at. While the offence committed might have no effect whatsoever on the deliberations of the jury, a technical offence could still have been committed; and if the court's attention were drawn to it, the court would have no option but to institute proceedings. Where a purely technical offence has occurred, and there is clearly no evidence of any influence on the deliberations of the jury, and the prosecution is launched only because someone drew attention to the publication of the article in some obscure country newspaper, it seems to me that the penalty of £20 is unnecessarily severe. Surely we could permit the court some discretion in this matter.

It would be possible for somebody through pure vindictiveness to draw attention to such an offence by a small country newspaper. He would only have to post a copy of the paper to the court and the court would have no option but to initiate proceedings; and it seems to me to be not right to provide for a minimum penalty when there is not likely to be any miscarriage of justice, and where such action could be taken through reasons of spite.

Then again, it appears to me that the Minister is becoming a little unreasonable; but I hope that I have been able to put to him an aspect of the matter which has not occurred to him, and the submission of which will induce him to agree to this amendment. Circumstances such as I have outlined can arise in a small country town where individuals are opposed to one another and would take any opportunity to do one another a disservice.

The amendment seems to be most reasonable, and I fail to see that the Minister is achieving very much by insisting on his minimum penalty. I would like to hear the Minister's views on the point I have raised, because it appears to be an aspect that he may not have considered. I am not concerned about a glaring offence because in that case the court should impose a severe penalty. I feel that the standard of the Press in this State is such that we would not be likely to have many convictions for this sort of thing. The matter is one that merits the Minister's attention.

Mr. NALDER: I move—

That progress be reported.

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

Ayes	.....	18
Noes	.....	24
		—
Majority against	.....	6
		—

Ayes.

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

(Teller.)

Noes.

Mr. Andrew	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Brady
Mr. Cornell	Mr. Moir
Mr. Thorn	Mr. Hawke

Motion thus negatived.

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

Ayes	.....	18
Noes	.....	24
		—
Majority against	.....	6
		—

Ayes.

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

(Teller.)

Noes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Potter
Mr. Hall	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Brady
Mr. Cornell	Mr. Moir
Mr. Thorn	Mr. Hawke

Amendment thus negatived.

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

That the words "two hundred pounds" in line 36, page 35, be struck out.

If the amendment is successful, I propose to move to insert the words "fifty pounds" in lieu of the words struck out. Shortly, this clause provides that the penalty can follow a charge laid on the information of any person with the authority of the Attorney General, and when imposed the penalty shall be payable to such person as the court which imposes it directs, the provisions of the Fines and Penalties Act notwithstanding. That Act provides, in short, that the penalties are paid to the Crown and in some cases to local authorities, but under this provision the penalty could be paid to an individual and obviously he would be the person who gave the information to the Attorney General.

If that is agreed to, the effect will be that an informer will be able to be rewarded with a sum of up to £200 and that is not a desirable practice. It is a practice that this Chamber has on many occasions frowned upon. For those reasons, I think the maximum penalty should be reduced. A further reason is that the amount of £200 would be excessive in addition to the alternative penalty that can be inflicted by way of contempt of court.

Hon. D. BRAND: Is not the Minister going to reply?

The Minister for Justice: I have given my decision.

Hon. D. BRAND: The Minister has given his decision on the previous amendment but surely he can tell the Committee what his views are on this question, even if he must report progress and go to his departmental head for advice!

The Minister for Justice: It is easy to postpone the clause.

Hon. D. BRAND: It would be easy for the Minister to report progress in order to secure advice. Surely it is fair for us to ask the Minister to express an opinion on the amendment moved and explained by the Leader of the Country Party!

Mr. PERKINS: This is the most extraordinary procedure I have seen in this Chamber. The Leader of the Country Party has moved a vital amendment dealing with the payment of penalties to informers—a principle that members on the Government side of the Chamber have severely criticised, as have members on this side—yet the Minister indicates that he will not reply and explain the Government's attitude! If the Minister is to maintain that attitude, I think we should have it on record and make it clear that we view the position very seriously indeed.

What would the Minister for Works have said when sitting on this side of the Chamber had a Minister of the Crown refused to reply to a reasoned statement put forward by him or some other member of the Opposition? In those circumstances, I think we could have had a major scene in the Chamber. I hope that on reconsideration the Minister will give his reasons for refusing to accept the amendment, as I do not think he realises the seriousness of his refusing to reply to the case put forward by the Leader of the Country Party.

Mr. BOVELL: I am surprised that the Minister has carried his vendetta so far as to refuse to reply to the Leader of the Country Party. Perhaps he intends to agree to the amendment. If he has not been struck dumb, the Minister could indicate whether he intends to agree or disagree to the amendment.

The Minister for Justice: You know my attitude on this.

Mr. BOVELL: I do not, because we have not yet discussed reducing the maximum penalty. I agree entirely with the reasons given by the Leader of the Country Party and I think that to be consistent with other provisions in the Bill, a maximum fine of £50 would be quite sufficient. When speaking to the previous amendment moved by the Leader of the Country Party, the member for Blackwood referred to the proprietors of small provincial newspapers having to perform a great deal of work themselves, and they may inadvertently and without malicious intent, publish something which they should not publish. This penalty, however, applies to them with equal force as it does to local dailies which are circulated throughout the State. So I hope the Minister will at least say something on the matter to indicate his intentions.

The MINISTER FOR JUSTICE: I am most emphatically against reducing the maximum penalty. Persons who commit a breach of the law will be punished according to the evidence submitted. The maximum penalty could be £10 or £100 according to the gravity of the offence. If a maximum of £50 were fixed it would not indicate the seriousness of the crime. The person charged could be a country editor, as has been stated, and his offence might not warrant a very heavy penalty. However, the evidence will be presented to the court and a suitable penalty awarded.

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

Ayes	17
Noes	23
Majority against	6

Ayes.

Mr. Ackland	Sir Ross McLarty
Mr. Bovell	Mr. Nalder
Mr. Brand	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. I. Manning
Mr. W. Manning	(Teller.)

Noes.

Mr. Andrew	Mr. Marshall
Mr. Evans	Mr. Nulsen
Mr. Gaffy	Mr. O'Brien
Mr. Graham	Mr. Potter
Mr. Hall	Mr. Rhatigan
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Kelly	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. Brady
Mr. Cornell	Mr. Moir
Mr. Thorn	Mr. Hawke
Mr. Oldfield	Mr. Heal

Amendment thus negatived.

Hon. A. F. WATTS: I now wish to strike out the words "any person who with the authority of" in lines 37 and 38 on page 35. I hardly need to elaborate on this point. We have to consider whether an informer has to be brought into this question and, so far as I am concerned, he does not. If my proposed amendment is agreed to and the words are struck out, the complaint will be made to the Attorney General. He could then make up his mind whether a warrant should be laid and if he thinks it should, he will lay it, the court will deal with it, and if a fine is imposed, it will be paid to the Crown, which I think is the proper place for it and we should not run the risk of its being paid to any informer. So, as a preliminary canter in trying to get rid of this informer who, in the main, is an objectionable person to be provided for in any legislation, I move an amendment—

That the words "any person who with the authority of" in lines 37 and 38, page 35, be struck out.

Mr. ROSS HUTCHINSON: Is not the Minister going to reply to this?

The Minister for Justice: You have the floor.

Mr. ROSS HUTCHINSON: I have risen again to ask the Minister to give some consideration to the proposal laid down. He was merely going to sit in his seat while you put the question, Mr. Chairman. I hope the Minister will agree to this

amendment. Does he want high fees paid to pimps? The same result can be achieved without having an informer paid such high fees.

The Minister for Works: How can it be done?

Mr. ROSS HUTCHINSON: Information may be obtained without fees being paid to an informer.

The Minister for Works: How are you going to get it?

Mr. ROSS HUTCHINSON: Through the people, as it is obtained in many instances now. Does the Minister want high fees paid to informers? The Minister for Works apparently thinks it is necessary to pay people high prices to pimp.

Mr. Bovell: That is what they do in Russia.

The Minister for Works: Not necessarily.

Mr. ROSS HUTCHINSON: It is a disgraceful thing, and the Minister should be heard on this point. I should have thought that members opposite would have sprung to arms on an issue such as this, and that it would have been most repugnant to them. I hope the Minister will reply to the points raised.

The MINISTER FOR JUSTICE: I do not think the member for Cottesloe knows what he is talking about.

Mr. Ross Hutchinson: You do not know what you have been talking about all the evening.

The MINISTER FOR JUSTICE: In police cases, particularly on the Goldfields, it would not have been possible to obtain half the convictions if information had not been got from outside. The provision has been included for the purpose of seeking necessary information, and it will be left to the discretion of the court whether the money goes to the Crown or to the pimp, as he has been called.

Mr. BOVELL: This matter has to do with the Press, and I cannot see the necessity for a common informer. Surely the Attorney General could see that for himself.

The Minister for Works: Is the Attorney General to read all the newspapers published in the country?

Hon. A. F. Watts: He could have a clerk to help him.

Mr. BOVELL: The appointment of informers is a system adopted by iron curtain countries; it is also similar to the regime in Hitlerite Germany, when people got to the point of pimping on their families. All this would do would be to encourage common informers.

Mr. HEARMAN: This is one of those cases where there is no need for an informer. If the company's reference is so obscure that it does not come to the notice of the court, then I would suggest that very little would have been done at all. It is unreasonable to enable an informer to demand a substantial reward for bringing some information to the notice of the Attorney General.

Mr. Ross Hutchinson: It is a premium on pimping.

Mr. HEARMAN: I could understand informers being used in police cases where gold is being stolen, or excise laws are being broken, and where tangible evidence is necessary.

The Minister for Works: The informer could be a person who has suffered substantial damage as a result of that against which he is informing.

Mr. HEARMAN: He could be, but if that were so, I do not think the matter would pass unnoticed by the Attorney General. But if he were such a person, he would have some interest in bringing the information to the Attorney General, and there would be no necessity to reward him. The principle of rewarding an informer is most repugnant to me. We are not dealing with police cases in this measure. It merely covers a case where possibly an article has been published in the newspapers which is the subject of complaint. Either it is contempt of court or it is not. There is no need to bring out the worst in human nature by rewarding an informer. We cannot draw parallels between police cases and those that will occur under this measure.

The Minister for Justice: It is subject to the discretion of the court, and you do not trust the court.

Mr. HEARMAN: That is not so at all. I see no reason why an informer should be in a position to demand large payments.

The Minister for Justice: He cannot demand.

Mr. HEARMAN: If he is an injured party, then surely the fact that the culprit has been brought to book is sufficient reward. It may be at the discretion of the court, but I should think that no reputable court would pay any money at all in those circumstances, and it should not be placed in such a position.

Progress reported.

BILLS (2)—RETURNED.

1. Bees Act Amendment.

2. Agent General Act Amendment.

Without amendment.

House adjourned at 6.15 p.m.