be obtained then when they are not in the hurly burly of preparing the many reports, statements and so on that are prepared at the end of the year.

Clause put and passed.

Clauses 68 to 70—agreed to.

Clause 71—When office of deputy-mayor and of deputy-president to be filled by election by council:

Hon. Sir CHARLES LATHAM: I move an amendment—

That the following be inserted to stand as Subclause (1):—

> The council of a municipality which is a shire shall at the first meeting of the council held after the third Saturday in April in each year and in the case of such a newly constituted municipality at the first meeting of the council held after the election of the council elect one of its councillors to the office of president.

Provision for the election of a mayor or president has evidently been omitted.

Hon. R. C. MATTISKE: I think the position is now covered by an amendment which I had made to Clause 10.

Hon. Sir Charles Latham: It may be; I am prepared to agree to that.

Hon. J. D. TEAHAN: It appears to be consequential on Clause 10, but we have reached the stage where I am not quite certain that it is consequential, and I would like to find out something more definite about it. I would like to report progress.

The CHAIRMAN: In that case I ask Sir Charles Latham to withdraw, temporarily, his amendment.

Hon. Sir CHARLES LATHAM: I ask permission to withdraw, temporarily, my amendment.

Amendment, by leave, withdrawn.

Progress reported.

House adjourned at 9.59 p.m.

Legislative Assembly

Tuesday, 13th August, 1957.

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

ASSENT TO BILL.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the Supply Bill (No. 1), £21,000,000.

QUESTIONS.

RAILWAYS.

(a) Mobile Crane, Bunbury.

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

(1) Can the six-ton mobile crane ordered for use in the Bunbury goods shed be used in such shed?

(2) What is the present arrangement in regard to the use of such mobile crane?

The MINISTER FOR TRANSPORT replied:

The crane is a yard crane for use in the goods yard and not in the goods shed. It was loaned to the State Electricity Commission for making some heavy lifts at the new power house early this year and a lower capacity crane was supplied by that authority for use in the goods yard during that period. It has been borrowed on other occasions since by the State Electricity Commission.

(b) Road Services, Perth-Narembeen and Perth-Hyden.

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

What was the revenue from—

(a) passengers;
(b) parcels;
(c) mails;
(d) other;

and the expenditure by the railway road services and detailed charges levied by the Railways Commission administration against railway road services section for railway road services—

(1) Perth-Bruce Rock-Narembeen;
(2) Perth-Quairading-Hyden?

The MINISTER FOR TRANSPORT replied:

The answers are set out in the following table:—

	Perth-Bruce Rock-Narembeen route.		Perth-Quairading-Hyden route.	
	1955-56.	1956-57.	1955-56.	1956-57.
Revenue—	£	£	£	£
Passenger	9,332	8,175	5,415	4,858
Parcels	2,219	2,201	947	1,037
Mails	1,624	1,566	980	742
Total Revenue	£13,175	£11,942	£7,342	£6,637
Expenditure—				
Operating and Direct Supervision	8,701	9,234	5,425	5,234
Assessed value of services carried out by rail staff	595	545	332	304
Head Office Administration, Workers' Insurance, Superannuation, etc.	449	429	280	261
Interest	121	122	75	76
Depreciation	534	76	332	47
Total Expenditure	£10,400	£10,406	£6,444	£5,922

(c) Rail Trucks used at Wharves.

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

(1) What provision is made for the placing of rail trucks containing refrigerated or other cargo on wharves for loading into overseas ships on Sundays or holidays?

(2) What is the shunting charge of placing D, FD, V and VD trucks on a wharf on a Sunday or a holiday?

(3) How does the Sunday or holiday charge for placing trucks compare with week-day charges?

(4) Is he satisfied with the facilities and charges of the W.A.G.R. for placing rail trucks on wharves on Sundays and holidays?

The MINISTER FOR TRANSPORT replied:

(1) When agents request it, locomotives and staff are brought on duty on Sundays and public holidays for placing rail wagons to vessels.

(2) and (3) The normal charge is 1s. 6d. per ton with a minimum of five tons for D and FD vans, and a minimum of 10 tons for V and VD vans. If wagons have to be placed to the ship's side outside the hours of 8 a.m. to 5 p.m. on Mondays to Fridays and 8 a.m. to 12 noon on Saturdays, the following additional costs have to be met by the shipping agents—

(a) locomotive hire of £1 12s. per hour, minimum charge £1 1s. plus—

(b) (i) Saturdays—half the cost of the salaries and wages of the staff involved;

(ii) Sundays and public holidays —the full cost of the salaries and wages of the staff involved.

(4) In the light of present-day conditions, the question of charges is under revision.

(d) Freight on Passenger-Goods Trains.

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

Further to my questions on the 8th August, what freight rate is charged on goods consigned by rail to—

(1) Katanning for delivery by railway road truck or passenger freighter to points on the Pingrup and Jerramungup sections?

(2) Brookton for delivery by railway passenger freighter to points on the Corrigin section?

(3) Kondinin for delivery by railway passenger freighter to points on the Hyden section?

The MINISTER FOR TRANSPORT replied:

(1) When goods are forwarded to Katanning for onward despatch to points on the Pingrup and Jerramungup sections they are freighted as follows:—

(a) Per railway road truck from Katanning to destination. At the ordinary goods rates and conditions according to the classification of the commodity plus 12s. 6d. per ton for the total rail and road mileage involved. The minimum rate chargeable is class "B" plus 12s. 6d. per ton.

(b) Per freighter bus from Katanning to destination. At ordinary goods rates and conditions according to the classification of the commodity to Katanning plus parcels rates and conditions (minimum half parcels rates) for the portion of the journey from Katanning to destination.

(2) At the ordinary goods rates and conditions according to the classification of the commodity to Brookton plus parcels rates and conditions (minimum half parcels rates) for the portion of the journey from Brookton to destination.

(3) At the ordinary goods rates and conditions according to the classification of the commodity to Kondinin plus parcels rates and conditions (minimum half parcels rates) for the portion of the journey from Kondinin to destination.

(e) Replacement of former Assistant Commissioner.

Mr. COURT (without notice) asked the Premier:

(1) Does the Government propose to make an early appointment to the Railways Commission to replace Mr. C. W. Clarke, who has resigned?

(2) If so, will such appointment be made from existing railway personnel or will applications be called from outside the State and, in that event, from outside Australia?

(3) Will he give an assurance that no change in the term of appointment or status of the remaining Railway Commissioners will be made until Parliament is given an opportunity of considering the whole question of the constitution of the commission?

The PREMIER replied:

The hon. member was good enough to give me a copy of the questions today, for which I thank him.

(1) and (2) The matters contained in these questions are receiving the consideration of the Cabinet sub-committee.

(3) The Government could take no action along the lines suggested without approaching Parliament and seeking an amendment of the Government Railways Act.

(f) Circumstances of Mr. Clarke's Resignation and Interim Action.

Hon. A. F. WATTS (without notice) asked the Premier:

(1) Will an announcement of the circumstances surrounding the resignation of Assistant Railways Commissioner Clarke be withheld until the contents of the Royal Commissioner's report are released or is he prepared to make an immediate statement to throw some light on the position?

(2) What interim action is proposed in view of only two commissioners now remaining?

The PREMIER replied:

I thank the Leader of the Country Party for having, earlier, provided me with a copy of his question.

(1) It is not considered desirable to make any statement along the lines sought at present.

(2) The matter is receiving the attention of the Cabinet sub-committee already mentioned. It will be necessary quite soon either to appoint a third commissioner to replace the one who has resigned or to bring proposals to Parliament to alter the present set-up and to provide for some set-up different from that which has existed.

(g) Release of Royal Commissioner's Report and Mr. Clarke's Resignation.

Mr. COURT (without notice) asked the Premier:

(1) When does he anticipate the report of Royal Commissioner Smith will be released to Parliament?

(2) Would he confirm that Mr. Clarke's resignation has, in fact, been accepted by the Government?

The PREMIER replied:

(1) One can only speculate about the time the Royal Commissioner's further report will be received or when the first interim report—which has already been received—will be presented to Parliament. The first interim report contained information which requires very close consideration and the most careful examination before its contents are made public. Because of that fact, Cabinet, at a meeting held yesterday set up a Cabinet sub-committee of four Ministers to carry out the necessary consideration and examination. However, as soon as Cabinet can see its way clear to present the interim report to Parliament, that will be done.

(2) Actually, this resignation, to be accepted in proper legal form, has to be accepted in Executive Council. So far, the resignation has not been so accepted.

(h) Amplification of Reply.

Mr. COURT (without notice) asked the Premier:

I appreciate the answer given by the Premier regarding Mr. Clarke's resignation and perhaps this question without notice, which I am now about to address to him, is unfair. However, can he answer whether Mr. Clarke did, in fact, receive some written or other acknowledgment from the Minister for Railways that his resignation had been accepted?

The PREMIER replied:

I understand that that is so, but I would emphasise that before the resignation can be legally accepted it has to be accepted by the Governor at a metting of the Executive Council, and that final procedure has not yet taken place.

Mr. Cornell: Is he still on the payroll?

TRAINEE TEACHERS.

Dismissal, Leave, etc.

Mr. JOHNSON asked the Minister for Education:

(1) What number of trainee teachers have been dismissed without completing training, in each of the last five years?

(2) How many of the above have repaid the relative bonds?

(3) How many guarantors of above have been proceeded against?

(4) Is leave of trainee teachers identical with—

(a) primary school holidays;

(b) secondary school holidays;

(c) any other?

The MINISTER replied:

(1) Courses terminated:

1952	1
1953	5
1954	12
1955	3
1956	3

(2) (a) Repaid and in course of repayment—14.

(b) No refund required—10.

(3) Guarantor proceeded against in three cases.

(4) No; there are thirteen weeks of Teachers' College vacations.

NATIVES.

Commissioner's Statement on Medical Condition.

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) Is the statement attributed to the Commissioner of Native Welfare and published in "The West Australian" on the 7th August, 1957, in accord with that actually made by the commissioner?

(2) If so, what psychic power does the commissioner possess which enabled him to determine the medical condition of natives unseen by him or his officers, and who are over a thousand miles from his Perth office?

(3) Is this psychic power of such infallibility that he is justified in flatly contradicting reports of reliable eye-witnesses?

The MINISTER replied:

(1) No, not exactly. The commissioner stated that the report of starving natives attributed to the helicopter pilot was open to speculation. He then went on to say "the physical appearance of the natives often shocked people who had not seen them (the desert natives) before."

(2) The commissioner did not base his statement on psychic power, but upon information provided by his district officer in Derby, his experience of the past with similar reports by inexperienced observers, and his knowledge that the Bureau of Mineral Resources party which had been in the area for some considerable time had not reported starving natives being contacted. The report published was made by the pilot of the helicopter chartered by the bureau's party and the commissioner assumed he was not familiar with the physical appearance of desert natives.

(3) Answered by Nos. (1) and (2).

EXPORT OF FRUIT.

Availability of Refrigerated Space on Steamers.

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

(1) How many overseas mail ships entered and cleared Fremantle on Saturdays or Sundays during the last fruit-shipping season?

(2) Is he aware that sometimes circumstances are such that fruit shippers have very little notice of the availability of refrigerated space on overseas mail steamers?

The MINISTER FOR TRANSPORT replied:

(1) The fruit shipping season is usually regarded as from February to June. During the period from the 1st February, 1957, to the 30th June, 1957, eleven overseas mail ships proceeding overseas entered and cleared the port of Fremantle on Saturdays or Sundays.

(2) This is a question which can only be answered by the shipping companies concerned. Experience at the port of Fremantle suggests that mail vessels do not cater for the shipment of fruit in sizable quantities, probably because of their short stay in port.

WAR SERVICE LAND SETTLEMENT.

Applications Granted, Withdrawn and Outstanding.

Mr. NALDER asked the Minister for Lands:

(1) How many applications were before the Land Settlement Board for war service farms in Western Australia for the years ended June, 1954, 1955, 1956 and 1957?

(2) How many of these applicants were allotted properties during this period?

(3) How many applications were withdrawn during this period?

(4) How many applications for properties still exist?

(5) When does the Government intend to close the scheme?

(6) Is it intended to allocate properties to all present applicants?

The PREMIER (for the Minister for Lands) replied:

(1) The 30th June—

1954	715
1955	741
1956	735
1957	695

Figures quoted refer to qualified applicants who were presumed to be still interested in obtaining farms.

(2) 131.

(3) 27.

(4) 695 (of whom 287 have replied to inquiries that they are active applicants for farms.)

(5) It is expected that properties now under development will be completed during 1959 and those applicants requiring farms should be allotted by 1960.

(6) The number of properties under development is sufficient for all applicants still applying for farms.

W.A. MEAT EXPORT WORKS.

Retail Trading.

Mr. ROSS HUTCHINSON asked the Minister for Agriculture:

(1) With reference to Question No. 14, on the 31st July, 1957, regarding the W.A. Meat Export Works retail trading, would he confirm or otherwise that the company has no retail butchering establishment at the works?

(2) Is not a retail butcher shop established at the works, and is it not a fact that it is available both to the general public and the staff?

(3) If there is a retail butcher shop at the works, will he advise on what price structure it operates in regard to:—

(a) retail trade over the counter to staff and/or public;

(b) supply to Government institutions and the charitable institutions referred to in his answer to my question on the 31st July?

(4) If trade is done with the general public at a retail shop established at the works, what effort is made to encourage the public to buy from this establishment?

The PREMIER (for the Minister for Agriculture) replied:

(1) The W.A. Meat Export Works do not conduct a regular retail butchery business at the works.

(2) No.

(3) See answer to No. (1). The staff is permitted to buy meat rejected for export, or surplus cuts after meeting orders from Government institutions. Prices charged are based upon the initial cost of carcasses, plus additional charges in treatment and handling to cover total expenditure by the works.

(4) See answer to No. (1).

DRUNKEN DRIVING.

Tests at Police Stations.

Mr. ROBERTS asked the Minister for Transport:

What is the policy of the Government with regard to making facilities available at police stations for doctors to take blood tests of persons arrested for drunken driving?

The MINISTER replied:

Necessary facilities are available at any police station.

COMMONWEALTH-STATE HOUSING SCHEME.

Allocation of Funds to New Societies.

Mr. ROBERTS asked the Minister for Housing:

(1) What is the entitlement of new societies according to the formula used in allocating the £600,000 received by the State Housing Commission from the Commonwealth Government for distribution to building societies?

(2) What are the details of the formula and how does it operate?

The MINISTER replied:

As explained in the answer to questions on the 9th July, allocations to permanent societies are based on amounts loaned by societies from other than governmental funds during the preceding three years. Co-operative societies have been allocated amounts considered to be sufficient to justify their formation and operation.

To enable membership of co-operative or terminating societies to meet operating expenses, it is necessary that a substantial allocation be made over a period of not more than twelve months.

FLORA AND FAUNA.

Pingrup Reserve.

Mr. PERKINS asked the Minister for Fisheries:

(1) Has a request been made by the Nyabing-Pingrup Road Board for all or portion of a large flora and fauna reserve east of Pingrup, to be thrown open for settlement?

(2) What flora or fauna is this reserve designed to preserve?

(3) Is it not a breeding ground and harbour for sundry vermin which harass the settlers on neighbouring properties?

(4) Could not a suitable reserve for such fauna be selected further south and nearer the coast, away from settlement?

(5) If not, why not?

The MINISTER replied:

(1) No. The department has no knowledge of any existing flora or fauna reserve east of Pingrup. However, there is a proposal to create a reserve in that area.

(2) The proposed reserve is designed to set aside characteristic mallee flora and fauna, particularly the breeding habitat of mallee fowl. From the agricultural point of view, such a reserve would serve a useful purpose as a control virgin area for any studies that might arise in the future out of the economic utilisation of similar mallee lands.

(3) Pest fauna occur in any primitive areas. Vermin control measures can be carried out with the approval of the controlling authority as on any other Crown land.

(4) No.

(5) The proposed reserve area is the most important mallee fowl habitat in the State.

ALBANY DENTAL CLINIC.

Representations Regarding Site.

Mr. HALL asked the Minister for Health:

(1) Have representations been made to the Albany Municipal Council by the Perth Dental Hospital Board for the purposes of establishing a dental clinic in Albany?

(2) If so, can he advise if a suitable site was offered to the board?

(3) With the increasing population in this area, and in the interests of decentralisation, plus advantages the dental clinic could give to the people on the lower incomes, would he give this contemplated project his full support?

The MINISTER replied:

(1) Yes.

(2) The Dental Hospital Board is now awaiting a reply from the council.

(3) Yes. The Government has already asked the Dental Hospital Board to approach the council on the matter.

WATER SUPPLIES.

Mullewa Reticulation.

Hon. D. BRAND asked the Minister for Water Supplies:

(1) What progress can be reported on providing Mullewa with a reticulated water supply?

(2) What is the estimated cost of the balance of the work necessary to complete the scheme?

The MINISTER replied:

(1) A design has been developed, and the existing railway supply has been reorganised and a direct connection has been made to the town service tanks.

(2) Approximately £15,000.

TRANSPORT.

Subsidy for Road Services

Mr. NALDER asked the Minister for Transport:

(1) Is it the intention of the Government to pay the difference between road transport and present railway charges by way of subsidy on goods carted to and from districts where rail services have been discontinued?

(2) If so, what are the details of the subsidy?

The MINISTER replied:

(1) Subsidy will be paid in respect of goods classified as "miscellaneous" under the railways' freight classification.

(2) The subsidy will apply to and from the nearest practicable railway point. For the first year, it will equal the full amount of the difference between the cost which would have applied if the railway had continued and the cost of the alternative transport. After the first year the subsidy will be reduced by one-seventh annually and eventually eliminated.

PORT HEDLAND JETTY.

Additions and Improvements.

Mr. RODOREDA asked the Minister for Works:

(1) Is the Government aware of the extreme urgency of the need for additions and improvements to Port Hedland jetty, so that overseas and coastal ships can berth simultaneously?

(2) Is provision being made for this work on this year's Estimates?

The MINISTER replied:

The Government is aware of the need for additions and improvements, and an amount of £23,300 has been provided on this year's estimates in connection with this.

GOVERNMENT COAL CONTRACTS.

(a) Griffin Open Cut and Government Offer to Companies.

Mr. WILD (without notice) asked the Premier:

(1) Was he correctly reported in the "Daily News" of the 8th inst. as follows:—

> Two Collie coal companies have been notified that the Government is willing to obtain coal from them subject to certain conditions. Premier Hawke announced this today. He said that the Government had made its decision on coal and had officially notified the two companies of its willingness to complete the signing of a contract with them provided that all necessary conditions of the contract could first be agreed upon between the Government and the companies?

(2) If that was correct, what has happened to the Griffin Coal Mining Co. with its very cheap open cut coal as reported in the Press on the 17th January, 1957, by Mr. Fernie, when he said they could provide open cut coal at 32s. 6d. per ton?

(3) What is the price that the Government has offered these two companies for coal?

The PREMIER replied:

Full information will be made available to Parliament and to the public in connection with these matters when current negotiations are finalised.

(b) Employment of Displaced Men.

Mr. MAY (without notice) asked the Minister for Forests:

(1) Is the Minister aware that one coal company at Collie has commenced to retrench employees as a result of the proposed new Government coal orders?

(2) Does the Government's guarantee that persons displaced from the coal industry will be absorbed in other governmental works near to, and within daily reach of, their homes in Collie, still stand?

(3) If so, will he advise where these men may apply for such employment?

The MINISTER replied:

I learned only today that some of the coalmine employees have been retrenched, presumably in anticipation of action by the Government in connection with coal orders. The Government gave an undertaking that work would be offered to any men who were displaced and, in accordance with that, arrangements have been made by the Forests Department to offer work to men so affected. I am able to inform the member for Collie that there need be no delay whatsoever. If the men make application to the office of the Forests Department in Collie work will be found for them immediately. It is considered that in respect of the first group of men affected by dismissals work can be found for them approximately ten miles from Collie and transport will be provided by the Forests Department to take them to and from work.

(c) Offer by Government and Omission of Griffin Co.

Mr. WILD (without notice) asked the Premier:

(1) Was he correctly reported in the paper, namely, that an offer had been made by the Government to all the mining companies?

(2) Is it correct—as stated in the newspaper—that the Griffin Co. has been left out?

The PREMIER replied:

I am not responsible for what might have been said about any particular company. The other part of the newspaper report to which the hon. member refers is correct.

ASSEMBLY GALLERY.

Admission of Public Before Prayers.

The MINISTER FOR POLICE (without notice) asked the Speaker:

Although it has been the practice in the past for members of the public, including students, to be removed from the public gallery of this House during the time prayers are read before each sitting, will he consider having that arrangement altered to allow students and other members of the public to remain in the public gallery while prayers are being read?

The SPEAKER replied:

It was brought to my notice today that there were a number of persons in the Speaker's gallery before this sitting commenced. I was asked if they could remain there and I informed the usher that no person could remain in the Speaker's gallery while prayers were being read. From the time I became a member of this House in 1930, it has always been the time-honoured custom for that practice to be followed. There is no Standing Order concerning it, but that practice has been maintained throughout by my predecessors, and I do not think I should vary it.

Members of the public are admitted immediately after prayers and if they are seeking any information from the debates heard in this Assembly, they can hear it then. That has always been the custom. However, the House is master of its own

business and if it wishes to pass a resolution to alter the existing arrangements, it is at liberty to do so. So far as I am concerned, the practice that has existed in the past will continue.

SHEEP.

Transport from Eastern States, Mortality.

Mr. NALDER (without notice) asked the Minister for Agriculture:

(1) Will he verify as correct the report that over 100 sheep were dead on arrival at Kalgoorlie today in a train carrying a draft of breeding ewes from the Eastern States?

(2) Was a permit necessary from the Department of Agriculture to bring these sheep from the Eastern States?

(3) If so, were they inspected before being consigned?

(4) Were they shorn?

(5) What was the cause of the deaths?

The PREMIER (for the Minister for Agriculture) replied:

I have no information whatsoever in connection with this matter. However, if the hon. member will hand me a copy of his question, I will have immediate inquiries made at the Department of Agriculture.

BILL—INTERPRETATION ACT AMENDMENT (No. 2).

Introduced by Mr. Oldfield and read a first time.

BILL—INTERPRETATION ACT AMENDMENT (No. 1).

Read a third time and *passed*.

BILL—COUNTRY AREAS WATER SUPPLY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR WATER SUPPLIES (Hon. J. T. Tonkin—Melville) [5.0] in moving the second reading said: The purpose of this Bill is to effect two simple but obviously desirable amendments. The existing provision limits a "holding" to property comprised in one certificate of title. From the inception of country land rating, it has been the policy of the department to treat as one holding any parcel of country land in the one ownership or occupation, and operated as one farm.

This practice has advantages both to the department and to the property owner who is entitled to receive a supply of water only for the land which is rated. The proposed amendment is based on the definition in the Goldfields Water Supply Act which was superseded by the Country Areas Water Supply Act. Nobody seems to know why the alteration was made. Although the alteration has been in the Act, there has been no alteration in the policy. This amendment is to regularise the policy which has been followed invariably.

Any portion of a holding which comprises a separate parcel of land would be ratable only if its nearest boundary were within 10 chains of a main or other pipe. from which the Minister was prepared to supply water. There is no need to elaborate on this point. It ought to be perfectly obvious that if a farm, in one ownership, comprises a number of separate pieces of land all of which are worked as one farm, then it ought to be served with water as such, and rated as such instead of limiting the water to the land held in one certificate of title because a farm can comprise land held under several separate certificates of title.

I repeat that that was the position with regard to the Goldfields Water Supply Act and that was the policy then. The policy has not been altered although the Country Areas Water Supply Act altered the definition, so there will be no change of policy if this amendment is agreed to. It will simply put the Act into such a position that the existing policy will conform to it. I repeat that it is most desirable in the interests of the department and also in the interests of the land-owner.

Mr. Bovell: Do you say that it is not a fact at present so far as the water supply scheme is concerned?

The MINISTER FOR WATER SUPPLIES: The definition which is being followed is the definition contained in the old Goldfields Water Supply Act. That Act has gone out of existence, and has been superseded by the Country Areas Water Supply Act. For some reason which I have not been able to ascertain, the definition of "holding" was changed in the Country Areas Water Supply Act from what it was in the Goldfields Water Supply Act. I am now seeking to put it back to what it was. Although the definition has been changed, there has been no change in policy. The method of rating has remained the same all through, so this amending Bill will not in any shape or form alter the existing practice or existing policy, but it will simply provide that the policy will then be completely in line with the Act.

Mr. Nalder: If the blocks of land were separated, say, by three or four miles, that definition would not apply.

The MINISTER FOR WATER SUPPLIES: No, because the land can only be rated if it is within 1½ miles of the main. There would be no alteration in the circumstance mentioned by the hon. member.

The other amendment in the Bill is very simple and it is also an obviously desirable one. For some inexplicable reason,

the existing subsection which this Bill seeks to amend makes a specific difference between pipes and fittings. It should be obvious to everyone that the same provision in the Act ought to apply to both, because it is extremely unlikely that the Minister will require to lift the fittings, and leave the pipes behind. If he wishes to raise the fittings he would also wish to raise the pipes. A difference is made in the Act, and the Bill has been introduced to remove that difference. If this amendment is agreed to the subsection will then read—

> Thereupon the Minister may raise or lower any pipe or drain, and may raise or lower the fittings thereof, and the cost of doing so shall be a debt due by the local authority to the Minister.

Let me emphasise that as the Act stands at present there is a difference between pipes and fittings. The Minister is empowered to raise the fittings but not the pipes.

Mr. Perkins: What is the definition of "fittings"? Does that mean taps or other things?

The MINISTER FOR WATER SUPPLIES: It refers to all those appurtenances used in connection with pipe laying and which are attached to the pipes under the ground. There is power at present to lift the fittings but not the pipes. Nobody can give a reason how that difference came about.

Mr. Bovell: You said the Minister had power to lift the fittings and not the pipes. Do you not mean the reverse?

The MINISTER FOR WORKS: I want it so that both fittings and pipes can be lifted. A little thought will show how necessary it is to put this provision right. Nothing will be gained by spending very much time on the Bill. I move—

> That the Bill be now read a second time.

On motion by Mr. Bovell, debate adjourned.

BILL—COAL MINERS' WELFARE ACT AMENDMENT.

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [5.8] in moving the second reading said: The Bill contains a simple amendment to the Coal Miners' Welfare Act. As the name implies, this Act provides welfare for coalminers. It is administered as a welfare fund by a board. To this fund the companies contribute 1½d. per ton on all coal produced.

Up to December of last year the payments to this fund had been made half-yearly. It is desired that such payments in future should be made on a quarterly basis. I said that up to December last payments had been made on a half-yearly basis, but from December, 1956, up until the present time, by mutual arrangement, these payments have been made quarterly. The very small series of amendments contained in the Bill is designed to validate the action that is taking place. I ask the House to agree to this Bill so that the existing practice can be legalised from now on. I move—

> That the Bill be now read a second time.

On motion by Mr. Wild, debate adjourned.

BILL—NOLLAMARA LAND VESTING.

Second Reading.

Debate resumed from the 8th August.

HON. L. THORN (Toodyay) [5.10]: This Bill deals with progressive town planning arrangements in this State. I know from past experience that where Crown lands are involved, the redistribution of roads, etc., requires replanning. I would point out that the State Housing Commission has often beat the gun as far as building is concerned. It starts building before an estate is properly planned. That can be understood. This estate was resumed along with many others, and, as the Minister for Lands mentioned, some 8,000 acres were resumed for future home building purposes. I know that to be correct.

Previous to the resumptions, several blocks in this estate, which were privately owned. were sold. They brought about a problem for the State Housing Commission in the replanning of the estate. According to the Minister, all but one of the residents concerned agreed to the replanning; one family stood out. That was the Okely family, and the Minister stated that the mother agreed to the plan but the two sons lodged a caveat against the agreement.

The Minister said that was done for some unknown reason, but, of course, there must have been a known reason. There is no doubt why the sons did that. I daresay the Minister knows the reason. It could have been a matter of unsatisfied mortgage, or they may have lent their mother money. According to the Bill and to the explanation of the Minister, for the small portion of land being resumed from the Okelys they would be getting more land than they were losing by way of adjustment.

Mr. Bovell. Why was the caveat lodged?

Hon. L. THORN: I suppose the sons have some claim. They must have had a reason. That is all I can arrive at.

Mr. Bovell: The Minister did not give any indication.

Hon. L. THORN: He did not. He merely said a caveat had been lodged, I maintain there was some reason for doing that.

Mr. Bovell: We would like to know it.

Hon. L. THORN: I can understand why most of the Bill deals with the Okely family and the lodging of caveats. I can also understand the reasons for the urgency of adjusting this matter because the Commonwealth requires a clear title before it will render the necessary finance. I presume the Minister for Housing will agree with that. The Commonwealth has insisted on the building area being properly planned, free of encumbrances, and on the State Housing Commission proceeding so far along the line before it will advance the necessary finance.

Mr. Bovell: In regard to war service homes?

Hon. L. THORN: That is so. The contemplated building operations in that area represent a tremendous programme when it is realised that on completion there will be nearly 15,000 homes constructed.

I suggest to the Minister that the Housing Commission should plan ahead and have the scheme completed before starting to build. If that were done, the commission would not be faced with some of the problems it has today. If members will look at Clauses 2 and 3, they will see they deal with caveats and the lodgment of caveats due to the fact that complete agreement could not be reached regarding those people who purchased blocks and built before the land was resumed. I support the second reading.

MR. WILD (Dale) [5.16]: I desire to make a few comments on this Bill because I was interested in the resumption of this land in 1950. I do not intend going over the ground covered by the member for Toodyay, but want to say that since this Bill was introduced, I have received a protest from one man and, I understand there are others as well who have not yet been paid for land resumed in 1950.

On many previous occasions, I have said in regard to resumptions that I believe they are necessary in the interests of the State. That applies also to a large degree to the Bill before the House. The member for Toodyay pointed out that it is necessary to have an overall planning scheme that will satisfy the Commonwealth. However, when land is resumed, whether it be by the Government or by a local authority, there must be a stipulation that people be paid fair compensation. As I have said, one approach has been made to me already and this man has informed me that there are others who have not been paid.

Whilst agreeing with the principle of this Bill, I think it is the duty of the Government to see—particularly as there is to be a reorientation of the boundaries in this area—that people are satisfied before proceeding. If the people are not prepared to accept the compensation offered by the Government it should be their right to have some determination made. There is indecent haste about this, although I have been saying in this House for the past two years that there is no haste to give people in the Dale district money for land that has been resumed.

I support the second reading of this Bill, but I am sorry the Minister is not in his seat because I wanted him to answer the question as to why the men I have referred to have not yet received compensation, nearly seven years after their land was resumed.

THE MINISTER FOR HOUSING (Hon. H. E. Graham—East Perth—in reply) [5.19]: I will first of all touch on the matter raised by the member for Dale. The State Housing Commission is actually concerned that in quite a number of cases, persons from whom land has been resumed, have not lodged claims for compensation. Because of that fact, the Housing Commission, of necessity, has a considerable sum set aside in its estimates for the purpose of meeting claims which may arise. Accordingly, sums have been set aside for very many years to meet these claims which may come up, but for some reason people refuse to move in the matter.

This does not suit the State Housing Commission as that money could be used for the erection of homes, if it were known that the people were not going to lodge any claim or follow through the various processes. Without giving the details of particular individual cases, I think I would be quite right in saying that if there has been any delay, it is because the persons concerned have not claimed.

The urgency of this matter arises from the fact that earlier this year the Commonwealth Government offered Western Australia, from memory, some additional £400,000 for war service homes, provided we could use the money, the other States apparently not having facilities available as we have in Western Australia in regard to manpower, materials, organisation and the rest of it. The offer was subject to the condition that the war service homes built should have clear titles available, preferably before building operations commenced, and certainly by the time the homes were completed.

The State Housing Commission did not have land with services such as electricity, water supply, etc. already available except at Nollamara. There were, however, certain legal difficulties and an assurance was given to the Commonwealth, after consultation with the Premier, that work would be undertaken expeditiously in the Lands Department in connection with the paper work, and that legislation would be introduced in order to clear up all the anomalies so as to enable titles to be issued. That is why the work has preceded

the passing of the legislation. The opportunity of getting additional funds for Western Australia, which otherwise would have been completely lost, was too good to miss.

With regard to Mrs. Okely, it is a little difficult to explain in the House the circumstances of the case. She is the owner of an allotment which, by and large, she will retain except that a very narrow strip will be taken, and in lieu additional land will be given to her. She will finish up with a greater area than she possesses at the moment and will retain 95 per cent. of the original holding. Unfortunately, because of a little domestic strife—that is disagreement on the part of her sons with regard to Mrs. Okely's marital arrangements—the two sons have decided to get exceedingly difficult, so much so that they refuse to talk to anybody, apparently to play nark, with the idea of embarrassing this woman as much as possible. She is agreeable and will finish up with more land than she now owns.

Because of this, it is necessary to include special provisions in the Bill to overcome the difficulty. Most definitely, no injustice will be done to anybody and no inconvenience whatsoever will be suffered by Mrs. Okely or any other people in the locality. I think that explains the position. However, my principal reason for speaking was to indicate the urgency of this matter in order to keep faith with the Commonwealth Government.

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—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.

Second Reading.

Debate resumed from the 8th August.

MR. CROMMELIN (Claremont) [5.27]: This Bill has become necessary because of a collision by the passenger ferry steamer "Zephyr" with the traffic bridge at Fremantle on the last day of last year. At the time the accident happened, there was a very fast outgoing tide, with somewhat difficult cross-currents and, consequently, the vessel was carried sideways and crashed against the bridge, causing quite an amount of damage. One of the lines to Fremantle was put out of action to traffic for a little over a week.

It is interesting to note that under the Act, as it stands today, the owner of the vessel has 24 hours in which to report the occurrence of an accident by letter, or failing to do so within a period of 24 hours, then as soon as possible. It is also intersting to note that the report in the first instance on this occasion was made by a passenger on the vessel, who informed the Harbour and Light Department, which relayed the message to the Railway Department. As the Minister stated in his speech, had the damage to the bridge been more severe and had the master not carried out his duty in time, should a train have crossed the bridge fairly soon after, there could have been very disastrous results.

The amendment tightens up the Act considerably, and is quite justified. It provides that the master and no one else shall, immediately on sustaining an accident with his ship, report it to the Harbour and Light Department, and that within a period of 24 hours, or as soon as possible after that time, he shall forward a written report giving full details of the mishap. It is reasonable to assume that there are other boats, as well as the "Zephyr" capable of doing damage. Some naval vessels, with training crews, could be caught in cross currents so that damage could eventuate with quite probably worrying results. I feel the tightening up of the legislation in this respect is essential, and I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—STIPENDIARY MAGISTRATES.

Second Reading.

Debate resumed from the 8th August.

HON. A. F. WATTS (Stirling) [5.33]: I think the second reading can be safely supported by every member. It is, perhaps, a little unusual that the Minister for Justice should have undertaken to repeal the existing legislation and to re-enact it in the form of a new measure. There may be some advantages to be gained by doing this, so that at this stage I do not propose to criticise the Bill on that ground. There are, however, one or two questions I would like to ask the Minister before we proceed to deal with the Bill in Committee. The first is in regard to the clause which reduces the retiring age, in future, of stipendiary magistrates from 70 to 65 years.

It is true the measure stipulates that the magistrates listed in the schedule, who are the stipendiary magistrates, or other types that are to be made stipendiary magistrates, shall continue in office, as provided for in the present Act, up to the age of 70. Why I question the desirability of imposing the age limit of 65 is because of the remarks made by the Minister a few nights ago when he informed us of

the extreme difficulty he has in obtaining magistrates, and then proceeded to ask us to impose upon the clerks of courts, duties to which many of us objected on the ground that these officers already had too many duties and that more magistrates should be appointed.

The hon. gentleman confided in us, then, if I remember rightly, that it was not practicable to obtain more magistrates, and, if I also remember rightly, he said there was really only one person who was not now a magistrate—other than a legal practitioner—who was qualified by examination to act as a magistrate. He then went on to say that legal practitioners were not anxious to accept such positions, and I think he gave some statistics in support of that view.

So the Minister's position is this: He has not enough magistrates; he cannot obtain enough and so he is going to shorten the term of office, as it exists in the Act and would have applied to any new magistrates if the Government had been able to find them and appoint them, by no less a period than five years. This does not seem to be making any contribution towards the improvement of the position so far as the number of magistrates is concerned, or in relieving the difficulties which the hon. gentleman indicated his department was experiencing.

It is true, and I am perfectly aware of it, that the ordinary retiring age for officers under the Public Service Act in other aspects of Government employment, is 65 years. Without going into the reasons advanced by many people for some change, in view of the extraordinary things that have been done by medical science in recent years, I would suggest that in this particular case there would be nothing unreasonable in allowing the stipendiary magistrates to continue on the bench until they are 70 years of age, especially as there are express provisions in the measure enabling the Minister to bring their term of office to a close if three medical practitioners determine that their health is in such a condition that they are not fit to carry on.

Since 1930, the retiring age for stipendiary magistrates has been 70 years. There are ample provisions for removing them if they are unsatisfactory owing to ill-health prior to their attaining that age. Yet now, at a time when there is a shortage of magistrates and there do not seem to be people coming forward anxious to occupy such positions, the Minister proposes to amend the law which has existed for 27 years, by cutting down the period by five years. The only reason for this that I can see is the beautiful one known as uniformity.

I have previously expressed the opinion that uniformity in some circumstances may be desirable, but not when there are other reasons why it is undesirable. I am then reminded that there is no uniformity in nature. Everything and everybody is different; and we want to deal with cases in the light of circumstances. This being so, I feel convinced that the best thing we could possibly do in this instance, unless the Minister and those associated with him have solved the shortage of magistrates and have put themselves in the position that they do not have to impose unnecessary duties on clerks of courts, is to leave the law as it is in this regard.

Next, I shall pass on to a later stage in that same clause, and I would like the Minister to explain why it is necessary to enact paragraphs (a) and (b). The clause provides—

> Any magistrate shall be deemed to have vacated his office—
>
> (a) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts such resignation; or
>
> (b) if, after attaining the age of sixty years, he signifies by writing under his hand addressed to the Governor his desire to retire, and the Governor agrees.

I want an explanation as to why it is necessary to have the resignation and the retirement in two separate paragraphs when it would appear, at least to the uninitiated, that if a magistrate resigns he could do so at any time, and when he resigns, he is no longer a stipendiary magistrate or an employee of the Government. Therefore he does not have to wait till he is 65 years of age, but can resign before that time or after it.

It seems to me that either there is some considerable reason for this particular drafting, which the Minister has not undertaken to explain, and which I want him to explain if there is an explanation; or, alternatively, this part of the clause is waste printing.

I was also interested in another clause which states—

> Except as provided by this Act or under section nineteen of the Child Welfare Act, 1947, no person shall be appointed in a permanent capacity as a stipendiary magistrate, police magistrate, resident magistrate, or magistrate of a local court or otherwise as a paid or salaried magistrate.
>
> Any reference in any Act to a magistrate, howsoever designated otherwise than as a special magistrate, shall, unless the context otherwise requires, be construed to include a reference to a stipendiary magistrate appointed or deemed to have been appointed under this Act.

If members will look at Section 9 of the Stipendiary Magistrates Act, 1930, they will find it has a similar intent to the provision I have just read, in that it has this proviso—

> Provided that nothing in this section shall be deemed to abrogate or limit the power of the Governor to appoint wardens or establish wardens courts under the Mining Act, 1904, or to appoint coroners.

Maybe the question of coroners is covered, because the Bill states that every stipendiary magistrate shall be a coroner for the State. I do not think anything in the Bill would take away from the Minister the right to appoint an acting coroner where a stipendiary magistrate could not act. But will the Minister clear up the point as to whether it is necessary in this clause, as was the case in 1930, to make provision in respect of the wardens courts under the Mining Act? My own view is that it still is, but the Minister may have other advice, and I would be glad to hear him on the subject.

There is another difference, which I would like explained, between the Act of 1930 and the measure before us, and this occurs in the clause which provides that no person shall hereafter be appointed as a stipendiary magistrate in a permanent capacity unless he is qualified under Section 25 of the Public Service Act as a barrister or solicitor, etc. In the Act of 1930 there is a similar provision and that refers to Section 30 of the Public Service Act; both of them refer to the Public Service Act, 1904. I have not had time to compare the two sections— in any event I have no doubt that the Minister knows why there is a difference—but if Section 30 was the section under which magistrates qualified in 1930—unless the reason is that the Act has been reprinted and the number of the sections have been changed to a considerable extent—why does the Bill before us refer to qualifications under Section 25 of the Public Service Act? If there is a difference, what is it?

Further on in the Bill we have a proposal which says—

> Except as provided by this Act, the provisions of the Public Service Act, 1904, including provisions as to remuneration, leave of absence and allowances apply to all stipendiary magistrates, as if they were officers of the Public Service within the professional division thereof, and each magistrate shall be deemed to be within such department thereof as the Governor may from time to time direct.

There are two points in which I am interested and which the Minister might be good enough to answer. One is, "Does this proposal involve the existing magistrates who hitherto have had their salaries fixed by statute, or by Executive Council"—one of the two, but I am not certain which one—or "Will it involve those magistrates, if they consider they should be entitled to an increase in salary, in appearing before an appeal board, if the Public Service Commissioner does not happen to agree to their claims?"

If it means that, then I am a bit doubtful as to whether it is desirable, having regard to the fact that they are stipendiary magistrates, because, as I understand the position of stipendiary magistates, it is intended that they should have very definite and somewhat superior status. That was given to them in some degree by the 1930 legislation. The 1930 legislation provided "salary by statute" and also provided the maximum and the minimum. There is no reference to that in the Bill.

If I remember rightly, legislation has been introduced from time to time to change the salaries of those magistrates but it looks to me as though this Bill will throw them on to the Public Service Appeal Board, if they have any dissatisfaction in regard to their allowances.

The Minister for Justice: The stipendiary magistrates themselves are perfectly happy about it.

Hon. A. F. WATTS: I would like the Minister to explain why this has come about because, as I understood him in his speech the other day, he did not deal with that portion of the Bill. Beyond those queries, which I would like the Minister to answer before we attempt to deal with this Bill in Committee, I have no objection to the legislation and I shall support the second reading.

MR. BOVELL (Vasse) [5.50]: There are only one or two comments I desire to make and the first is to support the Leader of the Country Party in his aim to have the services of stipendiary magistrates retained until they reach 70 years of age. Men doing that type of work gain valuable experience over the years and I think it is desirable, because of that fact, that their services should be retained. They are called upon to act as Royal Commissioners, and so forth, in addition to their normal duties, so I ask the Minister to give serious and favourable consideration to the suggestions made by the Leader of the Country Party.

Recently we engaged in a debate in this Chamber regarding the work of clerks of courts and the Minister said at that time that magistrates were overworked. The Minister also said that difficulty was being experienced in finding suitable persons who would accept the office of magistrate in the State of Western Australia.

The Minister for Justice: It will be many years before newly-appointed magistrates become 65 years of age.

Mr. BOVELL: I quite appreciate that, and the difficulty may be overcome. But it does not alter the fact that men engaged on this type of work are able to carry out their duties until they are 70 years of age, especially as the Bill contains a provision that the Governor may remove or suspend from office any magistrate.

There is one matter as a point of interest. It might be that my knowledge of the position is not so great, but I would like the Minister to enlighten me in regard to this matter, or perhaps the Leader of the Country Party could do so. He did not touch on this question but referred to a clause in the Bill which states—

> No person shall hereafter be appointed a stipendiary magistrate in a permanent capacity unless he is qualified under Section twenty-five of the Public Service Act, 1904 . . .

The Leader of the Country Party did not go on, but the rest of that clause states—

> . . . or is a barrister or solicitor entitled to practise in a State of the Commonwealth or in the High Court of Justice in England or Northern Ireland.

Why has Scotland been left out? Had the clause said "Great Britain" I could have understood it.

The Minister for Justice: Do you come from Scotland?

Mr. BOVELL: My relatives did. There is a saying about Scots which runs something like this—

> There are only two kinds of people in the world, those who are Scots and those who would like to be Scots.

I do not know whether that is a fact or whether this omission from the Bill is an oversight, or whether there is some legal technicality. I would like to know from the Minister why Scotland, which is an acknowledged part of Great Britain, has not been included in that part of the Bill. With certain reservations, I support the second reading.

HON. J. B. SLEEMAN (Fremantle) [5.55]: I would like the Minister, if he can, to tell me why there is a difference between the age at which a stipendiary magistrate may retire and the age at which a judge of the Supreme Court may retire. One has to retire at 65 years of age and the other at 70. I have no objection to either of them carrying on with their duties until they are 70 years of age. These people have always done good jobs and as they are experienced and capable of carrying on until that age, I see no reason why they should not do so.

Friends of mine who served in the Navy tell me that it depends on one's rank what the age of retirement shall be. A captain has to retire at a certain age, a vice-admiral at a certain age and an admiral can carry on until he is older. It looks as though the same principle applies in this instance, but I should like the Minister to explain why there is a difference and why a judge of the Supreme Court can carry on until he is 70 years of age, but a stipendiary magistrate has to retire at 65.

Hon. A. F. Watts: Hear, hear!

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Progress reported.

BILL—JURIES.

In Committee.

Resumed from the 8th August. Mr. Moir 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.

The CHAIRMAN: Progress was reported on the clause after Hon. A. F. Watts had moved the following amendment:—

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

Hon. A. F. WATTS: Are not we going to hear anything from the Minister on this subject? Very strong reasons were set out by members on this side as to why the words should be struck out. The Minister has not said that he will agree, and that being so he must have reasons why he will not agree. If he has, I would like to listen to them. They might even possibly induce me to agree with him. As is well known, I objected to the fact that this penalty was to be imposed on the information of some person who was to receive the penalty, or could receive the penalty, if the court so ordered. When the Committee declined to accept the suggestion that the penalty be reduced from £200 to £50, the proposal was even more objectionable to me than it would have been if the penalty were reduced to a maximum of £50. In the circumstances, I must press for this amendment; because the Minister has afforded me no sufficient reason why I should not.

The MINISTER FOR JUSTICE: If I were to agree to this amendment, it would mean that the only persons who would come within the purview of this amendment would be those—

Hon. A. F. Watts: Who could satisfy the Attorney General that they had a case.

The MINISTER FOR JUSTICE: That is so. It would also mean that only those under penalty of death would be affected.

Hon. A. F. Watts: Not in this case.

The MINISTER FOR JUSTICE: It would apply ultimately, because the last amendment makes provision for that.

Hon. A. F. Watts: The last amendment can be ignored. I cannot successfully move it now when you make it an offence to report any trial. I cannot say that magistrates should exempt you from one sort of trial. So far as I am concerned, the last amendment is abandoned.

The MINISTER FOR JUSTICE: The Bill more or less complies with the recommendations of the select committee and I want to find out what the members of that select committee intended.

Hon. A. F. Watts: Did they recommend that informers should be paid?

The MINISTER FOR JUSTICE: No, they did not. But informers are subject to the court, and why should we not permit the court to exercise that discretion? I can see no reason why I should accept the amendment. I would like to quote an extract from the "Statesman and Nation" dated Saturday, the 26th January, 1957. It reads as follows:—

> This is the real point; and when, in the case against Dr. John Bodkin Adams at Eastbourne, his counsel objected to the prosecution's known plan to mention the death of persons not named in the charge, it was right and natural that he should ask, and be allowed, to make his objection in camera. The court was cleared; and so far from certainty is the law on this point that the argument about admissibility and "evidential value" went on for two hours, ending in the magistrates' decision that the other deaths might be relevant and were admissible. Now in view of the news items about the "Eastbourne inquiry" that have been appearing in the papers for at least six months, most people of reading age, including the twelve who, in due course, will have to form a jury to try the case impartially, must know about these other deaths. But once a man is on trial in respect of one of them, how is the purpose of justice served by the enormous publicity given to the much solider implications of the hearing in the magistrates' court?
>
> It is one of the greatest oddities in the whole of English criminal procedure, that these inquiries by "examining magistrates" into indictable offences are held in "open court", and reported throughout the country for every potential juror to read. Its strangest aspect is that the law does not require the magistrates to do it at all. "Examining magistrates", says section 4 (2) of the Magistrates' Courts Act, 1952, "shall not be obliged to act in open court"; and, so far from being new in 1952, that was merely a re-enactment, in rather plainer terms, of a similar provision of 1848. True, there had always been jurors who found room for doubt as to the real meaning of the 1848 provision, and the 1952 one (remarks Stone's Justices' Manual) "settles doubts that have long been held." It is common knowledge that the jury's murder verdict against Alfred Arthur Rouse in 1930 was probably due to the fact that the whole doubtfully relevant story of his extra-marital amours, openly told in the magistrates' court, had occupied newspaper front pages for many days. Whether Rouse was guilty or not (and the Law Journal expressed grave doubts at the time), what chance did he really have of a hearing by an impartial jury? . . . The popular hatred of "secret courts" has to be weighed against publicity for matters that may later have to be "expunged from jurors' minds." Under a recent Act, the magistrates in Northern Ireland always examine indictable offences in camera, unless the accused person requests otherwise . . . . more liberal even than the Scottish, where the preliminary inquiry is never public or reported. Why on earth are we so complacement in England in our belief that justice is best served by our methods?

It seems that this paper to which I have referred, even criticises the methods that obtain in England at the moment with regard to preliminary hearings. Dr. Adams was condemned by the reports in the papers before he entered the court.

Mr. Bovell: But he was eventually acquitted.

The MINISTER FOR JUSTICE: That is so, but he was condemned in the eyes of the public by what was printed. I want to know what the select committee intended when making these recommendations about preliminary hearings being held in camera, and reports of the proceedings not being published in the newspapers. I would not mind if it were left to the court's discretion. I oppose the amendment.

Mr. BOVELL: The Minister has given us a long discourse on the whys and wherefores of the recommendations made by the select committee. The point we are discussing at the moment is why an informer should be paid the penalties imposed earlier in this clause. The Leader of the Country Party, and members on this side, opposed the penalties which now stand as a minimum of £20 and a maximum of £200. We attempted to reduce the minimum penalty to £10 and the maximum to £50.

Hon. J. B. Sleeman: How do you make out that it applies to a common informer?

Mr. BOVELL: If the member for Fremantle will read the amendment he will see that it seeks to strike out the words "any person who with the authority".

Mr. Lawrence: With the authority of the Attorney General.

Mr. BOVELL: This amendment seeks to allow the fees to go to the court and not to a common informer. That is what we are dealing with at the moment.

Mr. Lawrence: Rubbish!

Mr. BOVELL: That is how I read it. The reference made by the Minister to the Adams case has no bearing on this amendment. As far as I can see, the select committee makes no recommendation that the fine should be paid to a common informer. From paragraph (b) of Subclause (1), I would take it that the fine should be paid to the common informer, and I would like the Minister to show me where the select committee, comprising members of the Legislative Council, recommended that that should be so. In my opinion, there is no such recommendation.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. BOVELL: Before tea I was discussing the matter of the common informer and the provision that a penalty of from £20 to £200 shall be paid to him. That is my interpretation of the clause. The Leader of the Country Party has moved to have that deleted so that the penalty shall go to the Crown. At the moment the penalties will go to the common informer or anybody at all as the court directs, but not to the Crown.

Hon. A. F. WATTS: I must ask the Minister to reconsider his attitude to this amendment. I am perfectly well aware that there are some cases in which the services of a common informer—usually known as a pimp—are made use of. In some instances, that may be inescapable —a very limited number, I think—but I will go as far as to say that there are a number of such cases. But it does not seem to me to be either necessary or desirable in the measure before us.

Everybody knows that I wanted to alter the offence altogether and to obliterate pretty well the earlier parts of this clause. But my effort was not successful; and so we have an offence where every newspaper that publishes any evidence in regard to a preliminary hearing for a criminal trial is either liable to punishment for contempt of court, or to a penalty of not less than £20 nor more than £200 on the information of any person who, with the authority of the Attorney General, sues for the penalty in any court of competent jurisdiction: and if the clause is not amended, the penalty so imposed shall be payable to such person as the court which imposes it directs.

So somebody has to inform the Attorney General that an offence has been committed. The Attorney General gives that person the authority to sue, and the court is authorised to pay the penalty to that person. If it does not pay it to that person, who is the informer, it will obviously not pay it to anybody else; it will go into Consolidated Revenue. But if the court does not direct that it shall go into Consolidated Revenue, it will certainly direct that it shall go to the informer. It will not go to a complete stranger, who has had nothing to do with the case. That is a most undesirable provision to have in this measure.

This is not a case where, in order to get a conviction, a lot of detective work has to be undertaken. In the course of his remarks, the Minister said that informers were used in connection with gold-stealing cases. But that is a very different proposition from this one. All that business is done clandestinely; every effort is made to evade the sections of the Act; absolutely no information is available to anybody except the parties concerned in the illicit dealing; and so, doubtless—as the Minister, I think, observed—it would be extremely difficult for the detective force to obtain a conviction in some cases without the assistance of such persons.

In this instance, however, it is a matter of the publication of evidence in a preliminary hearing before a magistrate, in a newspaper with a probable circulation of 150,000 or more. It is there for all the world to see. The newspaper publishes the information. It is not provided that they shall only publish some of it, or only the part that they are not told they must not publish. They are not to publish any of it. Therefore, as soon as any of the evidence of a preliminary hearing appears in the Press, the Press is liable. What in the name of fortune does the Minister want an informer for?

Hon. J. B. Sleeman: We don't!

Hon. A. F. WATTS: I am glad the hon. member does not, because I do not either, for the reasons that I have tried to give plainly. It is quite unnecessary, apart from the fact that it is not desirable, to use these persons, except in the rarest possible cases. In fact, I doubt whether it is desirable then; I used the word "inescapable" a little while ago. It is certainly not desirable to use them in these cases, and that is what I am trying to prevent by means of this amendment.

For my part, I am sorry the Minister was misled in the earlier part of the discussion this evening. He formed the opinion that I was dealing with another amendment, and, in the circumstances, I do not blame him for his attitude then. But he is quite clear on the matter now. That is all I want to remove from the Bill: this infliction of an informer in

circumstances where it is entirely unnecessary and unjustified, and with absolutely no recommendation whatever except that it is printed on page 35 of the measure.

The MINISTER FOR JUSTICE: Before tea I had the idea we had dealt with this matter, but we had actually dealt only with penalties. I do not like informers myself; but this position will be well safeguarded, because it will be subject to the court, and also to the Attorney General or the Minister for Justice, as the case may be. From experience, we know that our system is made up of pimps or informers. If use were not made of informers, the police would not be able to obtain convictions. The same applies in regard to gold stealing.

Hon. A. F. Watts: But the penalty is not paid to the informers in those cases; that is the difference.

The MINISTER FOR JUSTICE: Nevertheless, there are informers; and, as I have pointed out, the payment to the informer will be subject not only to the court but also to the Attorney General or the Minister for Justice.

Mr. Potter: Would not the informer be the aggrieved person?

The MINISTER FOR JUSTICE: That applies to a complainant in any case. There is not much difference between complainant and an informer.

Hon. J. B. Sleeman: You would not call a complainant an informer!

The MINISTER FOR JUSTICE: No, but he complains the same as an informer. I am not wedded to this provision; but I would like to see the reaction to it in another place, and what effect it would have on Clause 58. I want to be sure of the consequences. I might be to blame for not having this matter looked into; but I was very busy, and I thought we had dealt with the worst of it. If the Leader of the Country Party can tell me what the effect would be on the clause in general, I might give the amendment further consideration. But I want to impress on members that, when it is a matter of policing something, there are always informers; and some are very good people.

I do not like informers, and I would not be one. I would not inform on anybody—not even on the kids. I would not tell my wife that they had done somthing they should not have done. But I realise that our system requires informers; and unless we have someone to inform us, we have difficulty in getting information necessary to secure a conviction. On those grounds I oppose the amendment.

Mr. LAWRENCE: I move—

That progress be reported.

Motion put and negatived.

Hon. J. B. SLEEMAN: I am satisfied that this is an informer.

Hon. A. F. Watts: You disputed my contention before tea.

Hon. J. B. SLEEMAN: I will always admit when I think I am wrong. I am not often wrong, but I think I was wrong during the earlier discussion. I am satisfied that it would be an informer, and we do not want informers. The Minister tried to get over it by saying we have informers with regard to gold stealing. That is unfortunate. We have other things in that industry, too. When the informer has informed, the accused has to prove his innocence. One member suggested that the informer might be an aggrieved person, but an aggrieved person who prosecutes is not an informer. I intend to vote against the clause.

Mr. BOVELL: I am glad the member for Fremantle realises that the Bill contains provision for the fine to be paid to a common informer. It is our belief that if a fine is imposed, the Crown, and no informer, should benefit.

The Minister for Justice: It would be subject to the court and to the Attorney General.

Mr. BOVELL: I understand that newspapers registered under the newspapers registration legislation are sent to the Chief Secretary and it is only a matter of a clerk being detailed to peruse the reports of court proceedings from time to time in order that action may be initiated by the Crown, without an army of common informers seeking a reward of up to £200 for a misdemeanour—intentional or otherwise—on the part of some newspaper.

Many of the journals published in this State are provincial and are conducted by individuals who might transgress unwittingly, not being au fait with the law. I emphasise that this provision is not mentioned in the report of the select committee. No one has any doubt of the integrity of the Minister in this matter, and no one holds him in higher regard than I do, but on this matter of high principle I feel progress should be reported.

Mr. POTTER: I understand that the select committee submitted a draft Bill and I do not think this clause implies a common informer. The Minister said that often matters come before the court on the information of the responsible parties and he mentioned gold stealing. As this payment to the informer is subject to the court and to the Attorney General, I think the Committee should retain the provision until the Bill comes before another place, from whence the select committee was appointed.

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

Ayes	19
Noes	19
A tie	0

Ayes.

Mr. Ackland	Mr. Owen
Mr. Bovell	Mr. Perkins
Mr. Cornell	Mr. Roberts
Mr. Court	Mr. Rodoreda
Mr. Crommelin	Mr. Sleeman
Mr. Evans	Mr. Thorn
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Nalder	Mr. I. Manning
Mr. Oldfield	*(Teller.)*

Noes.

Mr. Andrew	Mr. Marshall
Mr. Brady	Mr. Norton
Mr. Gaffy	Mr. Nulsen
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rhatigan
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Tonkin
Mr. Kelly	Mr. May
Mr. Lawrence	*(Teller.)*

Pairs.

Ayes.	Noes.
Mr. Brand	Mr. Hoar
Sir Ross McLarty	Mr. Hawke
Mr. Hearman	Mr. W. Hegney
Mr. W. Manning	Mr. Toms
Mr. Grayden	Mr. Lapham

The CHAIRMAN: The voting being equal, I give my casting vote with the noes.

Amendment thus negatived.

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

> That all words after the word "corporate" in line 13, page 36, down to and including the word "offence" in line 18 be struck out.

While a company cannot go to gaol for contempt of court under paragraph (a) of Subsection (1), it could be fined if the court considered a fine preferable to imprisonment, and under paragraph (b) a penalty of not less than £20 nor more than £200 could be imposed. The effect of the words that I desire struck out would be that the company could be fined the maximum and then every director, secretary or manager who had anything to do with the company at the time could also be liable separately for the offence. I do not think that is fair, as I believe it to be sufficient if one of them is penalised. It is for that reason that I have moved the amendment.

The MINISTER FOR JUSTICE: To agree to the amendment would make the whole clause null and void.

Hon. A. F. Watts: Did you notice the words "he also is liable"? So, in effect, there are two penalties for the one offence.

The MINISTER FOR JUSTICE: I could not agree to this amendment. If we are going to provide that any director, manager, secretary or officer is not to be held responsible, it would completely nullify the effect of the clause. I ask the Committee not to agree to the amendment.

Mr. BOVELL: Again I support the amendment moved by the Leader of the Country Party. As the clause stands now, not only the body corporate, but also the director, manager, secretary or officer of that body corporate would be liable. So there could be two fines imposed for the one offence.

Mr. Lawrence: No, the clause reads, "he also is liable."

Mr. BOVELL: Having agreed to the penalties provided under this clause, the Committee has to ensure a fair interpretation of this legislation. If a penalty is to be imposed, it should be imposed on the company or body corporate concerned.

The Minister for Justice: That would mean that you are going to leave those people who are vitally concerned right out of the picture.

Mr. BOVELL: The company concerned could deal with them. I have heard the contention, put forward by those members supporting the Government, concerning industrial legislation, that offenders against a union should not be dealt with by the court as well. This clause directs that a fine shall be imposed against the company and also imposed against a director, manager, secretary or officer.

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

Ayes	16
Noes	22
Majority against	6

Ayes.

Mr. Ackland	Mr. Oldfield
Mr. Bovell	Mr. Owen
Mr. Cornell	Mr. Perkins
Mr. Court	Mr. Roberts
Mr. Crommelin	Mr. Thorn
Mr. Hutchinson	Mr. Watts
Mr. Mann	Mr. Wild
Mr. Nalder	Mr. I. Manning
	(Teller.)

Noes.

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

Pairs.

Ayes.	Noes.
Mr. Brand	Mr. Hoar
Sir Ross McLarty	Mr. Hawke
Mr. Hearman	Mr. W. Hegney
Mr. W. Manning	Mr. Toms
Mr. Grayden	Mr. Lapham

Amendment thus negatived.

Clause put and passed.

Clauses 59 to 62—agreed to.

Clause 63—Jurors' fees and allowances:

Hon. J. B. SLEEMAN: I do not think we should agree to have jurors' fees and allowances fixed by regulation because in the past the Governor has been known to be not too liberal at times. Jurymen are often paid fees that are insufficient. It would be a simple matter to fix jurors' fees for the different areas throughout the

State. Provision should also be made for the fees to be the same for both jurywomen and jurymen. For years I have been endeavouring to have women given the right to sit on juries, and if that is eventually brought about, I sincerely hope that they will receive the same fees as men.

Mr. EVANS: I support the remarks of the member for Fremantle on this clause. Government by regulation has become, I think, government by strangulation. There are too many instances of regulations being made instead of an Act of Parliament being passed. Encroaching upon a private member's rights, by making regulation after regulation in instances such as this, is entirely unfair and is going too far. We attend here to make legislation and to watch over existing statutes. There is nothing stipulated in this clause to indicate that the fees to be paid to jurors shall be fair and reasonable. In many cases a juror has suffered financially as a result of his attendance in court as a juryman. As the member for Fremantle has said, there is nothing in the clause to indicate whether jurywomen—if they are given the right to sit on juries—shall be paid the same fees as men. Therefore, I intend to vote against this clause.

The MINISTER FOR JUSTICE: Contrary to the view that has just been expressed, I consider that a good deal can be achieved by regulation. This method is not so cumbersome as bringing down a piece of legislation. As is well known, any member can move to disallow any regulation. Over a period of years fees can fluctuate and also the value of money can move up or down. If we had to listen to the views of everyone in the community, very little would be achieved. I know at times that members do miss a regulation that is made, but we have only ourselves to blame. This clause is designed only to facilitate matters so far as jurors' fees and allowances are concerned.

No difficulty has been experienced with the present procedure. It is much simpler and not as cumbersome as the method suggested. The provision in the clause will make it possible for the Government to adjust the position when money values fluctuate. If we are to fix the fees, we must prescribe the whole lot in the Bill, but are we to take into consideration the different stations of life? Some people earn between £30 and £50 per week, and if they are called to serve on a jury, are they to be paid that rate?

Hon. J. B. Sleeman: They should get not less than £20 a week for that service.

The MINISTER FOR JUSTICE: If they are to give service to the State in the capacity of jurymen, they should be more helpful. The Under Secretary for Law is very fair and just in this regard, and if he finds that a juryman has been penalised through having to travel over a great distance or who suffers a loss in his business as a result of jury service, he will make a recommendation for appropriate payment. It is very seldom that any such recommendation is refused.

Hon. A. F. WATTS: I have some sympathy with the views of the member for Fremantle and the member for Kalgoorlie. It is perfectly true that for a long time people have been called up for service as jurymen and have suffered financial loss in respect of their daily rates of pay. When one realises the responsibility, and in many cases the great mental and other unpleasantness that follow attendance as jurymen, when sordid evidence has to be heard, and decisions have to be made over life and death or something approximating thereto, some attempt should be made to ensure that financial loss would not accompany jury service.

While I could move an amendment to this clause to make provision to cover those conditions, I would much prefer the Minister's agreeing to insert an amendment to the clause. I can realise the difficulties in having to draft it here, so I will not press for it now. I take it the Minister has been taken somewhat by surprise in this case, but if he does not feel disposed to make a suitable amendment, then I shall have to move one. That would certainly raise the issue, and my amendment could probably be improved upon subsequently. I shall have to move it rather than let the matter be dismissed without further consideration.

Mr. JAMIESON: I, too, consider that far greater regard ought to be given to jury service than has been given in the past. It is true that no applications for adjustment have been made, but surely if a person is obliged to serve on a jury, the Government should formulate regulations, if it is determined to fix the fees by regulation, in such a way that no juryman will suffer financially in the giving of such service. It is all very well for the Minister to say that if the fees are to be fixed by regulation, they can be adjusted from time to time. The point is that some people will not go to the trouble of getting justice for themselves, thinking they will not be called up for jury service for a long while to come. In many cases jurymen have suffered injustice at the hands of the Government and those charged with administering this legislation.

The MINISTER FOR JUSTICE: The wording of the clause is clear enough. It would be very cumbersome to fix a scale of fees in the Bill. No one is more sympathetic in these matters than I. As yet I have received no complaint in regard to remuneration for jury service. If I thought that people serving as jurymen would be penalised by having the fees prescribed by regulation, I would be the first to accept the suggestions that have been made. This clause is designed to facilitate matters concerned with payment for jury service.

If the member for Beeloo wants a guarantee that jurymen will be fairly treated, I am prepared to give it. If a scale of fees is to be prescribed in the Bill it will be subject to the direction of members of Parliament. My department has been very sympathetic in these matters. If the fees are prescribed by regulations, a better chance will be given to alter the fees when money values fluctuate. I believe that this year salaries will become much higher, so it would be wise to prescribe the fees by regulation.

Hon. A. F. WATTS: I do not doubt the bona fides of the Minister or his department, but here we are dealing with a brand-new law in regard to juries. Surely now is the time, if Parliament has any opinion, for it to be expressed! Most of us will agree that at times jurymen have been placed at some inconvenience over the pay for their services. I therefore move an amendment—

> That after the word "State" in line 21, page 37, the following words be added: "provided that no fee prescribed shall require a juror to be paid less for each day of jury service than his daily rate of pay in his usual occupation, not exceeding £5 per day."

The MINISTER FOR JUSTICE: On principle I must oppose the amendment. A juryman earning £50 a week gives exactly the same service on the jury as another juryman who is earning £10 a week.

Hon. A. F. Watts: I stated that the remuneration shall not be less than his daily rate of pay. I did not say more than that. Nothing can be fairer than my amendment.

The MINISTER FOR JUSTICE: If the hon. member will agree, I shall see whether the amendment can be dealt with in another place.

Hon. A. F. Watts: I offered that in the first place.

The MINISTER FOR JUSTICE: The hon. member did not put forward a proposition. We can give consideration to the amendment in due course. I am afraid that it will not be equitable as it tends to differentiate between different classes of people, although they do the same work. They should be paid on the same basis. Consideration will be given to the amendment in another place and we may be able to arrive at one that is suitable to all.

Hon. J. B. SLEEMAN: If the Minister is prepared to put up a proposition in another place, I shall be satisfied. If he says there has been no complaint about the remuneration for jurymen, I do not know where he has been in all these years. I am receiving complaints continually, and only a few weeks ago a person asked me if I could get him exemption from jury service because he said that he had been robbed the last time he served on a jury and he did not want it to occur again. He is working in a fitting and turning shop and it is easy to ascertain what he is earning.

Mr. Lawrence: Who robbed him?

Hon. J. B. SLEEMAN: The Government, I suppose. I say to them, they must do their duty to the country.

Hon. A. F. WATTS: Now that the Minister has accepted the idea, I shall ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

First Schedule—agreed to.

Second Schedule:

Mr. BOVELL: This schedule deals with those persons who are exempted from jury service and it is, in my opinion, a rather formidable list. In that list there are intelligent people who belong to professions and they are being deprived of jury service. Why should secretaries of road boards, schoolmasters, schoolteachers and town clerks be exempted from service?

The Minister for Works: Do you want to move to make them serve?

Mr. BOVELL: They should be liable the same as anybody else, and I would not object to members of Parliament serving, although I would exclude members of the Executive Council, if that would please the Minister. Included in the professions exempted are some which would contribute in a great manner to the satisfactory conduct of the jury.

The Minister for Justice: The list is in common with the Acts of England and Australia.

Mr. BOVELL: Not all the legislation we pass in this Parliament is identical with that of other places and countries, and a reform in this matter may not go amiss. Juries are being denied the services of people well qualified, with their academic qualifications, to serve, and I would like to see this list smaller. In view of the great alteration which this Bill makes to our jury service, this list should have been revised and curtailed to a degree.

Mr. COURT: I was hoping the Minister would rise at the request of the member for Vasse and explain why we stick to this list of people who are exempt from jury service. We can readily understand that some are traditional exemptions, but there are some names left because it is the custom. Some of the best brains of the community are exempt. I cannot see why a professor, a lecturer or the registrar of the university should not be called upon, as I cannot think of anyone more suited than they. There is no reason why they cannot be excused from the university for a few days in order to take their places as jurymen.

The Minister for Justice: They know nothing about the outside world.

Mr. COURT: The university today is closer to the community than it used to be. That is the objective throughout the world.

The Minister for Justice: I was with a university professor in the Goldfields and as far as he was concerned, he was the biggest fool I ever struck. If you turned him around twice, he was lost.

Mr. COURT: Whilst I could not deny that a Minister could strike an exception, he is being unfair to university professors and lecturers because they are understanding people and are in touch with the world. They have a lot to do with young men and women and perhaps they understand more about human problems than most of us. I think the Minister could give some reasons why this list has been adopted. Most of them we can see because of some particular duty which might arise in an emergency. However, there is hardly a person who is called who is not inconvenienced. I think the Minister should give some explanation as to why the schedule. has been adopted.

The Minister for Justice: Will you move an amendment?

Mr. COURT: If the Minister will explain why these people are included in the schedule, I will consider moving for the deletion of some of them.

Mr. JAMIESON: I would like to ask the Minister why certain people have been left out of the list. I notice in Part II the Commonwealth railways commissioner and employees under the Commonwealth Railways Act, 1917, are exempt. As I understand the Juries Act, State railway employees were exempt and it would appear to be anomalous if one type of employee can be included. I also think it went so far as to exempt people working in the Midland Railway Co., in the previous Act. Perhaps the Minister could explain why the schedule has been altered to remove these people from the list of exemptions?

The MINISTER FOR JUSTICE: I do not know too much about the reasons for these people being exempted. Should clergymen be included?

Mr. Court: I cannot imagine a better person with his understanding of human problems.

The MINISTER FOR JUSTICE: Why not allow members of Parliament to serve?

Mr. Court: I understand that in some parts of the world they do serve.

The MINISTER FOR JUSTICE: It would be inconvenient for a pilot, and would also be inconvenient for judges and dentists, as they may have to keep appointments. I expect this list has been compiled through trial and error and, no doubt, the exemptions have been tried. Fire brigades officers and members seem to be fair exemptions, as well as the Governor and officers of his household. It would be inconvenient for school teachers or masters to be away for a week or five days.

Mr. Court: There would only be one at a time.

The Minister for Works: Some schools have only one teacher.

Mr. Court: Some businesses have one manager, and they can lose him for a week sometimes.

Mr. I. W. Manning: What about the one-man storekeeper?

The MINISTER FOR JUSTICE: There are very few of them in the metropolitan area.

Mr. Oldfield: What about suburban butchers and grocers?

The MINISTER FOR JUSTICE: These exemptions have been taken from other Acts. A single man in a store could make application for exemption and this would be given consideration by the sheriff.

Mr. Ross Hutchinson: I think there are sound reasons for most of the exemptions, but can the Minister give one for chemists?

The MINISTER FOR JUSTICE: Yes, he is an important person who is prescribing medicines. Doctors in the country could be waiting for prescriptions and it is important that the chemist should be there.

Mr. Oldfield: What about mine managers and engine drivers?

The MINISTER FOR JUSTICE: An engine driver moves around the country.

Mr. Oldfield: These are engine drivers on mines.

The MINISTER FOR JUSTICE: Members know as much about it as I do. I can only say that this has been taken from other Acts and it has applied for hundreds of years. These exemptions are the best that can be suggested.

Mr. OLDFIELD: This has been one of the bones of contention in connection with the jury list for years, and I think the Minister should have a realisation of the problems. What happens when a jury list is made up is that, generally the policeman walks around the district, mostly on a Saturday afternoon, and he puts anyone who is working in the garden on the list. The person who goes to the races or football, is not included. It is obvious that a person who did not want to be put on the list would prevail upon some friend at court to have his occupation exempted.

The present list is not as restricted as the previous one. A chemist is involved in no greater hardship in going away from his shop than is a butcher. A chemist can arrange for a dispenser just as easily as a butcher can arrange for a tradesman. But what about the butcher's apprentice?

Some time in the days when the Goldfields returned a preponderance of members to Parliament, no doubt the mine managers did not want to act on juries and their members had them excluded, and also the engine drivers because, perhaps, they were necessary to keep the mines pumped. This provision does not operate when a mine employs less than 10 men. I would say it was more important to exempt the engine drivers on a mine with less than 10 men than those of a large mine with an abundance of men.

The Minister for Justice: Do you think we should have any exemptions?

Mr. OLDFIELD: Now the Minister is really starting to talk! Why should there be any exemptions? Why should not every mother's son do his duty on the jury.

The MINISTER FOR WORKS: There is a very good reason for the list of exemptions. Generally speaking, the underlying principle is not inconvenience to the individual concerned, but inconvenience to others in the community, and the community generally. The member for Mt. Lawley demonstrated that he was right off the beam when he dealt with the illustration of mine managers and referred to mines with less than 10 men.

Mr. Oldfield: They are not exempt.

The MINISTER FOR WORKS: For the simple reason that on a very small mine not many persons would be inconvenienced if the manager were away. If we have a large number of men carrying out intricate operations, and they are dependent upon a particular man, that man should be available. Take the chemist in a country district. He might be the only one within miles. If he were called upon to serve on a jury and someone is taken seriously ill, there would be no one to dispense medicine for the sick person. The community then is seriously inconvenienced because the man is absent.

Take the school teacher: Whilst the matter of exemptions is of little importance in a large school in the city, it is serious in regard to a teacher in a country school, where he is the only teacher there. If we were so short of jurymen that we had to rope in everyone, we would not consider these exemptions, but we are never in that position.

Mr. Court: Why was the exemption extended from school masters to school masters and school teachers?

The MINISTER FOR WORKS: There is no difference.

Mr. Bovell: Yes, there is.

The MINISTER FOR WORKS: There is not, except that we could not very well call a female assistant a school master. The headmaster of a country school is only called a headmaster because he is the only one there. He is everything. There is really no difference between school masters and school teachers.

Mr. Andrew: Are there jury trials in small country towns?

The MINISTER FOR WORKS: Yes.

Mr. Oldfield: How would it inconvenience the public by having legal practitioners on the jury?

The MINISTER FOR WORKS: I did not say this was an all-sweeping reason. I said that, generally speaking, the underlying reason was service to the public. It could even be argued that in causing a lawyer to act on the jury, we could be inconveniencing the public. He might be called upon to serve at the very time he was supposed to appear in court for his client.

It would be stupid to include some of the exemptions. I might refer to the byplay in regard to university professors. Cecil Rhodes once said of professors—I do not subscribe to this myself; I have a different opinion—that they were people whose opinions he would invite last and reject first on matters outside the university.

Mr. Court: That was a long time ago. I think you would agree there has been a change.

The MINISTER FOR WORKS: I said I did not subscribe to that view. The list has been compiled as a result of long experience and practice all over the world, and there is very little difference in the exemptions. If there were a shortage of jurymen we would limit the exemptions, but because there is no shortage, it is possible to grant them in the interests not of the individual concerned but of the community or sections of the community. For this reason the exemptions ought to remain.

Mr. BOVELL: I raised the matter because I wanted to get the best possible persons to serve on juries and it occurred to me that the list precluded a lot of people who were qualified, academically and otherwise. I admit that when it comes to deleting some of them it is almost as difficult as to compile the list of exemptions. I believe that with the complete revision of the jury system, as the Bill provides, some consideration should have been given to include people who, I believe, have the vital qualifications to serve on juries.

Schedule put and passed.

Third Schedule—agreed to.

Title:

Mr. BOVELL: The Minister promised to reconsider recommitting Clause 17 which involves the Electoral Act and the Jury Act. I would like to know what he proposes to do.

The Minister for Justice: I intend to have the Bill recommitted.

Title put and passed.

Bill reported without amendment and the report adopted.

BILL—ELECTORAL ACT AMENDMENT.

Second Reading.

Debate resumed from the 1st August.

HON. A. F. WATTS (Stirling) [9.0]: This is a Bill which I regret to say I cannot support. There are two or three clauses in it that are not objectionable, but there is so much in it that is that, so far as I am concerned, it had better not pass the second reading. I would like to say, before I pass on to making some slight analysis of some of the provisions in the Bill, that there is a great deal of this measure which is merely re-enacting, with slight amendments, some of the provisions which are already in the Electoral Act.

While it may be the modern method of draftsmanship to repeal existing sections and re-enact them with only slight amendments, it does not appeal to me because it takes a considerable amount of effort looking for the nigger in the woodpile, which in some cases is not there and one spends a great deal of one's time in going through clauses which, when one has finished comparing them, are virtually the same as sections which are already in the parent Act. Sometimes a combination of more than one of the sections of parent Acts are to be found in one clause of some Bills. In some cases, that is what has happened with this legislation.

However, I notice that one of the earlier amendments in the measure is to increase the cost of electoral rolls from not exceeding 1s. to not exceeding 5s. I am aware that it says "not exceeding" and therefore the charge could be 2s. or 3s. and not 5s., but I am of the opinion that if for some of these electoral rolls a fee of 5s. were fixed, it would be decidedly excessive, particularly as I think it is very desirable that the public should be able to obtain easy access to such documents and at a reasonable figure.

I notice, too—and this is more a matter of notation than anything else—that it is proposed to delete paragraph (b) of Section 18 of the Act. That appears to have been handed down from very early times. There was a provision in the Act, in paragraph (b) of Section 18 that persons who were wholly dependent on State relief should not be able to enrol themselves as electors. I daresay when the original Electoral Act was passed, there were a number of such persons, but the number of persons coming within that category today, in these times of Federal social services, must be extremely small, because the section says "wholly dependent on State relief". I doubt very much if there are any such persons at present; at best, the number must be extremely small.

In any event, I am not anxious to be a party to preventing a very small number of persons, if there be any who should happen for the time being to be in that unfortunate position, from exercising the franchise; so I have no objection to the deletion of the paragraph. As I said, I merely mentioned it because it appears to refer to ancient history when we had a gentleman who was known as the superintendent of public charities, a position long since lost in the mist of antiquity.

The Minister for Justice: It is merely to clarify the position.

Hon. A. F. WATTS: I appreciate that and I have no objection to it. I notice that one of the principal amendments in the Bill is to enable the Chief Electoral Officer to impose small penalties ranging from 10s. for a first offence up to but not exceeding £2 if the offence is repeated, without taking any proceedings. That, of course, has been done for quite a considerable time. So far as I know, it is a reasonably satisfactory business and there seems to be not the slightest need to amend the law as it is proposed to be amended under this Bill.

The Minister for Justice: It is pretty terrible when they have to be taken to court. The Chief Electoral Officer can deal with them.

Hon. A. F. WATTS: The Chief Electoral Officer has been imposing minimum penalties for a considerable time and persons have been paying those penalties. That is virtually all the proposal says. It says that he can do it and if the person does not like it that way, he can go to court. The average person likes it that way and so I cannot see any need to provide for something that is already being done. That is what I am trying to point out.

The Minister for Justice: They are doing it in the Commonwealth.

Hon. A. F. WATTS: I am aware of that; and the Chief Electoral Officer of the State is doing it also. There are some tinkering amendments. For example, Subsection (4) of Section 45 of the principal Act is to be struck out. That subsection provides that the registrar shall give a person a receipt for his claim card. As I said earlier, in dealing with this peculiar method of repealing and re-enacting, I immediately took exception to that proposal because I think that a man should have a receipt for his claim card if he wants it, and I felt that Subsection (4) should not be repealed. But I read a little further on in the Bill and found that there is a provision for a person to be given a receipt for his claim card. So one wanders about all over this jolly Bill looking for a nigger in the woodpile which is probably not there and one wastes a deuce of a lot of time. However, let me pass on from that.

The Minister for Justice: You do not like re-enactments.

Hon. A. F. WATTS: I like the amending system far better because one knows that one is amending something which is in the existing law unless, of course, the amendments are so considerable that it is better to repeal the whole section and explain the reason why one wants such tremendous amendments. But when the amendments are only, as in some cases they are in this Bill, of a minor character, I can see no reason for their repeal and re-enactment.

Again, I notice, too, that Section 46 of the principal Act is repealed and re-enacted, and the only thing I can find about it is that the Bill says—

> Upon the receipt of a claim for enrolment the registrar—
>
> (a) shall note on the claim the date on which he received it; and
>
> (b) shall, if the claim is in order, and he is satisfied that the claimant is entitled to be enrolled, forthwith
>
> (i) send the claimant an acknowledgment of the receipt of his claim;
>
> (ii) enter on the roll the name of the claimant . . . .

Section 46 of the principal Act did not say anything about the registrar being satisfied that the claimant was entitled to enrolment. All it said was, "if the claim is in order and not objected to."

I remember that in the Local Government Bill there was a provision which said that the clerk should enrol all the persons who had applied and also those whom he thought were entitled to be enrolled, to which strong exception was taken in this Chamber on the grounds that it did not limit the clerk to enrolling the persons who had made application, according to the law, for that privilege, but he could look down the street and say, "There goes Bill Brown. I think I will put him on the roll." It strikes me that that is what is wanted in this clause because it says "and he is satisfied that the claimant is entitled to be enrolled", only it is slightly in the reverse to what I said just now. He will say, "There is Bill Brown's name on the list. I do not think he should be on the roll, so we will leave him off." I think it would be better if we left Section 46 of the principal Act as it is at present.

Then, of course, the repeal of Section 47 of the Act has cut out all the objections to claims which have existed in the electoral law for many years. If this Bill becomes law, a person will be enrolled before anybody will be entitled to object; and I do not think that is a very good proposition. I see some difficulty here when applications for enrolment are made close to the time when the roll is to close. Under the present system one can object to the claim, but if this Bill becomes an Act, one will be able to object only to the name on the roll.

The net result will be, in the circumstances to which I have referred, that one will not be able to object because by the time the objection can be heard the election will be over. All these delightful problems will crop up, and in such cases the objection will have little or no validity —at least not in the great percentage of cases. So I do not want to see Section 47 of the Act repealed.

Then we come to the provision in regard to the objector to the name on the roll. This is a new provision that has been tucked into Section 48 which seeks to repeal Subsection (1) and to amend Subsection (2) of the principal Act. It tucks this in and says—

> (ea) The objector shall, if he desires to support the objection appear in person at the hearing of the objection.

The Minister for Justice: I think that is fair.

Hon. A. F. WATTS: I do not think it is fair. There may be a variety of reasons why he cannot appear, and yet the Bill goes on to say that if he is unable to be there, the objection fails—no matter how good it may be, or how completely the magistrate might be satisfied, from other evidence or information, that the objection is perfectly good. But because the objector is unable to be there in person—he might be in Royal Perth Hospital, or he might be anywhere—the whole of his claim falls down.

The Minister for Justice: We have had people from Shark Bay who have lodged objections and have had agents to deal with them here.

Hon. A. F. WATTS: I cannot help that. There may be people who take an unfair advantage of the right of objection. But there could be people who lodge perfectly bona fide objections and who are unable to be present to uphold them. Under this proposal the whole of their objection falls down, no matter how good it is. That is not justice, and I do not support the provision. I notice also that there is provision for the time at which a writ shall be deemed to be issued or to commence. I think now the provision is that it shall be deemed to be issued from the commencement of the day it was issued.

The Minister for Justice: Maturation of a fortnight has been cut out.

Hon. A. F. WATTS: I suppose that 12.1 a.m. is the commencement of the day. The rest of the amendment might have been all right if it did not provide that it shall be "the hour of six in the afternoon." Now we come to the provision which seeks to

alter Section 70 of the principal Act by taking out the necessity for 35 days for the Legislative Council elections for the North Province. I would suggest to the Minister that that provision is desirable in view of the situation in parts of the North Province. While it is true that means of communications are improving, I feel that they are not yet up to the standard which would bring these people into the same category as those in the South-West Land Division. It might be desirable, I would suggest, not to amend it in the way the Minister seeks to amend it, but to do so in such manner as will make it apply equally to people in similar circumstances, not in the North-West Province, but in such places as the Warburton Ranges—for example, those in the Nickel prospecting areas—so that they could be entitled to a similar benefit. But that is not contained in the Bill, and I will not dilate upon it.

I would like to point out, however, that the 35 days provision was, I fancy, highly convenient during March and April, 1956, because having to wait that extra time for the North-West Province and having decided to hold the Legislative Council and the Assembly elections on the same day—possibly for the first time in the history of self-government in Western Australia—the result was that the elections were not held until the 7th April. I suggest that was highly convenient to the Government, so it should not complain about leaving the words in. It was highly convenient because certain things happened in the Federal sphere which did not exactly lessen the Government's opportunity for propaganda and its chances of success. I am opposed to the proposal as contained in the Bill.

Now we come to what is really the star piece of this measure, namely that a person who nominates himself as a candidate for election may make application for a party designation to be shown in connection with his name on ballot papers for the election. I daresay if it stopped there—that is to say, if it enabled the candidate to state what party he was representing and arranged for the electoral officer to have it placed on the ballot paper—I would not be standing on my feet at present. But it does not stop there.

It proposes to go on with what I think are not only cumbersome but completely undesirable provisions, firstly, in the way of an application by political party organisations to the Chief Electoral Officer with vast particulars of everybody concerned in the organisation, not only to have his name and address provided but also to provide a specimen signature; and the chief executive and chief administrative officer of the organisation has to sign also. There has to be a statement made in writing by each of the signatories to the application that he is authorised by a majority of the members of the party to make the application on behalf of the party, if such is the fact, which statement he has signed and verified by his solemn declaration—

The Minister for Justice: That is only a safeguard.

Hon. A. F. WATTS: Not at all. It is a plain unadulterated impossibility. There is no definition of party here, as used in this connotation. It is apparently intended to refer only to organisations behind the question of endorsement of members of Parliament; and so, this statement, which has to be verified by statutory declaration, has to prove that it is authorised by a majority of the members of the party. I do not know how many members there are of the Labour Party—that is, outside Parliament House—but let us imagine for a moment that the number is 30,000. This would mean that 15,001 people would have to authorise the executive officer of the organisation to sign this paper.

How in the deuce are they going to do it? They cannot all meet together; there would not be a hall in Perth big enough to accommodate them if there were as many people as I have referred to; or even if there were considerably less than that. As I have said, if there were 30,000 members it would mean that 15,001 would have to give the necessary authority; if there were 10,000 it would mean 5,001 would have to authorise the executive officer to sign the paper. As it stands, this is virtually impossible. In any event even if it were not, I think the whole proposal is unsatisfactory.

As the Leader of the Opposition said a few nights ago when referring to this Bill, if the Chief Electoral Officer, having received this application duly authenticated, decides to reject that application, then there is an appeal to the board of review. If this board of review were to be an independent tribunal, it would be open to less objection than is the provision in this measure. But it is nothing of the kind, because the Chief Electoral Officer is going to be the first decider, and he is going to be chairman, and the second decider, and also the final decider—to wit the board of appeal.

The Minister for Justice: He is in a minority.

Hon. A. F. WATTS: Admittedly, but who are the other representatives? Like most of our three party tribunals in the past it will turn out to be two to one. In the past it has either been the chairman and the Government nominee on one side, or the chairman and the non-Government or employers' nominee on the other. I have no hesitation in saying that if we are to have this type of legislation—which I hope will not be the case—then we should have some independent tribunal to deal with that type of appeal.

The Minister for Justice: Are you in favour of designation?

Hon. A. F. WATTS: If the paragraph stopped where it began, namely, at the beginning, I would have no objection, but when it goes on to this machinery, and some of it impossible machinery, giving effect to the principle of investigation and inquiry, and probing which is all implicit in this measure, I just don't want it; that is all there is to it.

I do not think any reasonable person would want it in any circumstances at all. So far as I can see, it is specifically designed to keep somebody out. I do not know who that somebody is, but the requirement that one cannot get party registration and that one will only be entitled to use the word "independent" indicates that it is intended, or hoped, at least, to keep somebody from getting party designation; somebody who might claim to have a party organisation of some sort. In all the circumstances of the case, I think we had better leave it alone.

There are a number of other minor amendments to which I am opposed, but they can be dealt with better in Committee. There is a last one, however, to which I wish to refer, and that is one adding to the list of illegal practices. It is an amendment to Section 187 of the principal Act. It makes this now an illegal practice—

> Without the authority of a party registered under section seventy-seven A of this Act, representing in any manner visual or audible that a candidate or person is, or will be, authorised by endorsement of his nomination by the party to use of the name or party designation of the party, or any word or words indicating that name or party designation, whether alone or in conjunction with that or those of any other party or parties so registered.

I would like the member for Mt. Lawley and the member for South Perth to have a good look at that proposed addition to Section 187 before they agree to vote for it. With those few comments, I oppose the second reading of the Bill.

MR. I. W. MANNING (Harvey) [9.30]: I intend to oppose the second reading. While the Bill provides for several alterations which might be of some advantage, there are a number of contentious clauses in it which are not in any way acceptable to me, and therefore I intend to oppose the Bill in its entirety.

My main objection is to the clause altering the residential qualifications and changing the period from three months to one month. If I remember rightly, that provision was amended in 1947 when the period was changed from one month to three months; and that was a very good move indeed. It prevents any great movement of people from one electorate to another and their enrolment for the new district, with a consequent influence on the subsequent election. It is easy to understand that that would not be advantageous to good order and government, because people going into a new area would not be familiar with the local set-up, and in the period stipulated would not have time to settle in.

It is not fair to require such people to be enrolled within one month of arriving at a new destination. It takes some time for people to settle in, and we know that under the present requirement of three months, many people have experienced difficulty in becoming enrolled. This measure will increase their difficulty. But my main objection is that one month is unreasonable because it permits the stacking of the roll.

Mr. Johnson: Does not the period of one month exist in the Commonwealth Act?

Mr. I. W. MANNING: There is an entirely different set-up between the Federal electorates and the State electorates. I have another strong objection, and that is to the implications associated with the move to have party designations on the ballot paper.

The Minister for Justice: You are ashamed of your party, are you?

Mr. I. W. MANNING: Certainly not! But I believe that the implications of this new provision strike at the very heart of democracy. At present any person who is over 21, and who is a natural born or naturalised British subject has the right to stand for Parliament. Now before one can stand for Parliament it is proposed that one has to be approved or belong to an approved party. That is a restriction which we have never had to comply with before. We have encouraged those who felt they would like to offer themselves for Parliament to do so. Here we have a move to restrict people from freely offering themselves.

Mr. Johnson: That is not in the proposal. Read it!

Mr. Andrew: It restricts nobody.

Mr. I. W. MANNING: Of course it does! It is provided that one has to belong to an approved political party—

Mr. Johnson: You haven't read the Bill. It doesn't say that.

Mr. I. W. MANNING: —and have his party designation on the ballot paper. I cannot see any advantage in having one's party designation on the ballot paper. If the party is not approved, and one has to appeal to the Chief Electoral Officer, there is no saying that the appeal will be upheld.

I would be interested to know why this restriction has been proposed; why it is necessary to have one's party designation approved. At present one can say what party he belongs to—whether it is Independent, or Independent Liberal, or Independent Labour, or Endorsed Labour, or Endorsed Liberal, or something else. If it is desired that party designations be placed on the ballot paper, why are those not acceptable? Why must the parties be those which are registered; and why must there be an appeal because the designations have been considered unacceptable? Such provisions are contentious and not desirable. I see no great virtue in the Bill.

There are one or two clauses I would have liked to support. For instance, there is the provision concerning the required distance from the entrance to a polling booth at which canvassing can be carried out. It is proposed to change this from 50yds. to 20ft. I see no objection to that. The present system works satisfactorily, but one can have no real opposition to the proposed alteration. However, the Bill as a whole serves no good purpose, and could well be defeated. I oppose the second reading.

MR. JOHNSON (Leederville) [9.36]: I am rather surprised that there should be any opposition to the Bill. It is a harmless little measure, designed, as members who know anything about elections—and I presume most members do—would realise, to achieve uniformity with the Commonwealth in practically the majority of the amendments. The residential qualification to which reference has been made is identical with the Commonwealth provision.

In my time, I have done a little electioneering and a little enrolling of people. When people move into a district and have been there for a short time, they are approached to go on the roll, or are reminded that they have not enrolled; and they can fill out their Commonwealth claim card, but are told that they cannot complete their State claim card because they have been in the district for only five or six weeks. In such circumstances, the possibility is that they fail to complete the card and render themselves liable to prosecution and to a fine for failure to enrol. There have been a number of cases of that kind.

On many occasions, I have found people who have said, "But I am on the roll. I voted at the election not long ago." One says to such people, "What election?" And one is informed, "I voted for so-and-so." Then one discovers that the election in question was a Commonwealth election. They are asked why they are not on the State roll and they do not know; they have filled in a claim card, and that is all they know. There is no doubt that the practice which is common in nearly every other State of having a single claim card for all enrolments is desirable. But that cannot be achieved until we first have uniformity.

It will be noticed, if one studies the Bill, that practically every one of these amendments is to bring about uniformity with Commonwealth legislation; and if anybody can object to doing that, then he is opening himself to the accusation that in his mind the Commonwealth Act is the one that requires amending.

Mr. Roberts: Is this proposed Section 77A in the Commonwealth Act?

Mr. JOHNSON: That is a different provision, which I will deal with in a moment.

Mr. Roberts: Very different!

Mr. JOHNSON: I think every other provision is the same as appears in the Commonwealth Act. Any member who opposes the amending of our Act to bring it into conformity with the Commonwealth legislation is required, if he is dinkum, to take action immediately to ensure amendment of the Commonwealth Act through the party to which he is attached. And if anybody who opposes these amendments does not take action through his own party in the Commonwealth Parliament to try to achieve amendments of the Commonwealth legislation, he cannot be regarded as upright and honourable.

Mr. Ross Hutchinson: That is quite silly! It is logical to think there would be circumstances appertaining where the two instances would be quite different.

Mr. JOHNSON: I find it extremely illogical to consider circumstances materially different, because the voters in all cases would be identically the same persons.

Mr. Ross Hutchinson: But the Governments are not. And State Governments could stack an electorate over a short period. You know they could.

Mr. Jamieson: Such as which one?

Mr. Ross Hutchinson: Any borderline electorate.

Mr. Jamieson: Such as?

Mr. Court: It has been done in this State.

Mr. JOHNSON: Yes; but the conditions were far different, and the hon. member knows it.

Mr. Ross Hutchinson: It could be done now if this Government desired to do it.

Mr. JOHNSON: The fears of the member for Cottesloe indicate that there would be reason to fear misuse under this Act were the Liberal Party ever to reach the Government bench, because that is the way his mind acts.

Mr. Court: I think you are being less than fair to him there.

Mr. JOHNSON: Not in the least! He has disclosed that he has not any conception that a decent and clean Government is

possible. He does not think anybody in politics is clean. He thinks for himself; he is making that quite obvious. As I was saying a little while ago, these conditions are identical with those under which the Commonwealth Government—of the same party as himself—was elected. What is there to worry about in that? Are not the Commonwealth people doing the same thing?

Mr. Court: Except that the electorates are four times as big, and it is so much more difficult to influence the result of any particular election. The Leader of the Opposition dealt with that and said that if he had his way the Federal position would conform to the position here.

Mr. JOHNSON: As far as I know, he has taken no action to achieve that end, and I will not regard the argument as sound unless action is taken. If that is the way he feels, I am surprised that action was not taken from 10 to 40 years ago, because the condition has existed all that time. I cannot regard the opposition to these things as sound unless action is taken. Just carping criticism is not good enough when there is before us an attempt to make the electoral machinery work a little better.

I have a particular and personal interest in regard to the amendment concerning party names on ballot papers. It has been one of my ideas on which I have taken action over the years I have been in Parliament. They are not many, but they do extend over more than one election. I have been pressing for this reform because I feel it is one which tends to a greater degree of democracy, and it is one which I feel has some degree of support from members opposite. I can recall a member of the Liberal Party bringing down a Bill to amend the Electoral Act in order to prevent the distribution of how-to-vote cards. This amendment is a step in that direction as it would reduce the necessity for such cards. One of the main reasons for how-to-vote cards is to prevent people being confused, but often the result is just the opposite and if every ballot paper had on it the party designation of the candidate confusion would be avoided and thus there would be less need for how-to-vote cards.

Members know that people frequently enter polling booths and ask the electoral officers "Who is the candidate for such and such a party?" The officer concerned has to tell the elector that he is not permitted to give the information but that it can be obtained outside from the people distributing how-to-vote cards. That is a ridiculous situation, but we know that it often occurs during elections. No one desirous of clean and honest elections should oppose this provision for party designation, as I believe we are all proud of the parties whose banners we carry.

There has been some criticism of the provisions in this regard but let us at this stage agree to the desirability of party designations on ballot papers. The Leader of the Country Party put forward a proposition for just the name, but I put that forward some four years ago and an exchange of letters took place between me and the chief electoral officer and to some extent between me and the Minister, and various difficulties were found in making a simple provision for a party designation at the desire of the individual. To put a designation on a ballot paper the person concerned has to say that he wants "Australian Labour Party," "A.L.P.", "Labour" or just "Lab."

Mr. Roberts: "Labour" would be confusing today.

Mr. Jamieson: Only to you.

Mr. JOHNSON: In the statistics provided at the end of an election, there is some difficulty in correcting even that little point because the various nomination forms carry slightly different designations owing to individual tastes. What would be the position if a member of the Communist Party standing in a country electorate put his designation on the ballot paper as "C.P." while a Country Party candidate in the same election also used those letters? I know there is resemblance between the two parties as they have a lot in common with each other in regard to the marketing of grain and other matters, but I gather that neither of them would be pleased to be mistaken for the other. There are numerous variations of that theme and it would be possible for some crackpot individual to call himself a party, the initials of which could be anything. There are so many difficulties in regard to complete freedom in this matter that it is necessary to discuss ways of attaining clarity.

Mr. Bovell: There could be an Australian Labour Party and some other Labour Party with the same initials would still have to be acknowledged—

Mr. JOHNSON: Under this amendment whilst there will be an Australian Liberal Party, possibly, the same Liberal Party might object to somebody attempting to infringe its copyright with a very similar name, and if an attempt were made to register such a similar name, an objection would be raised. The intention of the provision is that negotiations could then take place between the people concerned in order to attain clarity and the designation would then convey to all concerned in the election the same thing in all places.

I realise the grave difficulty regarding unendorsed persons who wish to call themselves unendorsed members of a party. For that reason, the measure contains a provision that anybody who does not carry party endorsement may carry the word

"Independent." I would have liked a provision that the person who had no endorsement should be able to carry no designation if he so desired. The member for Harvey was completely at a loss in suggesting that there were provisions to prevent anyone standing who did not carry party endorsement—

Mr. I. W. Manning: It makes it difficult for such candidates.

Mr. JOHNSON: No, it only means that people must be accurate in their designation of themselves. If a person is not endorsed by a party, he has to make clear to his electors what he stands for and I do not think there is any grave injustice or added difficulty involved for the Independent. We know that in practice a true Independent has practically no chance of being elected these days and that those who are elected as Independents are in nearly every case persons whose politics lie close to one or other of the recognised parties and that frequently they have been a member of one of those parties but have quarrelled over some well-known points and are well known in their own electorates. I can recall no case of a true Independent without party contacts being elected straight out. As far as I can see, everyone entering politics needs some party designation—

Hon. A. F. Watts: Not the former member for Victoria Park.

Mr. JOHNSON: I took part in his expulsion from one of the parties because of something he did.

Hon. A. F. Watts: He stood as an Independent throughout.

Mr. JOHNSON: I know he called himself an Independent but prior to entering Parliament his politics were well known to many people and I believe he had a following for that reason. Even so, his first standing for politics is now back in history and conditions appear to have made such happenings even less likely. I feel that the measure is a clear and real attempt to obtain a greater degree of uniformity between the State and the Commonwealth and to achieve greater accuracy in presenting the candidate to the elector, thus removing much of the confusion that exists for the elector who is not particularly interested in politics.

While there may be a number of useful amendments that could be made to the party designation provisions of the measure, I trust that members opposite will attempt to make it work and not simply throw it out without further consideration. I repeat that the measure is designed to help reflect the opinions of electors more accurately than is possible now. I support the Bill.

On motion by Mr. Bovell, debate adjourned.

House adjourned at 9.57 p.m.

Legislative Council

Wednesday, 14th August, 1957.

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

STANDING ORDERS.

Announcement by President.

The PRESIDENT: I draw members' attention to Standing Orders Nos. 373, 374, 376 and 377, and ask that they be adhered to more strictly.

MOTION—EDUCATION ACT.

To Disallow Transport Grant Regulation.

HON. J. McI. THOMSON (South) [4.36]: I move—

> That new Regulation No. 160 made under the Education Act, 1928-1956, as published in the "Government Gazette" on the 22nd February, 1957, and laid on the Table of the House on the 9th July, 1957, be and is hereby disallowed.

This regulation and the one which it is meant to supersede deal with allowances paid to school children for travelling to school each day. The children to which this regulation applies live beyond the compulsory radius laid down under the Act, and it would entitle them to a financial grant per day while attending school. In 1949 the allowance was 6d. per child per day. That was later altered to 1s., and then to 1s. 6d. and was subsequently increased to 2s. 6d. per day per child. The country people readily admit that they are indebted to the previous Government for its spontaneous recognition from time to time of rising costs