Mr. GRAHAM: I will speak against it later on.

Mr. PERKINS: I do not know why the member for East Perth is objecting to this clause. Some of these inquiries could be purely formal; but with the earlier amendments made to define the powers of the advisory board, I think it adequately covers the position about which the honourable member is concerned. When I discussed the matter with the Parliamentary Draftsman I came to the conclusion that if the powers of the board were altered all these matters would be suitably covered. With the added powers that the board has to make inquiries of its own volition, or at the direction of the Minister, and also its ability to require the commissioner to furnish particular information, the board should be able to deal with the question of policy. When it comes to the closing down of railway lines undoubtedly Government policy will be involved, and I cannot imagine either the commissioner or the board getting far with that kind of inquiry without close consultation with the Government of the day.

Mr. Brand: I certainly would not like to see it even start if it were a question of Government policy.

Mr. PERKINS: That is the position, as the Premier said. I have made it clear all through that it is subject to the Minister, and that means subject to Cabinet and Government decision.

Mr. Graham: But if you are receiving advice surely you want it from your newly-constituted advisory board and not the departmental head!

Mr. PERKINS: In certain instances it could need both types of inquiry, but I think the position will be sufficiently flexible and it is satisfactorily covered. I think we have to recognise that the transport department will contain the technical people who will have to make these types of inquiries, and before the Government of the day took action I have no doubt it would need detailed reports before it went any further. My amendment is really designed only to avoid the necessity of having any kind of inquiry at all if it is pursuant to an agreement that has been accepted by Parliament.

Mr. GRAHAM: I am now a little confused as to where I stand, although I am in no doubt as to my attitude towards it. There is a whole series of amendments designed to take away from the board the right to inquire into all things pertaining to railway transport and to make recommendations regarding the closure or partial suspension of any railway services. Surely if an advisory board is set up this would be about its most important function! Yet we are seriously deleting the word "board" everywhere it appears and inserting the word "commissioner". Therefore what is the sense of having these representatives of rural and city industries if they are not to play any part? It is true that in an earlier clause the Minister saw the error of his ways and agreed to an amendment.

Mr. Perkins: I will ask that progress be reported, and that will give the honourable member a chance to relate it back. I realise that I did not introduce the amendment in very good time.

Mr. GRAHAM: Very well.

Progress

Progress reported and leave given to sit again, on motion by Mr. Perkins (Minister for Transport).

BILLS (2): RETURNED

1. Industry (Advances) Act Amendment Bill.
2. Spearwood-Cockburn Cement Pty. Limited Railway Bill.

Bills returned from the Council without amendment.

House adjourned at 12.24 a.m. (Thursday).

Legislative Council

Thursday, the 26th October, 1961

CONTENTS

CONTENTS—*continued*

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTION ON NOTICE

DE-SALINATION OF WATER

Use of Nuclear Power

The Hon. A. R. JONES asked the Minister for Local Government:

Owing to the amount of wrongful publicity given to nuclear power in association with de-salination of sea-water, will the Minister inform the House on the following questions:—

(1) What is considered at the moment the smallest economic nuclear power unit which can be built in relation to electricity generation?

(2) What would be the cost to build such a unit at Geraldton?

(3) What is the amount of electricity generated and used at Geraldton at the present time?

(4) What would be the cost to build a plant to de-salinate 2,000,000 gallons of sea-water per day?

(5) What amount of electricty would be used as power to de-salinate the water?

(6) What is the estimated cost per 1,000 gallons to de-salinate sea-water?

The Hon. L. A. LOGAN replied:

(1) and (2) There is no published example of a nuclear power plant which can compete economically with conventional plant.

Very large nuclear plants of 400,000-500,000 kilowatt capacity, costing approximately £150 per kilowatt, are producing power costing more than that from conventional plant. The cost per kilowatt is more than double that for conventional plant. As the size is reduced, the cost per kilowatt increases, and nuclear power costs compare still less favourably with conventional plant. The smallest unit built in the United Kingdom is of 138,000 kilowatt capacity.

(3) The peak electrical load at Geraldton is only 1,700 kilowatts and is of short duration.

(4) to (6) World authorities admit that much further work is required before a satisfactory low-cost process for the de-salination of sea-water can be evolved.

Research into this problem is being carried out by the United States of America and Israel, both of which countries are continuously being corresponded with by the Public Works Department.

The United States Department of the Interior in its latest Saline Water Conversion Report lists world-wide plans for de-salination of sea-water with a total combined capacity of only 15,000,000 gallons per day. The list, which was completed following a world conference of eminent authorities, includes plants on oilfields in the Persian Gulf and that on the Isle of Guernsey.

Pilot plants with a capacity of up to 1,000,000 gallons per day are planned in America for test under actual working conditions and it is estimated that the cost per thousand gallons will be approximately one dollar.

The initial cost to build de-salination plants is estimated to be approximately £1 per gallon capital cost, which would mean that to provide Geraldton with an extra 1,000,000 gallons per day would cost approximately £1,000,000.

The position in both America and Israel is being closely watched by the Public Works Department which is keeping itself informed of the latest developments, particularly in relation to the cost of installation and cost of extraction per thousand gallons.

BILLS (2): THIRD READING

1. Medical Act Amendment Bill.

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and returned to the Assembly with amendments.

2. Metropolitan Region Improvement Tax Act Amendment Bill.

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Town Planning), and passed.

BUILDING SOCIETIES ACT AMENDMENT BILL

Recommittal

Bill recommitted, on motion by The Hon. H. K. Watson, for the further consideration of clause 38.

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. A. F. Griffith (Minister for Housing), in charge of the Bill.

Clause 38: Section 48 repealed and reenacted—

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

> Page 26, line 6—Delete the word "An" and substitute the words "Any promotor or".

The amendment will simply mean a slight variation in the opening words of the clause to bring in a promoter as well as an officer.

The Hon. A. F. GRIFFITH: I invited the honourable member to get in touch with me about this, but now I am caught completely by surprise. I have not got a copy of the amendment.

The Hon. G. E. Jeffery: Something like the Americans at Pearl Harbour.

The Hon. A. F. GRIFFITH: Is it fair to bounce an amendment on me like this? I do not think it is. I think that I could at least expect to see a copy of it. Is it reasonable to expect me to stand here all the afternoon waiting for a copy of the amendment to come to me?

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): As I understand our Standing Orders, it is quite within the rights of Mr. Watson to recommit the Bill; and the Minister knows the procedure to be followed.

The Hon. A. F. GRIFFITH: I am not suggesting that Mr. Watson has not the right to recommit the Bill; I am merely asking whether I can have a copy of the amendment in order to see what it is proposed to put into the Bill. I understand that amendments have to be signed and given in writing to the Chairman.

The Hon. H. K. Watson: You are getting very technical.

The Hon. A. F. GRIFFITH: No; at the moment I do not know what the honourable member is referring to.

The Hon. H. K. Watson: I explained it last night, and I explained it again just now.

The Hon. A. F. GRIFFITH: The honourable member will recall that I invited him to get in touch with me.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Does the Minister wish me to give a ruling on this point?

The Hon. A. F. GRIFFITH: No; I am merely complaining that I have had no notice of this amendment.

Progress

Progress reported and leave given to sit again at a later stage of the sitting, on motion by The Hon. A. F. Griffith (Minister for Housing).

(*Continued on page 2039.*)

LICENSING ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.43 p.m.]: I move—

> That the Bill be now read a second time.

I desire to let all members know that this Bill will not be dealt with as a party measure. As the result of submissions by various interested parties, certain amendments to the Licensing Act are placed before Parliament for its consideration. Strong representations have been made to extend the operation of restaurant licenses to the midday meal from 12 noon to 2 p.m., and to extend the evening hours by half an hour to 12.30 a.m., and for a half-hour's grace from 2 p.m. and 12.30 a.m. to allow the lawful consumption of liquor served before those hours.

It appears that a number of restaurant licenses have not been taken out, because of the absence of any lunch hour provisions, as the possession of a restaurant license from 6 p.m. to midnight, as at present, apparently prevents—or at least raises doubts as to the legality of persons taking their own liquor to the premises between 12 and 2 p.m.

The Hon. A. L. Loton: They should not be allowed to take their own liquor now.

The Hon. L. A. LOGAN: I am convinced that from the tourist point of view, at least, this concession is desirable. It is therefore proposed to provide for new hours for restaurant licenses on all days except Anzac Day, Good Friday, Christmas Day, and Sundays, but to permit the evening period to run on into those days for half an hour to 12.30 a.m. so far as service is concerned, and also to permit a further half-hour for consumption in respect of both day and evening periods.

If Parliament agrees to this amendment, liquor will be sold and consumed in restaurants in the early hours of each Sunday, namely, between midnight and 1 a.m.; and it is deemed advisable to add a further paragraph with a view to removing the general prohibition in respect of liquor in restaurants on these days, so long as the provisions of section 44G are complied with. That is the section which authorises the granting of a restaurant license and at the same time imposes certain qualifications and restrictions.

The Act at present permits liquor to be served with a meal on licensed premises on Sundays between the hours of 1 p.m.

and 2 p.m., and 6 p.m. and 7.30 p.m. The proposed amendment will prevent that concession being extended to the holder of a restaurant license for premises not the subject of a publican's general license.

Provision has been made for an occasional license to be granted to the holder of a restaurant license for the hours 6 p.m. to midnight on Anzac Day. As restaurant hours are now to be extended, it is proposed to extend those hours on Anzac Day to 12.30 a.m. so as to bring them into line with other evening periods. No provision has been made for the opening of restaurants in the afternoon of Anzac Day.

The same clause in the amending Bill also provides that an occasional license granted to the holder of a restaurant license, not being premises the subject of a publican's general license, does not authorise him to sell liquor on Good Friday, Christmas Day, or any Sunday.

It has been brought to my attention that, as the law stands at present, young people can take their own liquor into any unlicensed premises where food or refreshment is obtainable and there drink it with impunity.

Legislation to control this practice is most desirable, but any such legislation would need, I think, to be excluded from having application to private functions, and entertainments such as wedding breakfasts, birthday parties, formal dinners, and the like, and particularly from having any possible application to private homes. The definition of "public premises" in the amendment has therefore been carefully framed to exclude any such possible application.

The Bill brings the hours of serving liquor in railway refreshment rooms into line with those of a publican's general license. The present Act confers power to extend or reduce trading hours in the goldfields district, but not to vary them. In other words, no alteration can be made to hours unless that alteration involves an extension or reduction of the permitted period. It is proposed to amend the Act to include power to vary, as well as to extend or reduce. An amendment will allow of female employment on licensed premises on Sundays.

The Act, as it now stands, provides that a license shall remain in force until the 31st December in the year in which it is granted. The number of renewals that have to be attended to in November and December in all that part of the State south of the 26th parallel, has necessitated that the court delegate its powers to magistrates north of this parallel.

I have discussed this question with the licensing bench and with north-west members, and they all seem to be of the opinion that north of the 26th parallel licenses should expire on the 30th June each year; therefore the amending clause provides for licenses issued north of the 26th parallel to expire on the 30th June, instead of on the 31st December.

A further clause has been inserted to tidy up the Act. It deletes the fifteenth schedule, which has no application since the repeal of the licenses reduction provisions.

THE HON. H. C. STRICKLAND (North —Leader of the Opposition) [2.48 p.m.]: I was pleased to hear the Minister say that this is a non-party measure; and I sincerely trust that members will use their independence, shall I say, and exercise their rights in the manner they think fit.

There are one or two points in the Bill that I have not satisfied myself upon. I feel that the more or less broadcasting of liquor licenses has been the downfall with respect to first-class accommodation being provided in our hotels. I consider that we have done quite a lot in recent years to cause hotelkeepers, and new hotelkeepers—those who propose to build new hotels—to pay rather scant attention to the accommodation side of hotel-keeping.

If we are to continue to make liquor available to all and sundry in restaurants until 12.30 a.m. on Sundays, I consider that the hotels will suffer even more and this will tend to hasten the disappearance of the old style of hotelkeeping in this State. What with licenses being granted to clubs and restaurants and special permits being issued, together with the easy manner in which parties or other private functions are held by the facility with which people are able to drive to an iceworks and collect chilled barrels of beer for such functions, it seems to me that further consideration should be given to this question before there is any further relaxation of the liquor laws in this State.

There are one or two points which may be better dealt with in Committee, when we deal more comprehensively with each clause. The Minister did refer to teenagers obtaining liquor and taking it to restaurants and night clubs after the hotels are closed, and so on. However, if people of all ages want liquor they will drink it anywhere, even in the bush, without further relaxation permitting more licenses to be granted to restaurants and clubs. That has been proved in other countries where prohibition has been introduced, but later abandoned.

The Minister also said he had discussed with members representing the north-west the proposed alteration of the licensing laws which apply to that part of the State north of the 26th parallel, but I think he has made some mistake because I have asked Mr. Wise about the matter and he knows nothing about it. The Minister may have been referring to those members of the Legislative Assembly who represent north-west electorates, forgetting altogether that Legislative Council members have a function to perform in the

north. Nevertheless, I consider the Bill can be left for further discussion in the Committee stage when we can deal with it clause by clause and give it the treatment —if I may use that expression—it may deserve.

THE HON. E. M. HEENAN (North-East) [2.54 p.m.]: I think some of the proposals in the Bill will tend to improve the Licensing Act and implement some of the recommendations made by the parliamentary committee that investigated the licensing laws and conditions in this State a couple of years ago. In his remarks the Minister said it had been brought to his attention that under the Act as it is today, young people can take their own liquor into unlicensed premises where food or refreshment is obtainable and drink it in those places with impunity. That is undoubtedly true; and that state of affairs was brought to the attention of the Minister by the parliamentary committee on licensing which, as I have said, investigated this matter about two years ago.

As we know, the restaurant licenses were introduced following the submission of the committee's report; and, as far as it went, that was a progressive step. However, many restaurants have elected not to bother about applying for these special licenses. As the law stands today, young and old people can patronise these restaurants, taking with them as much drink as they wish and remain on the premises as late as they like so long as they remain open; and the law can do nothing about it. I am glad the Minister proposes to do something to correct that lamentable situation.

It is a great reflection on our licensing system when it is realised that young people are carrying bags of liquor to these places and drinking until whatever hour they wish, and no-one can do anything to prevent them. They cannot do it in the licensed restaurants, but they can in these other places which do not hold licenses. In my opinion that state of affairs alone justifies the introduction of this measure. I would go even further with the Bill. I have attended a couple of balls conducted by reputable organisations and have seen the spectacle of practically every patron of the ball taking in an armful of liquor which was consumed by all concerned throughout the evening; and I have known cases where tragic results have followed.

That is not a satisfactory state of affairs. I am all in favour of adult people being able to take liquor on all reasonable occasions, and it is very pleasing, if one goes to a ball, for instance, to be able to enjoy a drink during the evening. But some system should be devised whereby the organisation conducting such functions should be granted a license or permit so that the sale or disposal of liquor to the patrons is controlled. For instance, we do not allow our girls and boys to enter hotels to drink before they are 21, but at present we permit them to take as much liquor as they like to balls and other functions where they can drink it in large quantities.

They usually take with them the cheap effervescent type of wines which make a popping noise when the cork is pulled. Older and more experienced people are aware that this type of liquor has the worst effect, especially on people who have to drive home in their motor-cars after the party.

I go further than the Minister. He said that legislation to counteract this practice is most desirable, but that any such legislation would need to be excluded from having application to private functions and entertainments such as wedding breakfasts, birthday parties, formal dinners and the like, and particularly from having any possible application to private homes.

I disagree with his point of view. I pride myself on holding liberal views on the question of liquor, and no-one is more aware than I am of the temptation being held out to the young people to partake of liquor when they congregate in large numbers. Whether the occasion be a private function, a wedding breakfast, or a party, is no excuse for the people running these functions to let those present drink as much liquor as they like. We do not allow people to do that when they drink in public; and citizens should show a greater sense of responsibility. I would not think very much of anyone who invited young people to birthday parties, weddings, or dances, and permitted them to partake of as much effervescent wine and other liquor as they could consume.

The time has arrived when we have to do something about this matter. I have known young girls and boys from good homes to attend such functions. They had no addiction to liquor, but because all those present were drinking, they did the same. They had no knowledge of the type of drink to consume, and the type to abstain from, with the result that they got into a lot of trouble.

Another matter which the Licensing Court will have to consider is the growing custom of the song and dance form of entertainment being provided at hotels. Here again I claim liberal views, because I like pleasant amenities and environment in hotels where the customers can eat and drink in comfort. Music is one of the charms of life and there is nothing more pleasant than to partake of a dinner, or to consume liquor to the strains of fascinating tunes. However, I draw the line at the limits to which some licensees are going. They advertise extensively; they try to outdo one another; they engage trained comperes to conduct the entertainment: they do everything possible to induce people to go to their hotels and spend their money there.

I do not think the public need the sort of inducement that is being placed before them. After all, it is the public who have to pay for such publicity and entertainment. The licensees provide the entertainment with the sole object of attracting as many customers as possible, and they put on the type of entertainment especially attractive to the young people. This tendency which has been growing in recent years has not reached its limits, and the Licensing Court should give this matter some thought.

I am not satisfied that the Licensing Court is making, or is causing to be made, adequate inspections of licensed premises. I know the court has to perform multifarious functions. I suppose it will be said that it is not the function of the court to visit licensed premises more frequently, but I am convinced that more top-level inspections should be carried out.

I have seen, and I am sure other members have seen the public conveniences in some hotels in this State. They are far from satisfactory. Some hotel bars are very clean, but others are not fit places in which to partake of liquor. I consider the Licensing Court should make more inspections to try to raise the standard of the hotels and to limit some of the abuses which are creeping into the trade. If some of the suggestions which I make were carried out, the people, and the boys and girls growing up, would take liquor in moderation; and many of the existing abuses would be corrected.

Lastly, I want to say that a heavier responsibility should be placed on licensees to take care of the unfortunate people who drink to excess. We see instances in country areas and on the goldfields of people who go on drinking as long as they can pay for the liquor. They get to the stage where they are not able to look after themselves, their money, or their unfortunate families. Yet we have some licensees who will encourage these people to go on doing great harm to themselves and to those dependent on them.

The police cannot always supervise these matters; and I think more responsibility should be placed on the shoulders of licensees to make them play their part to safeguard people in such circumstances. With those few remarks I support the Bill.

THE HON. G. C. MacKINNON (South-West) [3.11 p.m.]: I have listened to Mr. Heenan with some interest. I was a little surprised he did not elaborate on the point of view he put forward in a previous year concerning the grading of hotels. Fundamentally, with this extension of licenses, we are cutting across the original idea of the licensed public house in this State. I think it goes without saying that in the early days the purpose of a licensed public house was to encourage the provision of accommodation. A hotel was licensed provided it supplied a certain minimum standard of accommodation.

In recent years we have extended this license to cover restaurants; and by virtue of the extended hours we have tended to change the whole basis of hotels. Instead of being places where one obtained a drink and a bed, they have become places of entertainment. To a large extent today they are places of entertainment, and competition in that field is very marked.

A week ago I was in a magnificent hotel, but there was nobody else there. I then went to another hotel where there was music, and the second hotel was reasonably crowded. Apart from myself there was no-one in the first hotel; but in the second hotel there was a three-piece band and a singer. The first hotel had only a record player. The second hotel provided entertainment, and the crowd was there.

All of us have seen—particularly since the extension of liquor trading hours, and extension of licenses to restaurants—the growth of the type of hotel where entertainment is a big factor. Those of us who pause to look at a hotel might be amazed, after seeing the wonderful facade and the wonderful lounge provided, that there is very little accommodation. It seems to me that while we are continuing to extend trading hours—and I am in agreement with that—we have, at the same time, struck at the very foundations of our previous concept of licensing, which was that a license be the means of encouraging a hotel to provide accommodation.

The only way out of the problem, as I see it, is to revert to the suggestion made by Mr. Heenan after his trip overseas—that was last year or the year before.

The Hon. E. M. Heenan: Last year.

The Hon. G. C. MacKINNON: Mr. Heenan suggested a system of graduated license fees. Some of the city hotels which provide good accommodation, and a lot of it, should pay a much lower fee than hotels having practically all bar space and providing little or no accommodation. This extension of trading hours—which I feel is a good move—has struck particularly harshly at city hotels which supply most of the accommodation. There is no doubt about that at all. These hotels are paying heavy licenses, and they have lost out on them. While this Bill is an admirable one, it does accent the difficulties.

In going part way towards trading reform we have made things better for some but much worse for others. I think we will be forced to take some steps to give relief to those whom these requirements hurt. The only solution to which I have given some thought is the one offered by Mr. Heenan. I think this has worked out satisfactorily overseas. I think we must ease some of the burden on licensed hotels which provide good accommodation and plenty of it. With those words I support the Bill.

THE HON. J. D. TEAHAN (North-East) [3.16 p.m.]: There is a tendency with the extension of licensing laws to assist the sale of liquor in places other than hotels, and damage will be done to those places which already supply accommodation. I was surprised to see one city hotel close down, and no doubt others will follow. The reason appears to be that its trade was gradually being taken away from it. The provision of accommodation is the least lucrative part of a hotel's business, and many hotels see their bar trade slipping away.

I agree with the extension of trading hours in cafes, because there will be some control over drinking. I also agree with the provision in the Bill which restricts drinking in unlicensed cafes, where people may take their liquor and consume it for any length of time.

However, something will have to be done if we are to preserve those hotels which provide accommodation. I agree with Mr. Strickland that if we continue to extend drinking services to other places, then we will hasten the day when many hotels—hotels in the centre of the city which are providing accommodation—will close. I hope that day does not come. Another reason for this, I think, is the heavy license fees that are being imposed. While I support this Bill, I feel that thought should be given to those places which provide accommodation in order to see that they are not wiped right off the map.

THE HON. R. THOMPSON (West) [3.18 p.m.]: I propose to support the provisions contained in this amending legislation. I think the relaxations which have been made will be of benefit to a lot of visitors who, we hope, will come here next year for the Commonwealth Games.

I have mentioned previously to the House that I think it would be most desirable if provision could be made for children to accompany their parents on to hotel premises. I do not mean that children should be allowed to run around hotel lounges willy-nilly and create a nuisance, or that parents should be encouraged to bring their children with them when they wish to enter a hotel, but I think we could have some provision under which children could be catered for. At present visitors are forced either to leave their children in their cars, or walking up and down the street, while they, the visitors, go in for a drink. That sort of thing applies not only to interstate and overseas visitors, but also to many country people who come to the city for the day. They have to leave their children locked up in the car outside the hotel, or send them into a shop to buy an icecream, with the result that the children have to wait outside the hotel in undesirable surroundings for some time.

I hope that before the Empire Games are held next year something will be done along those lines; and I would like to see those hotelkeepers who wish to do so given permission to set aside some place, which would be conducted in a decent manner, so that parents could leave their children in decent surroundings while they had a drink.

Like my leader, Mr. Strickland, I would like several features in the Bill cleared up when we reach the Committee stage. But in general principle I think the Bill is good and I sincerely trust that the point I have raised will be given consideration when next we have legislation to amend the Licensing Act. I support the Bill.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [3.22 p.m.]: It is usual, with a Bill such as this, to have some very constructive comments made by members in this House; and there has been no exception with this measure. The reason why there has been a request for an extension of the hours for licensed premises is because it has been found that they cannot compete against the unlicensed premises. People have been taking their liquor to the unlicensed premises and staying there until all hours. So it was thought the extension of half an hour at both the midday and evening meals would counteract that state of affairs to some extent.

We appreciate, and I think Parliament generally appreciated, that the move made last year or the year before could have had some effect on the hotel trade generally; and whilst some hotels have probably lost trade, from the factors mentioned by Mr. MacKinnon, others have had their trade definitely increased. Whether it is right or wrong for hotels to supply entertainment for their guests I am not prepared to say; but we are always being told by the Press that the newspapers publish only what the people want to read. Therefore if the present-day generation want music with their liquor, I think it is up to us to supply it.

The Hon. G. C. MacKinnon: Within reason.

The Hon. L. A. LOGAN: Yes; I think it will be found that most of it is pretty reasonable at the moment. The comperes are mostly professional men, and the artists are particularly good.

The Hon. H. C. Strickland: Are you speaking of the Lager Lovers' Club?

The Hon. L. A. LOGAN: If the artists are not very good they do not last for long, because social drinkers are usually critical people.

The Hon. F. J. S. Wise: Both voices and taste in music change as the evening wears on.

The Hon. L. A. LOGAN: I might agree with that, too. Mention has been made of the Licensing Court issuing licenses for

hotels which have only six bedrooms. I have had a quick glance at the Act and I am not sure that we have not been remiss in failing to amend section 51, because that section reads—

> No new publican's general license or hotel license shall be granted for any premises within the City of Perth or City of Fremantle—

The metropolitan area has increased in size in recent years to such an extent that I am firmly of the opinion that the section is out of date. We now have three new cities in Subiaco, Nedlands, and South Perth, and two big shires in the Shire of Perth and the Shire of Melville. I should imagine that those cities and shires would qualify for the same classification as the City of Perth and the City of Fremantle in regard to the Licensing Act, and hotels erected in those districts should have not less than 12 bedrooms. The Act provides that in the City of Perth and the City of Fremantle no hotel can be built unless 12 bedrooms are provided. Outside of those areas the provision is no less than six bedrooms. In my view it would not be a bad idea to bring some of these other shires and cities into line with the City of Perth and the City of Fremantle.

The Hon. H. C. Strickland: What section is that?

The Hon. L. A. LOGAN: Section 51. I have had only a quick glance at it, but it seems to be one that we could have amended.

The question of children was brought to our notice by the Police Department; and, of course, the Child Welfare Department officers were naturally interested in it. It was found that the Police Department had no control whatever; its officers could do nothing about the matter when they attempted to stop these youths—boys and girls—consuming liquor on the premises referred to.

While Mr. Heenan pointed out that he would like to go further, I think we can give this measure a test for a while to see how it works in practice, and then we can amend it if necessary.

There are some people who would considerably reduce the hours during which liquor can be consumed; and I suppose if one were honest with oneself one—and this applies to all of us I think—would say that too much liquor is consumed by the Australian public. Undoubtedly the money that is spent on liquor by people in all walks of life is fairly considerable, and possibly the standard of living, and the homes of those people who frequent hotels and clubs, whether sporting clubs or other clubs, would improve greatly if the money they spent on liquor was reduced.

We must also remember that the machines about which Mr. Ron Thompson spoke last night are another problem. They are to be found on both licensed and unlicensed premises and they are an inducement for people to spend their money. I believe that many of us would be better off if we spent less on liquor and such frivolities as pinball machines and the like.

I thank members for their approach to this measure. It is really a Bill to be dealt with in Committee and I shall be interested to hear the views of other members during that stage.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 45 amended—

The Hon. L. A. LOGAN: I must apologise to Mr. Strickland for saying that I had conferred with members for the north-west. I have only just read my notes which I am afraid contain wrong information. I am sure it was Mr. Perkins who discussed this matter in the Assembly with member for the north. I apologise.

Clause put and passed.

Clauses 5 to 7 put and passed.

Clause 8: Section 149A added—

The Hon. A. L. LOTON: I would ask members to read this clause because I am not sure how it will be put into effect. Perhaps the Minister could provide some explanation. We could have the possibility of a person aged 21½ years going into a hotel, with another person who was just under 21 years and saying to the latter, "I am going to have a drink; I am sorry I cannot give you one because you are under 21." I do not think there is any other interpretation. On whom is the onus to be placed? Is it to be placed on the publican, the barman or the barmaid? Who is to determine the age of the drinker? This could raise most embarrassing situations.

The Hon. L. A. LOGAN: This is in two parts. First we must have a law making it illegal for any person to supply liquor to one under 21 years of age. That is in the present Act. The onus must be placed on somebody and the provision says, "A person under the age of 21 years shall not consume any liquor in any public premises." These premises are defined.

For a long time difficulty has been experienced by publicans, and barmaids in telling the age of the under-age drinker. Sometimes it is very difficult to tell when a person is under 21 years of age. A father might take his son in for a drink; but while he has a drink himself he could

not provide his son with intoxicating liquor. Where there is a family party the provision will not apply.

The Hon. A. L. Loton: Why?

The Hon. L. A. LOGAN: Because while such public premises are being used for private entertainment they do not come under the provisions of the Act. If I take my family into a hotel and say, "This is a private party," I am excluded. Family parties are excluded. There was an amendment included in another place which said, "Under the control, direction and supervision of a person of at least 21 years of age." This will not affect family parties.

The Hon. H. C. STRICKLAND: Could the Minister tell me who is responsible for policing age limits in service canteens? Would that come under the jurisdiction of the police; or would it be subject to the control of the O.C.? I understand there has never been any question about the age of a person in a service canteen.

The Hon. L. A. Logan: I should say that the control would be in the hands of the O.C.

The Hon. S. T. J. THOMPSON: Does the Minister mean that teenagers who constitute a private party in a public place can carry on drinking with impunity? If that is so we are getting to a dangerous stage.

The Hon. A. L. LOTON: Does the Minister mean that irrespective of their ages, people can go into a public place and drink providing it is a private party? Day after day we find in the paper that somebody commits an offence and says that he has been under the influence of drink. Here we have a provision which is aiding and abetting people to drink. To me this seems absurd.

The Hon. R. THOMPSON: I am not happy about this position at all and I suggest that the Minister report progress and bring down an amendment to clarify the position. We say that people are not permitted to go on to licensed premises to drink liquor if they are under age, yet we make it possible for them to do so so long as it is a private party. If that is the case I would like to see the Bill killed.

The other point I wish to make is that over the years licensees of country hotels have debarred natives with citizenship rights, and some without, from occupying beds. Would the same thing apply to a licensed restaurant? Would the proprietor say, "You are a native and although you have citizenship you are debarred?" Would that proprietor have the right to do this irrespective of the standing of the native in the community? Could he prevent the native from entering his premises for the purpose of having a meal or for the purpose of having a meal and consuming liquor?

The Hon. F. J. S. WISE: While I do not necessarily agree with the principle, I think the position is clearly stated in the Bill. It is clearly stated that public premises become private premises if solely used for private purposes—solely used in the sense that one can take a small party to a public place and say, "This is a private party."

The Hon. A. L. Loton: That is not what the Minister said.

The Hon. F. J. S. WISE: I think the Bill clearly specifies the position.

The Hon. L. A. Logan: What about the last part of the clause where you can have a private party and a public party in the one room?

The Hon. F. J. S. WISE: My interpretation is this: Where we have the case of premises licensed to serve liquor with meals or at functions, normally, underage drinking would be totally and completely barred.

The Hon. L. A. Logan: You would not call a party such as Mr. Loton mentioned a private one.

The Hon. F. J. S. WISE: No; but where such place is hired for a private function—a wedding, birthday party, or gathering—and is not open to the public, the discrimination required by the honourable member is clearly stated in the Bill. That is my interpretation of it.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Would honourable members please make sure they speak up. With the doors open because of the heat, the noise level is higher than usual and it is harder to hear.

The Hon. E. M. HEENAN: I think the provision means this: A person can hire a public hall for a 21st birthday party, a golden wedding, or a farewell to friends, without limitation on the number that can be invited, and it is a private function that is outside of the law. As much liquor can be taken in as the person wants or can afford, and anyone attending the function, irrespective of age, can partake of that liquor. In the same way, a person could go to a licensed restaurant and engage portion of it for the purpose of holding a private party, and everyone would be outside the law.

There would be no restriction on the quantity of liquor, or the age of those drinking. The position would be the same as if the host were giving a party at his home; and if a lot of boys or girls drank whisky or beer there would be nothing anyone could do about it. This has been the position for years past; and the parliamentary committee pointed out in its report that in normal cases it should not work out too badly if those responsible for the function accepted sufficient responsibility to watch the position.

If a person invited all and sundry to a wedding party in a hall, one would expect to see that the boys and girls did not drink

to excess, and that no undue temptation was placed before them. If one had a private party at one's home and invited a lot of teenagers it would be reprehensible, in my opinion, to encourage them to drink those fizzy wines, and so forth.

There is a tendency for people aged 18 and 19 to take liquor to a function; and they get carried away with excitement. I have seen a few rather unfortunate results. That is the position; and I would go to the extent of making it a penalty for anyone, anywhere, at any time, to supply liquor to teenagers.

Sitting suspended from 3.50 till 4.6 p.m.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): Before proceeding with this clause, because of the extreme noisiness today, would members endeavour a little more to address the Chair, because some members are finding it extremely difficult to hear the debate. Of course I do not desire this request to be taken as an invitation for more interjections.

The Hon. S. T. J. THOMPSON: It does appear that we were correct in the manner in which we interpreted this Bill. I say again it is deplorable. There has been a lot of concern in recent years about teenage drinking, but under this Bill we are making it far easier for this to occur than has been the case in the past.

The Hon. F. R. H. Lavery: Shameful!

The Hon. L. A. LOGAN: I appreciate this is a very difficult matter, but what members must realise is that all that they have been suggesting will occur under this legislation is already occurring.

The Hon. S. T. J. Thompson: Then let us do something to stop it.

The Hon. L. A. LOGAN: The police cannot do anything about the matter if individuals or groups of three and four, taking their own liquor with them, enter these premises. We are trying to stop that.

The Hon. S. T. J. Thompson: Is not that sufficient without the other part?

The Hon. L. A. LOGAN: I do not know how we are going to stop a private party. It is my own concern if I take my family and a few friends to a hotel and book as a private party. That is the position today.

The Hon. S. T. J. Thompson: I say we should not allow private parties on licensed premises.

The Hon. L. A. LOGAN: I intend to report progress and ask for leave to sit again in order to ascertain whether anything can be done about this situation. However, before I do, I say in reply to Mr. Strickland that canteens are always on Commonwealth ground, and Commonwealth authority is not subject to State laws.

The Hon. H. K. Watson: Are you going to ask Mr. Ainslie for an opinion on this point?

The Hon. L. A. LOGAN: I might even ask the Privy Council, but even that would not satisfy the honourable member.

The Hon. A. F. Griffith: We might even ask Mr. Watson.

Progress

Progress reported, and leave granted to sit again, on motion by The Hon. L. A. Logan (Minister for Local Government).

BUILDING SOCIETIES ACT AMENDMENT BILL

Recommittal

Resumed from an earlier stage of the sitting.

In Committee

The Deputy Chairman (The Hon. G. C. MacKinnon) in the Chair; The Hon. A. F. Griffith (Minister for Housing) in charge of the Bill.

Clause 38: Section 48 repealed and re-enacted—

The DEPUTY CHAIRMAN: Progress was reported on the clause, which has been recommitted for further consideration, and to which The Hon. H. K. Watson had moved the following amendment:—

> Page 26, line 6—Delete the word "An" and substitute the words "Any promoter or".

The Hon. A. F. GRIFFITH: I have now had an opportunity of studying this amendment, and I agree with it. Its effect will be as described by Mr. Watson last night. We are getting away from the intention of the Act if promoters are going to take advantage of anything contained in the legislation.

I must apologise for getting a little annoyed, but I was taken completely unawares; and with so much on my mind I do like to know what I am going to accept. However, I have talked the matter over with the honourable member and I believe he was caught unawares, too, because the matter was brought on so quickly. However, we are not bad friends, and I accept the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Further Report

Bill again reported, with a further amendment, and the report adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Housing) [4.14 p.m.]: I move—

> That the Bill be now read a third time.

I would like to answer the query raised by Mr. Lavery last night in connection with the last clause of the Bill. He was

concerned about the situation of a certain person in relation to his ability to value a property and his connection with some building society.

This clause is to prevent a valuer from taking advantage of the situation in the interests of one of his blood relations. It will not have any effect on the valuation of the property unless that valuer is going to do the valuation for one of his blood relations.

The Hon. H. K. Watson: How would you describe a blood relation?

The Hon. A. F. GRIFFITH: I had hoped nobody would ask me that: This clause states—

> . . . any relative by blood or marriage of the valuer.

Members can appreciate that such a relationship could go back over a long period of ancestry.

The Hon. H. K. Watson: To any common ancestor.

The Hon. A. F. GRIFFITH: Yes. If we find we run into difficulty over this provision—but I do not think we will, because of the provisions of subsection (2)—we will have another look at it. Subsection (2) provides—

> Any valuer who knowingly and wilfully makes a valuation . . .

The valuer could wilfully or willingly make a valuation because it was his son, nephew, niece or somebody else of fairly close ancestry. If he found himself confronted with having to value a property for his umpteenth cousin, it would not be—

The Hon. H. K. Watson: He would not be an approved valuer after that.

The Hon. A. F. GRIFFITH: Yes. I do not think he would do it knowingly or wilfully. I think there is something in the Companies Act which specifies this more particularly. I suggest we allow this provision to remain as it is, and if we find that as a result, there is a detrimental effect upon valuers we will have another look at it.

THE HON. F. R. H. LAVERY (West) [4.17 p.m.]: I thank the Minister for the answer he has given because, as I mentioned last night, the person concerned was in grave doubt about the position. I am sure the explanation given by the Minister will suit him.

Question put and passed.

Bill read a third time and returned to the Assembly with amendments.

DIVIDING FENCES BILL

Returned

Bill returned from the Assembly with amendments.

LAPORTE INDUSTRIAL FACTORY AGREEMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.19 p.m]: I move—

> That the Bill be now read a second time.

This is a Bill to ratify an agreement between the Government and the firm known as Laporte Industries Limited, and it is another measure directed towards the decentralisation of industry.

The terms of the agreement provide that the company shall construct and establish an industrial factory at an estimated capital cost of not less than £3,000,000 on a site at Bunbury. The company is further obliged to produce at that factory, designed for the purpose, not less than 10,000 tons of titanium oxide pigments per annum, together with the necessary supplies of sulphuric acid. The overall investment is expected to be £4,000,000 or more.

This industrial establishment is required to be completed not later than the 31st December, 1964, but this firm has already given an undertaking that endeavours will be made to reach this stage by the end of 1963, and all work and planning have been done on that basis.

I invite members' perusal of clause 2 (b), which contains quite an important provision as regards expansion. This is to the effect that the company, as soon as it judges the economic conditions justify expansion, will expand the factory so as to produce hydrochloric and other mineral acids, caustic soda, aluminium sulphate, and other chemicals.

Laporte Industries Limited estimates such expansion will involve an expenditure of £2,000,000. There are good reasons to believe that, though the company is not bound legally to undertake this development, it will use every endeavour to expand its scope of operations along the lines indicated. Agreement has been reached that when this stage of development occurs, Laporte Industries Limited will have regard for the State's overall requirements of such chemicals rather than confine itself to the manufacture of quantities sufficient for its own needs.

As with all such agreements which the Government is bringing to Parliament to ratify, a clause has been inserted requiring the company to utilise local materials and equipment wherever it considers that to be practicable.

The site previously referred to is that mentioned in clause 3 as the works site, comprising an area approximating 150 acres. At the time of the signing of the agreement it was not possible to specify the actual site and identify its title, and the successful negotiations for the purchase of the land have since ensued.

The Government has taken the precaution of acquiring adjoining land. In the light of earlier experience, this will be held for future use. Such land would be specially useful to some appropriate industry likely to be more successfully operated if sited immediately alongside the Laporte project. Circumstances, as they develop, will determine the use to which this land will be put—be it housing or industry.

An earlier site chosen, adjacent to the Bunbury Power Station, has since proved unsuitable, after close examination by experts in these matters, and it eventuated that the Australind area presented an alternative nearby site.

Upon the power station site, as it may be termed, becoming unsuitable, the company agreed to pay 110/150ths of the cost of a new site, this being the estimated benefit the company was surrendering by not accepting the Power Station site.

It is interesting to note that the company did not seek any binding undertaking from the Government to provide financial assistance. This aspect is covered in clause 4, wherein the company asserts its ability to provide the finance required from its own resources.

Nevertheless, a provision was agreed on, should the company require financial assistance because of altered circumstances or other development during the course of construction. The State has a strong desire to see the factory established as early as possible, and accordingly would endeavour, if requested by the company, to arrange financial assistance to the extent of one-third of the total establishment costs, or £1,300,000—whichever were the lesser.

It is considered reasonable that such assistance would be in the form of a guarantee, it not being envisaged that loan funds would be involved. Such guarantee would not be likely to involve the State in any real risk, bearing in mind Laporte's membership of a very strong financial group. The issuance of a guarantee in those circumstances could facilitate additional borrowing for the company at lesser interest rates than otherwise.

There is provision for the Government to ensure adequate road access from the works site to the ship's berth, by the time production commences. Under the terms of the agreement, the company may transport by road, minerals, including coal, from any area within a radius of 50 miles, to be used in the factory. A transport right, within a radius of twenty miles from the factory, has been granted in respect of any goods for use in the factory, or manufactured or produced there.

The agreement under which this industry is to become established at Bunbury emphasises once more our mineral riches. The agreement assures supply of raw materials, and envisages mineral claims being made in respect of two areas not exceeding 300 acres each.

The Government acknowledges, under the terms of clause 8 of the agreement, the importance of assured supplies of raw materials being available through the issue of leases. For the present, the company's requirements in ilmenite will be procured from local producers.

This industry will require approximately 2,000,000 gallons of water per day for all purposes, and investigations are in hand with a view to establishing sea-water usage for cooling purposes.

The responsibility for ensuring the supply of potable or other water at the works site up to the specified amount, rests with the State, and further endeavours to ensure a sufficient supply to meet expansion programmes will be made, if necessary.

With a view to establishing suitable sources of underground water, one bore has been successfully developed, and a second is in course. Determination of the ultimate source of supply depends on the success of this boring programme. The company is bearing the cost of this programme, as also the expense on pumping equipment, pipes, etc.

Should the search for suitable and adequate underground water fail, there will remain an obligation on the State to pipe water from a suitable source, one of which could be the Collie River. While water from this source will eventually be needed to supply the Bunbury area, it is hoped that the underwater development scheme now in progress for the Laporte industry, will not render this immediately necessary.

As is usual in respect of piped supplies, there is provision for the consumer to pay the State at ruling rates for excess water for industrial purposes, and the costs in this agreement are based on those charged to consumers by the Metropolitan Water Supply, Sewerage and Drainage Department.

There is a guarantee from the company, however, that in the event of piped supplies being necessary the total payment for water by the company and other consumers will be at a rate of not less than £20,000 per annum. Such a figure is considered a satisfactory one for the provision of a pipe line, should that course be inescapable.

From whatever source the water is supplied, the charges will be on a basis of mutual agreement, but not exceeding those set out for water from the Collie River.

As is widely known, this industry is one which calls for very careful treatment of effluent. This matter is dealt with under clause 10. Present proposals include a pipe line from the works site across the estuary to a point of discharge into the sea. The intention is to construct the pipe line above the level of the estuary

water. This will facilitate maintenance, and provide an obvious assurance against contamination of estuarial waters. The passage of small craft will not be prevented.

I indicate that method of effluent discharge as representing present intentions, but it could be varied after the company and State engineers have designed the project in more detail. The point of discharge is one of very considerable importance. Should a more distant discharge point be found necessary as a protection to the beaches, the Government and the company will confer on the additional cost involved.

The present intention is that the company will pay three-eighths of the cost incurred in providing the laying of the pipe—that is on present plans for the initial 18 in. internal diameter pipe line. Later expansion of the works, involving a larger pipe, would involve the company in meeting the whole cost of it. The agreement provides for the State to maintain the pipe and for the company to meet the cost of pumping the effluent.

The State is to provide power to the boundary of the works site for both construction and operating purposes. Charges will be in accord with the industrial schedule rates of the State Electricity Commission from time to time prevailing in the metropolitan area, or such other special rates as are negotiated by the company with the commission.

There is provision for the company to install on the works site, plant from which electricity is available for use in the operation of the company on the works site.

Under clause 12, dealing with housing, the State must use its reasonable endeavours to ensure sufficient housing for married employees of the company in the vicinity of the works site. It is considered this will involve the making available of up to 25 houses, the design of which will be mutually agreed upon, and up to 75 other types of houses, to a design determined by the State. The State retains discretion as to any additional houses. Again, in this agreement, the houses will be leased to the company on a basis which will recoup the State its capital outlay over a period of thirty years.

The company's responsibility extends to rates, repair, insurance, etc. Lease renewals, after the 30-year period may be for five years—not less. The responsibility for the management and control of the houses, and for their subletting to employees, rests with the company, though the State may permit otherwise. The term of this agreement is for 50 years, and I heartily commend it to members.

THE HON. F. R. H. LAVERY (West) [4.30 p.m.]: This is probably the fourth or fifth Bill brought before the House this session seeking the approval of Parliament for an agreement between the Government and private enterprise for the establishment of new industries in this State. The agreement made between the Government and Laporte Industries Limited, which is the subject of this Bill, is rather pleasing to all of us because it means that this company will be extending its operations to Western Australia at a time not long after we failed to attract another chemical company to establish itself here, when we thought it would establish a factory in the Kwinana refinery area.

The agreement also reflects great credit on the three members of the trade mission which visited England in 1957, I think it was, with Mr. Tonkin at its head. It may perhaps sound strange, coming from me as one of the three members representing the Kwinana industrial area, that I am lauding the establishment of an industry that will assist in the decentralisation of industry in Western Australia. Nevertheless, this industry, by coming to this State at a time such as this, gives me the impression that it is not likely to be an industry that will fail to succeed.

Further, there is some little pleasure to be gained from the establishment of this industry at Bunbury because in 1957 negotiations commenced regarding its establishment—when Mr. Tonkin led the trade mission to England and other overseas places in company with Mr. Ledger and Mr. Goyne Miller, and it was thought that the company had prospects of establishing itself in Western Australia—but it was eventually considered that the time was not opportune to extend its operations to this State. However, it was subsequently thought, after the representatives of that company returned to England, that strong representations would bring them back to this State.

It is very pleasing to know that Mr. Tonkin, the leader of the trade mission at that time, pays great tribute to Sir Russell Dumas for his persistency in convincing this company that it would be doing the right thing for Western Australia and itself by extending its operations to Western Australia. Therefore, Sir Russell Dumas is deserving of great credit for his efforts in this connection. The reason for my mentioning that is that when one picks up a newspaper these days, or hears any broadcast over the radio of reports of new industries establishing themselves here—and such reports are welcomed by all of us—it is found that the initial moves—and what I am saying applies to this industry—date back to the time when there was some doubt whether certain industries would prove to be successful in view of our small population.

As Laporte Industries Limited has now decided to establish itself in Western Australia, I can assure the Minister that we, on this side of the House, are extremely pleased about the move and it gives us great pleasure to support the Bill.

THE HON. G. C. MacKINNON (South-West) [4.45 p.m.]: As members know, this industry is being established in the town where I reside, which is the largest town in the province I represent. I think it would be fair enough to say that Bunbury is the trade and commerce centre of the South-West Province.

The Hon. L. A. Logan: I thought the industry was in the Harvey Shire Council district.

The Hon. G. C. MacKINNON: The Minister for Local Government has said that this industry will be established in the Harvey Shire Council district, but that is beside the point; although what he has said is quite correct. However, it is a subject of humorous by-play in the district that the Bunbury Golf Club is also situated in the Harvey Shire Council district, and is the only place in Western Australia where there are two golf clubs in the one district.

Mr. Lavery mentioned decentralisation, and I think that this industry will highlight decentralisation in the South-West Province, because the mere transfer of a factory from Perth to, say, Toodyay, does not, by itself, bring about decentralisation. Decentralisation, in the proper sense of the word, involves the various activities of a particular area being integrated.

In the South-West Province many industries have been established in recent years, and this trend will give this particular industry the impetus it needs. For example, over the last few years, we have seen the establishment of milk treatment plants, cheese factories and similar types of industries at Brunswick and Manjimup, and we require the establishment of an industry such as this in the Harvey Shire Council district to bring about real decentralisation.

Ilmenite is to be mined at Capel, and it is a pleasing thought that the ore will be transported by road to the plant at Eastwell where it will be manufactured into titanium oxide. This is a very important and expensive process; and, a short time ago, I was privileged to see some films that were exhibited by the mining companies at Capel which showed the development and manufacture of titanium oxide. The process requires immense quantities of sulphuric acid and large quantities of water to produce the substance that is used so widely today in paints.

In fact, the tremendous growth in the use of titanium oxide as a pigment base in paints is not fully appreciated by most of us today because it has been so rapid, but it represents about 20 lb. weight in every house that one enters. It is used in every residence, on motor-cars, various household appliances, such as refrigerators, to which liquid paint is applied; and the progress that has been made in this field is nothing short of dramatic.

What augurs well for this State is the fact, as all members are aware, that there are three large chemical companies operating in the world today; namely, I.C.I., Dupont, and Laporte Industries Limited, and I do not think it is an exaggeration to say that we move in a chemical age—an age in which chemists, with their magic, are producing a marked effect on the everyday life of the community.

It is extremely gratifying to know that one of the world's largest chemical companies is to establish itself in this State because, in what was virtually a passing reference when the Minister introduced this Bill, he pointed out that this company would manufacture odd chemicals, and he listed some of them. The plastics industry is entirely dependent on soda ash which is the basic material it requires. There are a number of these industries which must have certain chemicals as their foundation material, and no chemical company gets very far without them.

Therefore, as I have said, it is gratifying to know that one of the three largest chemical companies in the world is to establish itself in this State ostensibly, at this stage, to manufacture titanium oxide; but it is also talking about manufacturing other chemicals.

Of course, from a purely local point of view, and also from the point of view of decentralisation, the area in which the company is going to settle, and the industry it is going to establish, will mean great things for the State.

Not only will it be using local ilmenite, but also other local products used for the building of houses, etc. It will expand our local market for agricultural products such as potatoes, peas, milk, and other items produced in the Bunbury district. It will mean the building of additional homes and the provision of additional services. This will all tend to build up the entire area. Once we get the area moving and it becomes an integrated economic unit it will not matter where the development expands, because it must affect the whole area.

For instance, the establishment of this industry in Bunbury will, to a degree, affect the welfare of the whole State. Of course, once we get any area in the State becoming more or less an integrated economic unit it does not matter where in that area the milling plant or anything else is established, because the whole area is bound to benefit. That can be exemplified by the development that is going on in the Bunbury Harbour. The Minister mentioned the road to the harbour, but I do not think he mentioned the work that is almost ready to proceed on the land-backed quay, which will be part and parcel of the Laporte project, and the advantages that that will bring to Bunbury from the point of view of increased shipping.

I have no doubt that we will have a land-backed quay and an access road to the harbour, which, in turn, will not only encourage more people to the district, but will bring about a more efficient handling of the shipping that patronises the port at present. So one could go on elaborating the advantages that such an industry as this will bring in its wake; and the industry, by world standards, is not a very big show. From memory, I think it will be using 20,000 tons of ilmenite which will produce 10,000 tons of titanium oxide.

So, judged on world standards, that is not a very big establishment; but, of course, it is big in an area which is little more than 100 years old. It will add that little variety to the economy of an area which is, and will be for many years, dependent, basically, on agriculture. Its establishment will mean that many more jobs will become available, and will make the South-West Province area move more rapidly to the stage where it can absorb all those of its people who are looking for employment. That is the problem confronted by any area outside the metropolis; namely, that in the country we have young people growing up with limited employment opportunities, and, as a result, they move into the city.

This industry will give that added possibility of satisfactory jobs being made available for local people who are looking for employment.

The Hon. F. R. H. Lavery: There is, indeed, a problem to find work for young people at Medina.

The Hon. G. C. MacKINNON: Yes; it is a problem that is everywhere, particularly outside the city; and this is the type of industry that will help to solve it. Therefore, I am really delighted to see this industry established in the State. I am happy, as one of the members representing the South-West Province, to give the Bill my support; and, together with other members, I express the hope that it will go ahead to fulfil the promise which we all feel it has.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Alterations to Agreement—

The Hon. F. R. H. LAVERY: One clause in the agreement provides that, 2,000,000 gallons of water per day shall be made available to the company. This is a question which the Governments in this State will have to consider carefully in the future. It is fortunate that this company which requires such a huge amount of water each day is to be established well away from the metropolitan water schemes.

I draw attention to a report published by the hydraulic engineers who met in Brisbane recently. They say that in the near future even the U.S.A. will experience difficulty in providing sufficient water for all its inhabitant.

Regarding the provision of housing to the employees of this company, in the event of dismissal or retirement they will have to vacate their houses. Naturally they will then call on the State Housing Commission to satisfy their housing requirements. I refer to the recent recession in Collie when some employees in that town left their employment and came to the metropolitan area. Five of them arrived in my district seeking housing accommodation. I approached the State Housing Commission on their behalf, and at the direction of the Minister they were provided with houses in the metropolitan area.

The Hon. A. F. GRIFFITH: We know that fundamentally, the establishment of industry is based on the availability of water. I am pleased to report that the first bore put down by the Mines Department in the Bunbury area proved to be successful, and a second bore will shortly be sunk. All Governments of this State have been conscious of the need to find greater quantities of water, because the population in this State is limited by the amount of water that is available.

Regarding the provision of housing for ex-miners from the Collie district, this matter arose through sheer necessity. We provided them with suitable accommodation with the minimum of upset, and we faced up to our obligations. The demand for housing by these ex-miners was much less than was anticipated.

Clause put and passed.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): Members will notice that in clause 2 a schedule is referred to. It appears that the heading "Schedule" has been omitted after clause 6.

Schedule—

The Hon. H. C. STRICKLAND: I am curious about clause 8 (iii) of the agreement, on page 9 of the Bill. I have an idea this has something to do with the manning of claims.

The Hon. A. F. GRIFFITH: This is a matter which is dealt with between the Minister for Industrial Development and the Minister for Mines. Although the company has decided that it will draw its supplies of ilmenite from the local producers, this clause in the agreement provides that two areas of 300 acres each shall be made available to the company should it desire to work mineral claims on its own behalf in order to ensure a continuity of supply. It is reasonable that the company should be exempt from labour conditions while it holds such land.

Regarding the omission of the heading "Schedule" after clause 6, I take it that, you, Mr. Deputy Chairman, have instructed that it be included.

The DEPUTY CHAIRMAN (The Hon A. R. Jones): The Clerk informs me that this is not absolutely essential. However, we have made reference to the omission, in case the heading is required to be inserted.

Schedule put and passed.

Title put and passed.

Report

Bill reported without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

DOG ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.57 p.m.]: I move—

That the Bill be now read a second time.

The Bill is a short one, but contains some important provisions which I commend to members. The first amendment in clause 2 to amend section 3 is more or less machinery to bring the interpretation of the word "district" into line with the Local Government Act, so that a district under the Dog Act will be the same as that under the Local Government Act; that is, "An area of the State, the inhabitants of which are a municipality under the Local Government Act, 1960"; whilst the interpretation of "local authority" is to be amended so that a local authority will mean, "A council of a municipality constituted under the Local Government Act, 1960."

The next amendment in clause 3 is a short amendment to section 5 to delete the word "section" and insert in lieu the word "subsection", to correct a printing error that crept in somewhere along the line when reprints or amendments were taking place.

The next amendment in clause 4 is to section 6A of the Act and is for the purpose of authorising local authorities to refuse to license any dog which, in the opinion of the local authority, is vicious, dangerous, or unduly mischievous.

The Hon. A. L. Loton: What do they do with such dogs?

The Hon. L. A. LOGAN: They will become unlicensed dogs, and the authority should deal with them as they are dealt with at the present time. This amendment has been brought forward due to the numerous complaints received concerning attacks by dogs on individuals, especially on postmen and dustmen in the metropolitan area. Instances have been quoted to the department where canvassers during the last census were also subjected to attacks by dangerous dogs.

I think members will recall that numerous reports of incidents which have occurred in the metropolitan area have appeared in the Press during the last few months, and something has to be done about the situation.

This amendment is tied up with clause 10 of the Bill which repeals section 36 of the principal Act. The principal Act at the present time gives local authorities power by section 6A to refuse the registration of a dog on the ground that the dog is, in the opinion of the local authority, of a destructive nature, or is suffering from any infectious or contagious disease; but whilst section 36 of the Act remains, there is some doubt as to just what the position is in view of the fact that no metropolitan area has ever been prescribed. I will be dealing more fully with section 36 of the principal Act when explaining clause 7 of this Bill.

The next amendment, in clause 5, is to section 15 of the Act and is to simplify the provisions so far as local authorities are concerned for the keeping of a record of dogs registered in each particular municipal area. Under section 15 as it now stands, it is compulsory to be kept at the office of every local authority a list arranged in alphabetical order of the names of all persons who have registered dogs and to make this list up not later than the 31st day of July in every year, together with a revised list made up every three months thereafter.

The amendment submitted is to the effect that a local authority shall keep at its public office a list, or record, consisting of cards showing the necessary details, and for the list, or record, to be kept open for public inspection and to be amended when any change in ownership of a dog is reported at the office of the local authority and for the local authority to supply to any person applying, particulars of any dog registered, together with the name of the owner and, if necessary, a certified copy of the registration receipt.

The amendment also provides that the local authority shall make up the list on or before the 31st day of August each year and revise the list when necessary to record any new owners or change of owners. With the modern method of accounting in many large council areas, the preparation of a list involves unnecessary time as the information is readily available from cards which can be arranged in alphabetical order. Under the amendment proposed, it will only be necessary to prepare a list or record, by way of cards, once each year and for the list, or card records, to be

amended from time to time, and for the list, or card records, to be open for inspection to the public at the office of the local authority.

The section at present requires that the fee to be charged for a copy of a registration receipt is one shilling, and the Bill aims to amend this so that the charge can be two shillings and sixpence for every such copy.

The amendment has been brought forward subsequent to a request through the Local Government Association of Western Australia, which asked that the section be deleted altogether. Such a course of action was not considered desirable as it was felt that a local authority should have available for inspection a list of all dogs registered and the simplified method is therefore included in this Bill.

The next amendment, in clause 6, is to amend section 19 to rectify an apparent omission when the Bill was before the House last year. Members might recollect that during the last session of Parliament, section 19 of the Act was deleted and a new section 19 re-enacted, but when doing this, the proviso to the original section 19 which provided that, "If in the opinion of an officer of police or an officer of the local authority it shall be impracticable to capture any dog wandering at large, and such dog was not wearing a collar round its neck with the registration disc attached thereto, such officer may shoot such dog or cause such dog to be shot without seizing or keeping the same," was not included.

The City of Perth has specifically requested that the original proviso to section 19 be re-enacted as considerable difficulty has been found in continually having to carry on in an attempt to capture dogs wandering at large, with consequent cost in regard to the work of the dog catcher.

As stated, the amendment brought forward to section 19 in clause 6 of the Bill is, in effect, merely to reinstate something that was inadvertently omitted when section 19 was re-enacted during the last session of Parliament.

The next amendment, in clause 7, deals with an amendment to section 22A of the principal Act and has quite a bearing on clause 10 of the Bill which seeks to repeal section 36 of the principal Act; so perhaps some remarks on section 36 at this stage would assist members. Section 36 of the Act provides:—

> Sections sixA, twenty-twoA, twenty-threeA, and thirty-fourA shall not have effect within the metropolitan area as defined by the regulations under this Act, or within any municipality outside the metropolitan area, unless extended to such municipality by an Order in Council published in the *Gazette*.

In the first place, it is desired to point out that regulations defining a "metropolitan area" for the purposes of the Dog Act have never been promulgated, and to promulgate a satisfactory metropolitan area for the Dog Act would create many problems; and as the provisions of section 6A and section 22A, after amendment as proposed in the Bill, will not have any injurious effect on the closely settled portions of the metropolitan area, there does not appear to be any good reason why section 36 of the principal Act should not be repealed.

Another point is that the provisions referred to in section 36 are not effective in any municipality outside the metropolitan area unless especially extended by an Order-in-Council. But now, of course, every local authority in the State is a municipal area and it becomes necessary to correct the position.

There does not appear to be any necessity to alter the provisions of section 23A or section 34A after the deletion of section 36. Section 6A has already been dealt with and I will deal with the other three sections in sequence.

The amendment in the Bill to section 22A of the principal Act, which deals with the provisions for the laying of poison, seeks, by paragraph (a) of clause 7, to delete the words "subject to the regulations" because, as I have stated, no regulations have at any time been made; whilst paragraph (b) of clause 7 seeks to substitute the word "natives" for the word "aborigines" and is, of course, purely machinery. Paragraph (c) of clause 7 is aimed at more protection because, at the present time, the laying of poison is restricted only to within one chain of a main road, whereas it is proposed that the limit be extended to within one chain of a road, reserve, or public place.

No amendment is proposed to section 23A, because there does not appear to be any reason to restrict the activities of farmers and others from taking measures to destroy vermin in conformity with any Act.

The only other section that will be affected by the repeal of section 36 is section 34A, and this is a by-law making power authorising local authorities to make by-laws requiring dogs to be kept chained and under effective control between sunset and sunrise. In the absence of the declaration of a metropolitan area, there has been nothing to prevent local authorities within the metropolitan area making a by-law for the purpose of section 34A, so the repeal of section 36 will not alter the position.

The next amendment, in clause 8, deals with section 29 of the principal Act and raises the point of the keeping of dogs by aborigines. It is known that this matter causes quite a difference of opinion, but at the present time there is certainly an

anomaly in the existing legislation, because if one reads the provisions of section 29 as at present, one will find it states—

> Any adult male aboriginal native may register one dog free of charge.

And the second proviso to this section states—

> Whenever the number of dogs found in the possession of one or more natives shall be in excess of the number of adult natives in such party, such dog or dogs in excess except such of the said dogs as are duly registered shall be liable to be destroyed.

We could have the position where there were four adult male aborigines with four licensed dogs; and we could have the position where there were 20 adult male aborigines with 16 unregistered dogs; and because of that proviso none of those dogs could be destroyed. That is an anomaly which exists at the present time.

Various suggestions and calculations have been put forward as to what the section actually means, but it clearly needs tidying up. Members will recollect that during the last session of Parliament, section 29 of the Act was amended to provide that the provisions of the section would not apply to the South-West Land Division of the State.

Since the last amending Act was before Parliament, there has been one rather serious case of dogs attacking sheep and causing great financial damage and loss, and it was proved, with little doubt, that the dog was owned by a native; and, therefore, a further amendment to section 29 is now included in the Bill in clause 8.

This amendment seeks to provide that any person who is a native as defined in the Native Welfare Act, 1905, may register one male dog free of charge; and this amendment seeks, by an amendment to subsection (1) of section 29, and by the deletion of subsection (2) of section 29, to provide that where a member of the Police Force or an officer of a local authority finds a dog in the control or possession of such a native, if at the time it is so found—

(a) the dog is not registered under this Act; and

(b) the dog is outside the limits of a town or townsite in a district,

the member or the officer, if he is an officer of the local authority of that district, may, without seizing the dog, destroy the dog by shooting it, or may cause it to be so destroyed, and shall cause the carcase of the dog to be disposed of.

Clause 9 of the Bill is for the purpose of amending section 35A by deleting the words "or road district, as the case may be" so that the section will refer to municipal districts only and the section will apply to all municipal districts.

Clause 10 of the Bill, as previously explained, is for the purpose of repealing section 36.

The final clause of the Bill deals with amendments to the second schedule of the principal Act and is for the purpose of deleting the words "or Road Board" where they appear.

Debate adjourned, on motion by The Hon. F. J. S. Wise.

EDUCATION ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.11 p.m.]: I move—

> That the Bill be now read a second time.

I believe members will readily recall the legislation introduced last session for the setting up of the Government School Teachers' Tribunal, and the complementary legislation to amend the Government Employees (Promotions Appeal Board) Act. The introduction of this Bill makes particular reference to the latter amendment.

The regulations covering the appeals to the tribunal were gazetted on the 30th May last. These prescribed that the grounds of appeal which were formerly applied under the Government Employees (Promotions Appeal Board) Act of 1945-54 should be—

(a) Superior efficiency to that of the teacher promoted.

(b) Equal efficiency and seniority to the teacher promoted.

It was the intention to retain these when bringing down the 1960 amendment to the Education Act.

Some doubts have arisen, however, in the minds of the members of the tribunal, as a result of which the matter was discussed with the Chief Parliamentary Draftsman. This officer agreed that the section of the Act concerned—section 37 AF (3)—could be interpreted reasonably as establishing seniority as an independent ground of appeal; but it is conceivable that the tribunal could, in the light of the supplanted legislation construe "seniority . . . and such other grounds as are prescribed" as meaning "seniority . . . together with such other grounds as prescribed."

The chairman of the tribunal accordingly took the matter up with the Minister for Education under date the 29th September last, pointing out the desirability of rectifying the matter, rather than relying upon the tribunal itself to place its own construction on the wording of the Act. The appropriate amendment is accordingly being introduced under the provisions of this Bill in order to resolve any doubt whatever in connection with grounds for appeal.

The other amendment provided for in this measure will remove an anomaly with respect to some few teachers who, prior

to 1952, were awarded science teachers' exhibitions by the department following their Leaving Certificate examinations. Those students proceeded directly to the University for at least a three-years' course, and were not enumerated as Teachers' College students, even though they were being trained for teaching.

The seniority of a teacher commences with the date of entry into the Teachers' College and, of course, due to the circumstances just referred to, this particular group would be deprived of its seniority rights. It is therefore considered only just to recognise their period as University students, as part of their departmental seniority, in exactly the same manner as the period spent by students who pass through the Teachers' College, is recognised as part of their service.

The Western Australian State School Teachers' Union is in favour of this contention, and supports the amendment to the Act in order that the anomaly may be disposed of. I commend the Bill to the House.

THE HON. F. J. S. WISE (North) [5.15 p.m.]: This small Bill intends to correct two very minor matters: one the correction of an error to which attention has been drawn by the Government School Teachers' Tribunal; and the other in regard to something which was inadvertently omitted from the Bill presented last session. They are both very simple points.

In the first case the tribunal has drawn attention to the possibility of a conflict, because of a lack of clarity in the verbiage in the legislation, in regard to seniority and its meaning. That has been explained by the Minister. The other point is in reference to an omission which this simple Bill seeks to rectify. I support the measure.

Debate adjourned, on motion by The Hon. R. F. Hutchison.

DIVIDING FENCES BILL

Assembly's Amendments

Schedule of two amendments made by the Assembly now considered.

In Committee

The Chairman of Committes (The Hon. W. R. Hall) in the Chair; the Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Assembly is as follows:—

No. 1.

Clause 3, page 2, line 30—Insert before the word "or" the passage "the Vermin Act, 1918,".

The Hon. L. A. LOGAN: I move—

That the Assembly's amendment be agreed to.

This amendment has been made by the Assembly to correct what was thought to be an inconsistency between the provisions of this Bill and those contained in the Vermin Act. To make the point clear we have decided specifically to mention that this Bill does not over-ride the provisions of the Vermin Act in regard to fencing.

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

The CHAIRMAN (The Hon. W. R. Hall): Amendment No. 2 made by the Assembly is as follows:—

No. 2.

Clause 3, page 2, line 30—Insert after the figures "1954" the words "and where any provision of those Acts is inconsistent with any provision of this Act the former provision, to the extent of the inconsistency, prevails."

The Hon. L. A. LOGAN: I move—

That the Assembly's amendment be agreed to.

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

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

COMPANIES BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.22 p.m.]: I move—

That the Bill be now read a second time.

I apologise for the length of the explanation in connection with this measure, but it is a large Bill, both in size and in the number of clauses, and I feel that a lengthy explanation is necessary. I desire to remark, in moving the second reading of this measure, that the Bill is directed towards bringing about uniformity of company law in Australia. The Bill conforms very closely with that introduced last year in another place, and not proceeded with.

I think it is well known that the intention of the Government in bringing its proposals before the public in that manner was to enable its provisions to be thoroughly considered and discussed by all concerned. Since that time the Bill, as also the Australia-wide model Bill, have been circulated throughout the Commonwealth. Trade and professional associations, and other interested persons have, during the past 12 months, taken the opportunity of submitting many suggestions, all of which have been examined very closely at interstate conferences of Ministers and of legal and administrative officers.

The initial thought in this connection envisaged subsequent amendments of that Bill in the Committee stage during this

session of Parliament in order to implement decisions by Attorneys-General acting collectively within the scheme for uniformity in company law. However, the number of desirable changes and revisions considered necessary, in view of the submissions made to conferences of Ministers, together with many drafting improvements, have resulted in the new print of the Bill, which has now come to us from another place.

This Bill conforms, in the main, with the original Bill and also with the draft uniform Bill as agreed to by the conference of Ministers. Members may be interested to know that there are available several copies of the 1961 revision of the uniform Bill. These were printed by the State of Victoria and made available for use throughout the Commonwealth. They will be useful for comparison purposes.

I shall read, for the information of members, the foreword to the latest printing of the model Bill. It reads as follows:—

> The preparation of a draft uniform Companies Bill began almost exactly two years ago today when Commonwealth and State Ministers met in Melbourne on the 18th June, 1959. Since then, the Ministers have met to consider the problems on seven occasions. The first draft prepared under the direction of the Ministers was circulated widely in October, 1960, and the Ministers are deeply appreciative of the valuable comments that were made on that draft by persons and professional organisations in the legal, accountancy, secretarial and commercial fields.
>
> After a close study of these comments, the Bill was re-examined and substantially amended at a meeting of the Ministers in Hobart in February of this year. The Bill, in its present form, is the result of that consideration, and also of careful revision of the drafting.
>
> It is believed that the Bill is now in as good a form as can be expected in complex legislation covering such a wide field.
>
> The general approach of the Ministers to this matter has been, firstly, to simplify the requirements of the legislation with the object of facilitating operations of legitimate business; and, secondly, to strengthen the provisions aimed at fraudulent and undesirable practices and those designed to safeguard the investing public.
>
> These two objectives are, to a degree, irreconcilable, but it is believed that the streamlined procedure of the legislation will be of great benefit to the community and that the strengthening of the provisions relating to disclosure and prevention of fraud will not interfere unduly with the operations of legitimate business.
>
> Indeed, it is probably true that legislation designed to curb fraudulent activity must assist legitimate business. It is impossible in any field, to prepare legislation that pleases everyone, and this draft will no doubt have its critics, but the Ministers believe that when considered as a whole, the draft is a measure which fairly balances the interests of the business community against that of the public generally and the investing public, in particular.
>
> Being conscious of the constant developments in the field of commercial law, and the probability of further reforms being recommended by the Report of the Committee at present considering Company Law in England under the Chairmanship of Lord Jenkins, the Ministers fully realise that this measure, even if adopted by all States and territories, in the near future, will soon require further consideration.
>
> So that Company Law can be kept abreast of these developments, it is proposed to review the position periodically and to maintain close contact between all administrators working in this field. This draft is offered as a proposal for a Bill for adoption throughout the States and Territories of Australia. If the draft is acceptable to the legislatures of the various States and territories concerned, Australia will have a law regulating corporations equal to any in the Commonwealth of Nations and well suited to its needs in these times of vast manufacturing and commercial growth.

The foreword is issued over the signatures of the Attorneys-General of the Commonwealth and all States.

All State Ministers concerned intend to introduce Bills into their respective Parliaments presently. The Bill has already come to Parliament in Queensland and in Victoria, and is to be introduced this session in the New South Wales Parliament, the intention being that the Bill be enacted before the middle of next year, this being dependent on the legislative programmes of the Governments involved and the sitting times of Parliaments.

I desire at this stage to recount the special arrangements in respect of the variation of the model made in this Bill, in order to meet local conditions.

The Bill does not affect co-operative companies—those now existing will still be regulated by the Companies Act of 1943, and any new co-operative company will be incorporated under that Act. That Act will then be re-entitled the Companies Co-operative Act, the intention being to later repeal that Act, except in matters relative to co-operative companies. Such

arrangement is, at this stage, only an interim one, as there may be need to enact a separate statute later.

The system covering annual registration for company auditors and liquidators provided in the model Bill has been softened in its application to those persons so registered in Western Australia at the commencement of the new Act. No renewal of registration is at present required, and apparently, this has some relation to the fee fixed, because a registration once effected stands until cancelled.

This Bill provides that all registrations extant on the commencement date will remain in force until the 31st March, 1964. Furthermore, it is considered desirable that the new disqualifying provisions should not become effective until the Act has been in operation for 12 months. This comes about because of a variation of the conditions under which auditors will become disqualified as such in relation to particular companies, and also because some of those conditions for disqualification have a retroactive effect for two years.

All other variations from the standard are made either for purely administrative reasons, or because of local differences in other laws, referred to in, or affected by the model Bill. The main differences between this Bill and that introduced in 1960 are as follows:—

The definition in clause 5 of an exempt proprietary company has been clarified and extended.

Such companies as defined in the original Bill introduced last year, and to which I have been referring as "the 1960 Bill" or "that Bill" were restricted to proprietary companies, wherein all shares were held beneficially by, or on behalf of natural persons.

An "exempt proprietary company" is now to be a "proprietary company" in which no share is owned or deemed to be owned by a public company: that is the basic principle in the new definition.

Also, the definition has been extended to provide that a share in a proprietary company will be deemed to be owned by a public company if any beneficial interest in the share is held directly or indirectly by a public company, or if any beneficial interest in the share is held directly or indirectly by a proprietary company, a beneficial interest in a share in which is held otherwise than by a natural person.

The difference means that the holding of shares in an exempt proprietary company by a company which is itself an exempt proprietary company, will not cause the first-mentioned company to lose its status as an exempt proprietary company. The disqualification of persons for appointment as auditors of a company is covered by clause 9.

Under the 1960 Bill, a person is disqualified for appointment by reason of his connection as partner, employer, or employee during the previous twelve months with the person who is, or has been an officer of the company. It has effect even though he had severed connection with the officer, or erstwhile officer, and he would have been disqualified.

Such was not intended to be the case. This Bill provides that it is only whilst the connection with an officer of the company or a person who has been an officer during the previous twelve months subsists, that any disqualification attaches. Once that nexus is broken, the disqualification lifts.

The general provision that an officer of a company is disqualified for appointment as auditor remains, except that, in the terms of this Bill that disqualification will not apply in the case of an exempt proprietary company. A company may be incorporated as a proprietary company under the terms of clause 15. While a proprietary company enjoys many of the advantages of incorporation under the companies Act, it is not subject to the same degree of legislative control as a public company.

It follows that the memorandum and articles of a proprietary company are required to embody certain prohibitions and restrictions which do not apply to public companies. One of these is a prohibition of any invitation to the public to subscribe for shares in or debentures of the company, or to deposit money with the company. Where a public company makes an offer for the public to subscribe for its shares or debentures, the company making the offer is required to issue a prospectus which must be registered, and for which the persons issuing it are responsible civilly and criminally.

Accordingly, the new provisions incorporated in clause 27 of the Bill provide a safeguard against any actions which may be taken by a proprietary company to do indirectly the things which, under its articles, it would not be permitted to do directly. Incidentally, under the provisions of this Bill, those companies which are proprietary companies under the 1943 Act, are deemed to be proprietary companies for the purposes of the new Act, and they are deemed to have in their memorandum or articles the restrictions, limitations, and prohibitions which are required in the Bill in the case of new proprietary companies.

They are slightly different in wording and effect from those which were applicable to a proprietary company under the 1943 Act. The Bill deals more completely with the problem of the protection of the interests of shareholders of companies where take-over offers are made. The approach adopted in the 1960 Bill was to require a company to issue a prospectus

where the consideration, wholly or in part, was in the nature of securities of the company making the offer.

The disadvantage of this was that the requirements relating to a prospectus did not entirely meet the case. A new approach to the question has been decided upon, and a reference to clause 184 will provide the terms of a new code to regulate the matter of take-overs. By way of explanation, I should say that before making a take-over offer, the corporation making the offer will be required to give notice of the proposed offer to the corporation to be taken over. The notice is to be accompanied by prescribed information to enable directors of the latter corporation to assess the offer, and advise their shareholders upon the offer.

The offer to shareholders in the offeree corporation must comply with certain requirements, and contain certain specified information. Details of such requirements and information are set out in the tenth schedule of the Bill. Clause 184 and relative provisions in the tenth schedule specify certain provisions concerning the duties of the offeree corporation and its officers in connection with the take-over offer.

The object of these many provisions is to ensure that shareholders will, as far as is reasonably possible, have all information necessary to enable them properly to evaluate any offer made. The approach adopted has been based broadly upon the present requirements of leading stock exchanges of the Commonwealth with respect to listed companies.

Clause 44 provides for the avoidance of any allotment of shares in or debentures of a company where the prospectus offering those shares or debentures to the public indicates that permission for listing on a stock exchange has been granted or that application for such permission will be made and where it subsequently transpires either that permission has been refused or that application has not been made.

Where the allotment is void, the clause requires repayment of the moneys prescribed within a strictly limited time. The clause of the 1960 Bill has been recast in the light of further experience gained in the workings of a similar clause in the Victorian Companies Act. The new clause will impose penal consequences upon any untrue statement as to listing upon a stock exchange and limits statements as to future listing to statements that application for listing has been made, or will be made, within three days of the issue of the prospectus.

There is provision also for the conditional listing deemed to be listing where the directors undertake, in writing, to comply with the requirements of the stock exchange. Any failure to comply will attract penal consequences. The Minister has power under the section to grant exemption from all or any of the provisions of that particular section of the Act —this to afford flexibility in the operation of the section.

Any attempt at evasion of the section by statements that the memorandum and articles of the company are drawn to comply with the requirements of the stock exchange is met by a provision that unless the contrary intention appears, any such statement is deemed, for the purpose of this section, to imply that application has been made, or will be made, for listing on the stock exchange concerned.

The provisions of division 5 of part IV of the Bill dealing with interest other than shares and debentures, have been altered. Statutory recognition will now be given to the position of management companies. There will also be a requirement that a trustee for unit or interest holders must be a public company.

Clause 80 will require that among the covenants that must be included in an approved deed are covenants binding the management company to pay to the trustee within 30 days such moneys as are payable under the deed to the trustee and binding the trustee and the management company not to invest or lend moneys available under the scheme to each other or to companies related to either of them. A breach of such a convenant will constitute an offence.

Protection will be afforded to a trustee for any action in accordance with directions given by a meeting of holders of interests. But where the trustee is of opinion that any such direction is inconsistent with the deed or the act, he may apply to the court for directions.

The seventh schedule which specifies the matters to be included in the statement to be issued by a company before offering interests to the public for subscription or purchase, has been recast so as to provide more adequately for the infinite variety of schemes which may be launched. Provision has been made in clause 87 of the Bill for the winding up of schemes in relation to interests.

Developments in the Eastern States since the introduction of the 1960 Bill emphasise that there is need for regulation in this field both to prevent wrong practices and in the interests of those participating in the many completely legitimate schemes. In this connection I may mention that it is contemplated that as opportunity arises, separate legislation will be prepared on a uniform basis to cover more fully the subject matter of this division of part IV of the Bill.

In terms of clause 114 a public company will, after the Bill becomes law, be required to have at least three directors, two of whom must be natural persons residing within the Commonwealth. Clause 121 will impose an age limit on directors

of public companies or of subsidiaries of public companies. However, provision is made whereby a company may specifically provide for the appointment or reappointment as director until the next annual general meeting of a person of, or over the age of 72. In the terms of the 1960 Bill, this appointment or reappointment was required to be by special resolution.

In most cases, the notice required to be given of an annual general meeting would be shorter than that required for a special resolution and, as a result, two notices referring to the same meeting might have been required. To remove this disability, it is now provided that notice of the resolution for appointment or reappointment may be given with the notice of annual general meeting. The majority required to pass such a resolution will, as previously, be the same as that required for a special resolution.

Clause 122 deals with the disqualification of certain persons from acting as directors or promoters of companies, except with leave of the court. The provision in the 1960 Bill that would have disqualified a person from acting as a director or a promoter where that person had been the director of a company that had been wound up and had paid less than 10s. in the pound was, on further examination, found to be too drastic. While it would have caught some persons who probably should not be permitted to act as directors or promoters of a company, it would also have subjected some entirely innocent persons to grave inconvenience. Accordingly, another approach to the problem has been adopted.

Clause 122 has been redrafted, while clause 303 of the Bill has been extended to provide that if in a winding up it appears that an officer of a company who was knowingly a party to contracting a debt provable in the winding up had, at the time the debt was contracted, no reasonable expectation of the company being able to pay the debt, that officer will be guilty of an offence against the Act.

In terms in the new clause 122, conviction for an offence against clause 124, which clause lays down the measure of the directors' general duty and liability to the company, or against clause 303, or conviction for any other offence in connection with the promotion, formation or management of a corporation, or involving fraud or dishonesty, will, under the Bill, entail disqualification for five years after conviction, or release from prison, except with leave of the court.

This approach is broadly analogous to that under the Commonwealth Bankruptcy Acts. Clause 165 deals with the appointment of auditors of companies. This clause has been redrafted to permit of a limited right in the company to remove an auditor before the expiration of his normal term of office. It is also provided that all members of an exempt proprietary company may agree not to appoint an auditor of the company for the next ensuing financial year.

Clause 169 deals with investigations into the affairs of companies. The clause has been strengthened in the light of recent experience in the Eastern States. Clause 186 deals with the remedies available to members where the affairs of a company are being conducted in an oppressive manner. In addition to the powers of redress given to the court in the terms of the 1960 Bill, the court will be empowered, on application, to order that the company be wound up if that remedy seems appropriate. Thus, a second approach to the court under the winding up provisions of the Bill will not be necessary in these cases.

On the introduction of the 1960 Bill, I referred briefly to some of the changes of law which were embodied in that Bill; and I think it is appropriate that I should again refer briefly to the changes of law which are embodied in this Bill in order that members may be refreshed as to the scope of the Bill.

A companies auditors' board is to be constituted under the Act. It will function in relation to matters affecting accounts, auditors, inspections and investigations, and registrations of company auditors and liquidators (clauses 8 and 9 of the Bill). Provision is made in the Bill whereby a proprietary company may have only one member, provided that that member being its holding company is a public company whether such under the Act or under any other similar Act of a State or territory of the Commonwealth (clause 36 of the Bill). A company cannot be a member of its holding company (clause 17).

The law as to *ultra vires* acts of companies is to be substantially affected by limiting to certain persons the right to challenge acts of a company as having not been within its powers (clause 20). A company or a foreign company may not be registered by a name which, in the opinion of the Registrar of Companies, is undesirable. However, there is provision for the Minister to issue a direction to the registrar not to register a particular name or a particular class of name without consent of the Minister (clauses 22 and 353).

The objects specified in the memorandum may be altered by special resolution, subject to appeal to the court by specified percentages of the members or debenture holders (clause 28). The prospectus provisions will require a greater degree of disclosure than was formerly the case (clause 39 and the fifth schedule).

Restrictive provisions are included in the Bill affecting the retention of over-subscriptions for debentures and also statements as to assets backing in relation to borrowings by a company (clause 41) and over-subscriptions cannot be retained

unless the prospectus actually provided for such retention and a limit thereon. An allotment of shares or debentures is void whenever made where the prospectus indicates application for listing on a stock exchange and application for such is not made or not granted (clause 44).

Premiums on shares issued at a premium are to be paid to a share premium account and applied only for specified purposes (clause 60). The Supreme Court is empowered to validate an issue or allotment of shares which is invalid by reason of any provision of any Act or of the memorandum or articles of the company (clause 63). The rights of holders of preference shares are to be set out in the memorandum or articles (clause 66). Limitations are imposed on the right of a company to grant options over unissued shares (clauses 68 and 162 and subclause (8)).

Advertisements in respect of lost share certificates will not be necessary unless the company requires them before issuing a duplicate certificate (clause 94, subclause (2)). Transfers of shares by personal representatives are authorised on production of evidence of a grant of probate or administration in any State or territory of the Commonwealth (clause 95). A scheme for the certification of transfers is to be adopted by the statute. This regularises a long-standing practice of stock exchanges in this regard. However, certifications on transfers of shares or debentures are declared to indicate a *prima facie* title but not to be a representation that the transferor has a title (clause 98).

All charges given by the company, excepting a charge solely over land, are now to be registered with the Registrar of Companies rather than registered under the Bills of Sale Act.

The Hon. H. K. Watson: I do not think that is an improvement.

The Hon. A. F. GRIFFITH: If the honourable member will wait until we reach the Committee stage, it might better be explained then. The obligations as to registration extend to foreign companies in relation to charges given over property within the State of Western Australia (see clauses 100, 102 and 110). Directors must be elected individually, unless otherwise agreed upon unanimously by the meeting (clause 118). Directors may, by a special notice being given, be removed by ordinary resolution (clause 120).

A director of a public company cannot be removed by the other directors (clause 120, subclause (8)). Provisions are included to prevent fraudulent persons from acting as directors (clause 122). Limitations are imposed on the right of companies to make loans to directors and tax-free remunerations to directors are prohibited (clauses 125 and 128). Companies are required to keep registers of directors' shareholdings (clause 126).

Provisions in respect of annual general meetings and incidents thereof as to voting, proxies and notices have been recast and statutory requirements have been made in respect of some of these matters which formerly were dealt with only in Table "A" (see clauses 136 to 138 to 141). Members of companies are to be entitled to have proposed resolutions circulated in certain circumstances (clause 143).

The exemptions from filing accounts in respect to proprietary companies is limited to an exempt proprietary company. Public companies, having more than 500 members, whose offices are within three miles of the office of the registrar, are not obliged to include in the annual return lists of members and details of shares transferred, but must provide public facilities for inspection. The balance sheet must have attached a directors' report setting out certain details of the company's activities, its assets and reserves, and of options granted over unissued shares (clause 162).

Subject to certain safeguards, a company may remove an auditor before the expiration of his term of office (clause 165). Provision is made for specified percentages of members to require particulars of auditors' emoluments (clause 166). Special investigations may be undertaken by inspectors appointed by the Governor-in-Council in respect of companies specified for that purpose. Certain actions and proceedings are suspended during the currency of the investigation, and the Minister may apply to the court for the winding up of a company following the receipt of the inspector's report (clauses 172 to 175).

Inspectors may be appointed to investigate the true ownership and control of a company, and the Minister may impose restrictions on share transfers and voting rights, subject to an appeal to the court (clauses 177 to 179). Provision is made for the furnishing of information and statements as to a company's affairs upon the appointment of a receiver or manager. The appointment of a receiver or manager is also required to be notified to the registrar (clauses 193 and 194).

A new part "Official Management" has been included to allow a company to be placed under the control of an official manager where the creditors consider that, in lieu of being wound up, the company may be carried on by a manager with a view to enabling the company to meet its obligations (part IX, clauses 198 to 215). The provisions under the 1943 Act for winding up under a supervision of the court—these incidentally have never been used—have been removed, so that the winding up will be either voluntary or by the court.

The powers of corporations declared by the Governor-in-Council to be investment companies, are restricted as to borrowings, investments, and underwriting; and special

provision is made as to their balance sheets (clauses 334 to 343). Provision is made where the whereabouts of a shareholder cannot be discovered after the exercise of reasonable diligence, during a period of not less than ten years, whereby the company may transfer the shares to the registrar, who is empowered to dispose of them and deal with the proceeds as though they were unclaimed moneys under the Unclaimed Moneys Act (clause 364).

Reverting now to the Bill generally, I remind members that this Bill is basically a non-party measure in that it is founded on principles which have been accepted by the representatives of the Governments of all States, and I can say with confidence that the Bill will provide important new safeguards for investors and other persons having dealings with companies, and that this will be achieved without lessening the value to the community of the corporate form of organisation which has contributed so much to our national development and community well-being. I commend the Bill to the House.

Debate adjourned, on motion by The Hon. W. F. Willesee.

PUBLIC WORKS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Legislative Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

Sitting suspended from 5.57 to 7.30 p.m.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL

In Committee, etc.

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. A. F. Griffith (Minister for Housing) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended—

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

> Page 3, line 7—Insert after the word "or" the words "in relation to any particular dwelling-house".

The reason for the amendment is that there is a definition of "dwelling-house" and one of "new house." In certain circumstances I want to be able to extend the time beyond the period of six months mentioned in the definition of a new house. A man might say, "I have not been able to arrange my finance in six months; a period of six months and two weeks has gone by." I want to be able to have regard for the genuineness of such an application, but I will not be able to do so under the Bill as it is at present worded. The draftsman misunderstood my intentions in this matter, and he told me that if I extend the term for one house I would automatically extend it for all. That is not intended.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 5 to 8 put and passed.

Clause 9: Section 7A repealed and re-enacted—

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

> Page 6, lines 12 and 13—Delete the words "first charge" and substitute the words "floating charge (having, subject to this section, priority to any other charge created thereafter)".

This amendment is intended to clarify the situation in respect of the application of the words "fixed charge" or "floating charge." There is some ambiguity in the Bill at the moment. Where the Treasurer takes a fixed charge over the assets of a society, the society is prevented from dealing in all its assets. That is not intended. Before the Bill was introduced, we could not, because of the fixed charge, do business with certain building societies which were of an influential nature. They were not prepared to give a fixed charge which would tie up all their assets. The desire is to have a floating charge.

If we merely have a floating charge without the qualifying words "having, subject to this section, priority to any other charge created thereafter," it would mean that the registration of a mortgage would take precedence over a floating charge. So under my amendment a society will be able to carry on with the floating charge; and it only becomes a charge when default occurs. I would like to know whether that is Mr. Watson's understanding of the position.

The Hon. H. K. Watson: Yes.

Amendment put and passed.

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

> Page 7, line 3—Insert after the word "on" the words "so much of."

This amendment and next one I have on the notice paper are designed to clarify the provisions of subsection (6) of the proposed new section by making it quite clear that when a fixed charge is given for a part only of the assets, then a part only of the assets is charged. That is the intention.

The Hon. A. F. Griffith: Yes.

Amendment put and passed.

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

> Page 7, line 4—Insert after the word "institution" the word "as is specified in any such securities".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 10 and 11 put and passed.

Clause 12: Section 7D added—

The Hon. A. F. GRIFFITH: This clause deals with the aggregate of liabilities under guarantee and indemnities to amounts declared by the Treasurer. In Executive Council, the Government declares that it will guarantee a sum up to a certain amount, say, £3,000,000. The lender may not be aware of that, and the Treasurer may in fact guarantee more than £3,000,000 —he may guarantee £3,000,000 plus; and that could be completely out of the knowledge of the lender. Because of that I wish to move the amendment that I have on the notice paper.

The Hon. A. L. Loton: That is so that he will notify the lender.

The Hon. A. F. GRIFFITH: He does not have to do that; but in the event of the lender not having the knowledge, this provision will protect the lender who lacks the knowledge that the amount of the aggregate liability under guarantee has been exceeded. I move an amendment—

> Page 10—Insert after subsection (2) in lines 23 to 31 the following new subsection—
>
> (3) The failure of the Treasurer to comply with—
>
> (a) the provisions of section seven D or seven F of this Act or both; or
>
> (b) any matter or thing required by or under this Act to be complied with by him in respect of a guarantee or indemnity,
>
> does not affect the validity of any guarantee or indemnity.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 13 to 15 put and passed.

Clause 16: Section 8A added—

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

> Page 12, line 26—Insert after the word "time" where secondly occurring, the words "in relation to any particular dwelling-house."

This amendment is consequential on the amendment to clause 4.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 17: Section 9 repealed and re-enacted—

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

> Page 13, line 37—Insert after subclause (2) in lines 17 to 37 the following new subclause:—
>
> (3) Where, immediately prior to the date of the coming into operation of the Housing Loan Guarantee Act Amendment Act, 1961, an approved institution is, pursuant to the provisions of paragraph (b) of subsection (2) of section nine of this Act as those provisions existed immediately prior to that date—
>
> (a) paying into the Fund Account an amount in respect of a loan payment or purchase money as provided in the paragraph; or
>
> (b) is obliged on that date to pay into the Fund Account an amount in respect of a loan payment or purchase money as so provided,
>
> the rate of interest on so much of that loan payment or purchase money as from time to time remains owing, and the repayment of which remains guaranteed under this Act, shall, as from that date, by force of this subsection be reduced by the rate of a quarter per centum per annum and the rate of interest payable by the borrower concerned to the approved institution shall be reduced accordingly.

At present, the Treasury obtains ¼ per cent. from a building society for administrative purposes. The Government intends to relinquish its right to this ¼ per cent., and that is the reason for the insertion of this subclause. The clause is slightly ambiguous and I desire to make it clear that the borrower will receive the benefit of the reduction of ¼ per cent. in the percentage rate to be relinquished by the Government.

It is not the Government's intention that this reduction of ¼ per cent. shall be relinquished and that the borrower shall continue to pay 6¾ per cent.; that is, excluding those mortgages which are in existence at the moment. In new contracts he will be able to borrow or have his loan arranged at a guaranteed rate of 6½ per cent. Therefore, I ask that this amendment be agreed to.

It will be noticed that this new subclause concludes with the words "the rate of a quarter per centum per annum and the rate of interest payable by the borrower concerned to the approved institution shall be reduced accordingly."

That makes it perfectly clear that the ¼ per cent. shall not be charged by the society to the borrower. On the contrary, the borrower will get the advantage of the ¼ per cent. administrative charge which the Government is prepared to relinquish. This will not apply to existing mortgages, but to all future mortgages.

The Hon. A. L. LOTON: The amendment states "the rate of interest on so much of loan payment or purchase money

as from time to time remains owing." Would it not be that the rate of interest is reduced on the whole of the amount owing from the inception because it is all owing from a certain date and the borrower is making payments towards it? Is not the rate of interest reduced from the original date of payment?

The Hon. A. F. Griffith: This ¼ per cent. will not be taken off an existing mortgage.

The Hon. A. L. LOTON: No; but from the first time that he makes his payment, the ¼ per cent. will be deducted. Is that what the Minister intends with his amendment?

The Hon. A. F. GRIFFITH: In simple words this amendment seeks to relieve the borrower from the payment of the ¼ per cent. which the Government is prepared to relinquish. Mr. Loton's point is that it will take place from this date.

The Hon. A. L. Loton: From the date the next payment is due.

The Hon. A. F. GRIFFITH: On old and new mortgages, but not retrospectively?

The Hon. A. L. Loton: Yes.

The Hon. A. F. GRIFFITH: Yes, that is correct.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 18 and 19 put and passed.

Title put and passed.

Bill reported with amendments.

CIVIL AVIATION (CARRIERS' LIABILITY) BILL

In Committee, etc.

Resumed from the 24th October. The Chairman of Committee (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 3: Interpretation—

The CHAIRMAN: Progress was reported after clause 3 had been partly considered.

The Hon. A. F. GRIFFITH: We reported progress on this clause the other day because the point was raised by some members, particularly Mr. Wise and Mr. Watson, as to whether the clause, as printed, meant the State would forgo certain powers, so that in the event of the Commonwealth amending its legislation, our statute would automatically be amended. I do not know whether the explanation which I am about to tender to the Committee will satisfy members, but this is how the Chief Parliamentary Draftsman has explained the clause to me. His comments are as follows:—

> Under section 4 of the Interpretation Act, 1918, "Act" only means a State Act, hence when a reference is made to a State Act and that Act is later amended, the original reference includes all amendments to that Act by virtue of section 14.
>
> Where a reference is made in a State Act to a Commonwealth Act, e.g., the Civil Aviation (Carriers) Liability Act, 1959, the reference in the State Act means that Act as then presently enacted and if, subsequent to 1959, that Act is amended, the reference in the State Act would not include any subsequent amendments, unless a Bill is brought down to change the title of the Act to, say, "the Civil Aviation (Carriers) Liability Act, 1959-61," hence when a reference is made to a Commonwealth Act, it is usual to say that the reference includes that Act as amended from time to time.
>
> If the words "and if that Act is amended, includes that Act as amended from time to time" are deleted from the definition "the Commonwealth," it will mean that each time the Commonwealth amends that Act and the State wants that Act as amended to apply, it will be necessary to go to Parliament in each case. If the interpretation is not changed and the Commonwealth amended the Act in a manner unsatisfactory to the State, it will mean that the State can, of course, amend the interpretation by deleting the reference to the Act, including its amendments.

I interpret those comments to mean that if the Commonwealth brings down an amending Act to the Act for which the Commonwealth is responsible, it does not affect this Act of 1959 unless its title is changed to 1959-1961. That is the crux of the explanation that has been tendered to me.

The Hon. A. L. LOTON: I fail to understand the words, "and if that Act is amended and includes that Act". I do not think that is the real meaning in the interpretation which the Minister has given us. To me those words are completely unnecessary because if one says, "The Commonwealth Civil Aviation (Carriers' Liability) Act of 1959 is amended and includes that Act as amended, from time to time," I cannot place any other interpretation on it except that if the Commonwealth amends its Act we have to amend our Act automatically.

The Hon. F. J. S. WISE: I thank the Minister for passing me a copy of the comments of the Chief Parliamentary Draftsman which he has just read to the Committee. If words mean anything they surely mean not only what they imply, but also what they state and express in the Bill itself; and no explanation of what is meant by the inclusion of the words deletes either the words from the Bill or their implication.

The Minister has advised us that it is usual to say that the reference includes "that Act as amended from time to time";

and if the words "and if that Act is amended, includes that Act as amended from time to time" are deleted from the definition 'the Commonwealth Act', it will mean that each time the Commonwealth amends that Act and the State wants that Act as amended to apply, it will be necessary to go to Parliament in each case; and that is exactly what we want.

The Hon. A. F. Griffith: That is, if you take your words out.

The Hon. F. J. S. WISE: Yes.

The Hon. A. F. Griffith: Yes, that is correct.

The Hon. F. J. S. WISE: The only point at issue is that this Legislature would be very reluctant to cede any right direct, or implied, to the Commonwealth; and if the effect of deleting these words means that any amendment to the Commonwealth Act will result in the introduction of a Bill here to ratify it and agree to it, that is the principle we are trying to develop to protect the Legislature of the State. To test the situation I move an amendment—

> Page 2, lines 4 to 6—Delete all words after the word "Commonwealth" down to and including the word "time".

The Hon. H. K. Watson: Is your amendment on the notice paper?

The Hon. F. J. S. WISE: No.

The Hon. A. F. Griffith: The amendment is not a surprise to me.

The Hon. F. J. S. WISE: I gave notice that unless a satisfactory explanation was forthcoming I intended to move for the deletion of the words referred to.

The Hon. H. K. WATSON: The Minister gave a perfectly logical explanation for the definition in the Commonwealth Act. The question is whether the reason for the definition of the Commonwealth be accepted by us. I agree with the remarks of Mr. Loton and Mr. Wise that it will be time enough for this Parliament to adopt future amendments made by the Commonwealth, as and when they are passed.

At this stage we should not decide that we will in the future, without further thought, consideration, or knowledge of the amendments of the Commonwealth, adopt them. If the words are deleted from the clause, as proposed by Mr. Wise, then whenever the Commonwealth Act is amended this Parliament will have the opportunity to decide to adopt or reject those amendments.

The Hon. A. F. GRIFFITH: I am in complete agreement with the principle that Western Australia should retain its powers. However, I would point out that the Chief Parliamentary Draftsman is satisfied that where the reference is made to this State Act—which is the provision embodied in the Bill before us—in the Commonwealth legislation, such reference means the provisions in this Bill. If subsequent to 1959, the Commonwealth amended the Civil Aviation (Carriers' Liability) Act, then the State Act would not be affected by those amendments.

The Hon. G. C. MacKINNON: If the ruling given recently by the Crown Law Department is correct—that those words inserted in the Act amended our Constitution—then no matter what ruling is given, the words used in this provision in the Bill indicate, beyond any shadow of doubt, that when the Commonwealth Government amends this legislation such amendment will apply in Western Australia. Having accepted that ruling on a vote of the House, if this clause is passed in its present form, then any amendment made by the Commonwealth in future will automatically become part of the legislation of Western Australia. I support the amendment.

The Hon. A. F. GRIFFITH: The amendments to the Commonwealth Act will not automatically become part of our State legislation unless a Bill is brought down to change the title of the Act to include the year when the amendments are made by the Commonwealth. The title would have to be changed to "Civil Aviation (Carriers' Liability) Act, 1959-62," should amendments be made by the Commonwealth in 1962. I propose sending a copy of these debates to the Crown Law Department to seek an opinion from it.

The Hon. A. L. LOTON: Mr. Wise referred to the Victorian legislation in the course of the second reading debate. He quoted from the Victorian *Hansard*, and indicated that the Leader of the House moved that the Bill be referred to a Standing Committee in the Parliament of that State. I asked the Clerk of this Council to get in touch with the Victorian Parliament to seek information on the powers, composition and method of election of that committee, and a letter in reply has been received. I would like the procedure which is adopted in Victoria to be recorded, and I therefore quote the following letter, dated the 17th October, which was received in reply—

> In reply to your letter of the 13th instant, I have to inform you that our Statute Law Revision Committee was first appointed in 1916 following the adoption of a recommendation from a Joint Select Committee on the Consolidation of the Laws appointed in 1915. Until 1948 it was appointed in the usual way at the commencement of each Session as a Joint Select Committee of both Houses and its functions were to deal with anomalies in the law and make recommendations as to statutory amendments.
>
> In 1948 the Statute Law Revision Committee Act (No. 5285) was passed in which provision was made for the appointment at the commencement of each Session of a Joint Committee of

the Council and the Assembly to be called the Statute Law Revision Committee. The Committee was to be appointed according to the practice of Parliament relating to Joint Select Committees and was to consist of twelve Members (six Council and six Assembly appointed by their respective Houses). Its functions were—

(a) to examine anomalies in the statute law;

(b) to examine proposals for the consolidation of statutes;

(c) to examine proposals in Bills involving technical alterations in the existing law which have been referred by either House to the committee;

(d) to make such reports and recommendations to the Council and the Assembly as it thinks proper as the results of any such examination.

In practice the examination of anomalies in the law and of proposals for the consolidation of the laws is undertaken by the Committee either of its own volition or at the request of the Attorney-General.

For your fuller information I am enclosing a copy of Act No. 5285 in Bill form, as stocks of the Act itself have been exhausted. This Act by the way has actually been repealed and its provisions have now been embodied in our Constitution Act Amendment Act, 1958 (No. 6224), as Division 5 of Part VI, sections 343-350.

Regarding the Civil Aviation (Carriers' Liability) Bill, the Committee last Session was unable to finish its examination of the Bill before the Session ended and consequently has not made any Report thereon. The Bill which was re-introduced this Session has now been referred by the Council to this Session's Committee as also have the Minutes of Evidence taken by the previous Committee. It should not be long before the Committee makes its Report and if I remember I shall send you a copy as soon as one is available.

There is a lot of merit in having a similar committee in Western Australia. Perhaps the Government will give consideration to the setting up of one during the next session.

I was accorded the opportunity to discuss this matter with the Chief Parliamentary Draftsman to ascertain what would be the position.

The Hon. A. F. Griffith: Did he confirm what I told you?

The Hon. A. L. LOTON: Exactly what the Minister told me. I told the Chief Parliamentary Draftsman that I was of the opinion that these powers should be retained by the Parliament of Western Australia and not handed over to the Commonwealth.

The Hon. H. K. WATSON: What the Minister meant when he gave his explanation was this: If the words proposed to be deleted by Mr. Wise are deleted, then the definition will read—

> "the Commonwealth Act" means the Civil Aviation (Carriers' Liability) Act 1959.

What the Minister meant was that if during 1962 the Commonwealth Act was amended, then an amending Bill would have to be introduced in the Parliament of Western Australia but it need not be adopted in the express terms of this clause. All that would be necessary to incorporate amendments made by the Commonwealth in 1962 would be to add the figures 1962 to the definition of the Commonwealth Act.

The Hon. A. F. GRIFFITH: I would draw attention to the fact that the Victorian Bill in respect of this legislation contains exactly the same words as are contained in the definition now under consideration. Apparently there has been no time to get back the report. I thank Mr. Wise for lending me these details. I intend to send them down to the Crown Law Department in view of the fact that members do not fully comprehend what I am trying to put across.

The Hon. W. F. WILLESEE: I have heard so many legal references and counter legal references in the last few days that I feel rather like a cartoon I once saw. The cartoon showed a big notice in front of a bank building saying that the bank would be closed all day on a particular day. There was an old lady standing in front of the bank who had opened her purse with the intention of making a deposit.

The CHAIRMAN (The Hon. W. R. Hall): I trust the honourable member will connect his remarks with the Bill.

The Hon. W. F. WILLESEE: I intend to do so. The caption under the cartoon read, "A woman convinced against her will is of the same opinion still"; and so am I.

Amendment put and passed.

The Hon. F. J. S. WISE: I move an amendment—

> Page 2, line 8—Delete after the word "regulations" the words "from time to time."

I move this amendment so that regulations in force under the Commonwealth Act will be endorsed on the passing of this Bill. Regulations to be created by the Commonwealth Government, and tabled in the Commonwealth Parliament, must be regulations, so far as I am concerned,

submitted to our Minister here and tabled in this Parliament at a desirable time before they become law.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 4 to 7 put and passed.

Title put and passed.

Bill reported with amendments.

KWINANA-MUNDIJONG-JARRAHDALE RAILWAY BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

EXPLOSIVES AND DANGEROUS GOODS BILL

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Interpretation—

The Hon. H. C. STRICKLAND: This clause deals with the interpretation of the various meanings and headings in the Bill. I draw the Committee's attention to the word "magazine" which is mentioned on page 6. I wish to refer to the rapid encroachment on to beaches in the metropolitan area in recent years as a result of industrial zoning. It is very nice to see big industries become established in close proximity to the metropolitan area, but a good deal of land is being reserved. I have in mind a certain magazine which covers some 300 acres in the area of Coogee, and this area includes some of the best beach frontage under the control of the Crown. A large strip of beach frontage was taken away in connection with the BP Refinery and the Broken Hill Proprietary Company's activities. Even the little beach in Mr. Lavery's electorate has been gobbled up by industrial concerns.

The Hon. A. F. Griffith: Are you referring to Woodman's Point?

The Hon. H. C. STRICKLAND: Yes; the magazine at Woodman's Point. I would suggest that the Minister for Mines give some consideration in the future to transferring that magazine to a different location, and thereby open up a strip of very good beach. This particular strip of beach would be excellent for children.

Starting from Fremantle and working our way south, we find that the old South Beach has disappeared. There is an area being reclaimed in the vicinity of the small fishing boat harbour and a groyne is being constructed. That is a good beach and is practically in the city itself.

There is a small strip of beach south of the Anchorage Butchers which is available for public recreation. Beyond that we have to go as far as the groynes which are on the old Naval Base site between Woodman's Point and the Broken Hill Proprietary Limited's steel rolling mill.

A new industry is being established north of there. The area is zoned for some considerable distance north of the B.H.P. factory, and there is very little beach left. We have to go almost to Rockingham before we find any beach available for public recreation. The population is increasing in the areas south of the river, and in future there will be very little beach space available for those people. Some consideration should be given, while land is relatively cheap, to transferring the magazine to somewhere in the vicinity of the Spearwood-Armadale arilway line.

I realise that it will be costly to relocate this magazine; however, the area of land which would be released would be of considerable advantage to the public. According to this map, taken from the back of the Anglo-Iranian oil agreement, there are 326 acres in the explosives reserve. That amount of land would involve quite a lot of money if sold by auction, just the same as the land which was sold in the vicinity of City Beach and Floreat Park involved a lot of money. The money received would cover the cost of relocating and re-establishing the explosives magazine in another area where it would not, by taking up so much of the coast line, deny the public the beach areas.

The Hon. A. F. GRIFFITH: The Woodman's Point Magazine has been in its present position for as many years as I can remember, and I could not tell the honourable member whether it is Crown land or not; all I know is that, as Minister for Mines, I administer the area. It would indeed be costly to move; and it is there because of its close proximity to Fremantle, the receiving point for many explosives. However, I will have a look at the suggestion the honourable member has made.

The Hon. H. C. Strickland: It is for the future.

Clause put and passed.

Clauses 8 to 63 put and passed.

First to third schedules put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

Third Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [8.39 p.m.]: I move—

That the Bill be now read a third time.

Before you put the question, Sir, I would like to say that I have omitted to do something which I was asked to do by my

colleague in the Legislative Assembly in connection with a question asked by Mr. Moir on clause 53. Mr. Moir asked why, in this clause, a period of 14 days was included—and this 14 days has reference to the period of a search warrant being in force.

The period of 14 days serves a purpose since without such limitation a warrant may remain in force for an indefinite period until it is executed. The words "or time" serve no purpose since only one search can be made on a warrant, and from the Mines Department's point of view it is satisfactory to have clause 53 in the manner in which it is expressed. It is unreasonable to suggest that the period should be indeterminable because, in fact, the execution of a warrant, where it was issued, would in most circumstances be effected on the day it was issued, or very near thereto.

Question put and passed.

Bill read a third time and passed.

COUNCIL AND ASSEMBLY: SIMULTANEOUS ELECTIONS

Motion

Debate resumed from the 3rd October on the following motion by The Hon. H. C. Strickland:—

> That it is the opinion of this House, in the event of the next general elections for the Legislative Assembly being held on a date later than the 31st March, 1962, the biennial elections for the Legislative Council should be held on the same date as that fixed for holding the general elections for the Legislative Assembly for the following reasons:—
>
> (a) By holding both the elections on the same date a substantial financial saving will be effected by the Electoral Department; and
>
> (b) Many thousands of electors would be greatly convenienced.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [8.42 p.m.]: Mr. Strickland moved this motion and explained to us in considerable detail his reasons for so doing. I once went to a wine club dinner and I found that the expression used by members of the wine club, when commenting on the value of the wine, was "in my opinion"; they qualified their remarks with that expression. Therefore I qualify my remarks on this occasion by saying that in my opinion this motion is not quite complete. At present it has only two parts, (a) and (b). In my opinion it would have been more complete if it had had a section (c) which read, "That it will be of advantage to the Australian Labor Party in Western Australia."

The Hon. H. C. Strickland: That is unfair.

The Hon. A. F. GRIFFITH: I repeat that that is—

The Hon. H. C. Strickland: That is your opinion.

The Hon. A. F. GRIFFITH: That is my opinion.

The Hon. H. C. Strickland: An unfair opinion.

The Hon. A. F. GRIFFITH: I have had a look at the speech made by the honourable member and I have made some notes so that I can express to the House my views in regard to the motion. The motion, if it were carried, would in the first place, interfere with the administration of the Electoral Act. The Legislative Council as at present constituted came into being with responsible Government, the first President being appointed on the 29th December, 1890. In this State we have a bicameral system of Legislature which is based on a very long-established system; one which has proved most successful in the Mother Country.

We find many countries in the world have adopted the bicameral system of Government; I refer to such countries as France, Germany, Switzerland, Austria, Spain, Italy, Hungary, Portugal, the Netherlands, Belgium, Sweden, Turkey, and—for all I know—others. In modern times they have all adopted the bicameral system of Government. To go back over history, even after Cromwell abolished the House of Lords in the year 1689, he was forced by virtue of the will of the people to recommend the revival of the second Chamber and he said, "By the proceedings of this Parliament you see they stand in need of a check in balancing power. I tell you that unless you have some such thing as a balance we cannot be safe."

So we find that throughout a period of more than 300 years the British system has been a bicameral one, since that check or balancing power was recommended in a House elected on a different franchise. Without going any more deeply into the two-House set-up it must be agreed that if one of the Houses is to be constituted as a House of review it must have a different franchise in relation to the qualification of its members.

The Hon. H. C. Strickland: Are you speaking on the motion or on Mr. Heenan's Bill?

The Hon. A. F. GRIFFITH: I am speaking to the motion moved by the honourable member, and if he will be patient with me I will get to the point—

The Hon. W. R. Hall: Of no return?

The Hon. A. F. GRIFFITH: No, not at all. I will tie up my speech with the honourable member's motion. I said it was most essential that the franchise, the electors, the method of election, and the day of election be fundamentally different,

because if this principle is not adhered to then the system of bicameral representation is defeated; and one House would be a replica of the other.

The Hon. H. C. Strickland: When do you think they should hold the Senate elections?

The Hon. R. F. Hutchison: What is it now?

The Hon. A. F. GRIFFITH: I think it would be fair if the honourable member would let me make my remarks, because when I get home I can turn on my gramophone and I will be almost as certain of what will be said. I believe that the purpose of the motion before this Chamber is not to assist the Government, or to assist the people, but more to assist the Labor Party.

The Hon. H. C. Strickland: Who prepared that for you?

The Hon. R. F. Hutchison: What is wrong with that, anyway?

The Hon. A. F. GRIFFITH: Mr. Strickland has tossed that interjection across the House on more than one occasion, and I really do not appreciate it. I prepared this myself and I am responsible for what I am saying. I think the honourable member might desist from that type of interjection because it is completely out of place.

The Hon. H. C. Strickland: It is no more out of place than some of your interjections.

The Hon. A. F. GRIFFITH: It is out of place to say that somebody else prepared this for me. When the honourable member moved the motion he enumerated several facts surrounding the representatives of Parliament and he gave us detailed examples of voting figures that had occurred in different elections over a period of years. He also said it was competent for the Governor as advised in Executive Council to issue writs for both elections earlier than prescribed.

He expressed the view that it would be unlikely that the Governor-in-Council would issue writs for the Legislative Council elections earlier than prescribed in the Act; and he presumed it would be most unlikely that the Government would ask the Governor-in-Council to issue writs for the Legislative Assembly elections much earlier than is prescribed in the Act, although we know it is competent for him to do so.

By expressing those views the honourable member made it clear that it is the prerogative of the Governor to nominate the election day. I completely share that view, and that of course has been demonstrated over the years by all Governments. The prerogative is set out very clearly in the Act and we must not forget for a moment that the Act represents the combined thinking of both Houses of Parliament. It has occurred to me that if the honourable member could obtain an expression of opinion from this House to the effect that the elections should be held on the same day for the Legislative Council as for the Legislative Assembly he would in fact be obtaining an expression contrary to the administration of the Act. As a result it would be interfering with it.

It may be pertinent to suggest that the honourable member should have another look at his motion with this particular thought in mind. We have heard it said at times that this Chamber represents a section of the people; and that is perfectly right. This Chamber does represent a section of the people; it represents a section of the people who have a property stake in the country, and that is the basis of the franchise for the Legislative Council.

The Hon. F. R. H. Lavery: In other words they are all members of the landlords' club.

The Hon. A. F. GRIFFITH: Let us examine that interjection.

The Hon. F. R. H. Lavery: That is what you are suggesting.

The Hon. A. R. Jones: No, he is not.

The Hon. A. F. GRIFFITH: The interjection would bear examination and we could, for the purpose of the exercise, agree with the honourable member and say that anybody who pays rent to the extent of 7s. comes within the definition of the honourable member's interjection.

The Hon. L. A. Logan: 6s. 8d.

The Hon. A. F. GRIFFITH: My colleague advises me that it is only 6s. 8d. So a man does not have to be a millionaire to be on the Legislative Council roll. That has been demonstrated over recent years, when we have seen the enormous number of people who have, as the franchise provides, voluntarily put themselves on the roll for the Legislative Council.

If the Legislative Council elections were to be held on the same day as those for the Legislative Assembly, to my mind it would not have the effect which the honourable member considers it would. In fact it would lead people to misunderstand the position and believe that there were two elections both of which were compulsory.

The Hon. H. C. Strickland: You must leave room for commonsense.

The Hon. A. F. GRIFFITH: I remember reading a pamphlet on one occasion. This pamphlet was very well got up. It had on it, "Legislative Council Elections" and the year and the day. I am sure Mrs. Hutchison will remember the particular year. The pamphlet named a certain candidate and extolled the virtues of this particular candidate and at the bottom of the pamphlet in very bold, black letters there were the words, "Voting for the Legislative Council is compulsory." It was necessary for one to obtain a magnifying glass to find the little word "morally"

tucked away between the words "is" and "compulsory." So the pamphlet, in its correct legal and literal sense read, "Voting for the Legislative Council is morally compulsory."

When people read this pamphlet, and because this little word was written in such a way, they thought that voting for the Legislative Council was compulsory. In my opinion that is what it was intended to convey.

The Hon. H. C. Strickland: The honourable member does not want them to vote.

The Hon. A. F. GRIFFITH: Oh yes I do; I most certainly want them to vote. I have always been of the opinion that the man who thinks he has an obligation to vote, and the man who accepts his obligation to vote because of his thoughtful mind and his attitude to politics, takes himself down to the polling booth to exercise a calculated, thinking vote; which is a far better vote than the regimented compulsory vote.

The Hon. R. Thompson: Do you believe in voluntary voting for the Assembly elections?

The Hon. A. F. GRIFFITH: I do. That might shock the honourable member. It was not long ago that voting for the Legislative Assembly in this Parliament was voluntary.

The Hon. R. Thompson: It does not shock me. I know that.

The Hon. A. F. GRIFFITH: I still think the voluntary vote is much better than the enforced vote.

The Hon. R. F. Hutchison: Why?

The Hon. A. F. GRIFFITH: If the honourable member will keep quiet a moment I will tell her. Because of the practical attitude of the British people to the voluntary vote they vote in large numbers. I feel that they do so because they think more about their politics than, unfortunately, many Australian people do. But they are not forced to vote in Great Britain. They still get that thinking vote. However, I say again that I am in favour of the voluntary vote for the Legislative Assembly. This motion is not acceptable to me.

The Hon. F. R. H. Lavery: To you or the Government?

The Hon. A. F. GRIFFITH: This motion is not acceptable to me; it is not acceptable to the Government and I am part of the Government. It is not acceptable to the Government for the reasons I have given; mainly I think because in the case of this Government, as in the case of the previous Labor Government, and as in the case of all the Governments before that, it is the duty and prerogative of each and every Government to choose the day of the election. That is exactly what was done by the Hawke Government; and that is exactly what will be done by this Government. I oppose the motion.

THE HON. R. F. HUTCHISON (Suburban) [8.59 p.m.]: I am sure the Minister expects me to rise and speak. I think the excuses made by the Minister are very poor and his reasoning is even poorer. The hand of fate is slowly moving towards the cause of right and democracy in this State; and before long it will not be necessary for us to ask the Minister to do this or that about the election day.

The Minister mentioned Great Britain. The Constitution of the British Parliament is very different from that of Western Australia. Years ago we had members who were men of wide vision—statesmen who put the State before their own interests. That was their main consideration. King's Park is one example. Someone had the foresight more than 50 years ago to set aside 1,000 acres.

The PRESIDENT (The Hon. L. C. Diver): Will the honourable member please connect her remarks to the motion.

The Hon. R. F. HUTCHISON: It is my intention, Sir, to connect them up. I was showing how different things are in Australia. The Upper House franchise in Western Australia is a disgrace to democracy. It is held onto, not out of any sense of ethics, or out of any sense that is fair or good for the people, but for the sense of power being concentrated in a few hands.

We have not a Press that is fair and just. However, it has now come out on the side of this vote for the housewife, because it is the housewives who mostly read the daily papers. If the Press were fair and just it would come out and state that the franchise for this House is not democratic.

We have a Legislative Assembly comprising 50 members who are elected on a popular vote. However, as regards this Chamber we have 30 members who have carried the camouflage so well up to now—

The PRESIDENT (The Hon. L. C. Diver): The honourable member cannot cast aspersions on this Chamber.

The Hon. R. F. HUTCHISON: Mr. President, I did not think I was casting aspersions on this Chamber because I was speaking of fact. I thought the truth was not an aspersion. It is true that, in this House, we do sit on different sides, but we mix together; and up to the time when Mr. Simpson accepted the grant as the Leader of the Opposition the Legislative Council was always referred to as a House of review.

When he accepted that grant I rose and said I hoped that for evermore I would not hear anybody in the Chamber refer to it as a House of review. At that time, he was Her Majesty's recognised Leader of the Opposition, and was in receipt of a grant paid to him as the Leader of the Opposition in the Legislative Council. That is the plain truth, so it is not an aspersion. I would like us to do as is done in the other

House—be truthful about the position and say, "We are Government" and "We are Opposition." There is nothing disgraceful in being an Opposition. The Opposition is needed. It is a good thing in a democracy; but I think the vote of the Legislative Council is a disgrace; it is a dreadful thing! Now we are fighting for a Bill which will give the franchise to the wife of a householder.

The Hon. L. A. Logan: You are not speaking on the Bill at all.

The Hon. F. J. S. Wise: It is as close as Oliver Cromwell was!

The Hon. R. F. HUTCHISON: I think that the franchise here is a disgrace for this reason: it is undemocratic. Property owners are allowed to vote; a card has to be filled in; and it is very complicated to an ordinary person. If a man owns a house, he gets a vote. If his wife lives with him she does not get a vote. If the wife owns the house the husband still gets a vote as householder; and if the house is in both their names they both get a vote. If the house is in the son's name and his father and mother live with him, the son is looked upon as the householder and gets the vote, but his father and mother do not.

The PRESIDENT (The Hon. L. C. Diver): I would like to draw the honourable member's attention to the fact that she will have an opportunity on a motion which is before the House to discuss the various aspects of the franchise. We are dealing with a motion as to when the elections will be held.

The Hon. R. F. HUTCHISON: I am sorry if I have transgressed. It is all one picture to me, and I can never separate the franchise from it, because it is the franchise that we are being refused. The Minister says that it is the Governor's prerogative to call the election day. So it is, but that is undemocratic. If the two elections were held on the one day, it would save the State a lot of money. The Labor Government did it and it was quite satisfactory.

The vote was 74 per cent. where otherwise it would have been as low as 40 per cent. Therefore, it must be a very good thing to encourage people to do their duty and vote. I think the move to have the election on the one day is a very good thing from that angle alone. It will save expense; it will save a lot of trouble to people so far as organisation and bother is concerned; and I cannot see anything wrong with it.

As I seem to be getting sidetracked all the time, that is all I will say on this motion, which I commend.

Debate adjourned, on motion by The Hon. R. Thompson.

House adjourned at 9.7 p.m.

Legislative Assembly

Thursday, the 26th October, 1961

CONTENTS