I think that is a good idea; and it gives the prisoner the knowledge that, if it is necessary, he can, under certain terms and conditions, get out on parole for a specified period. But the Bill also sets out that if he breaks the terms and conditions he can be convicted in a court of law. The condition under which a person could be convicted is that he escaped or attempted to escape from the custody of any police constable, gaoler, or officer.

To explain that further, I would point out that he may be placed under the custody and care of those persons but not necessarily, as I understand it, under direct control. They would be responsible for his whereabouts, and he would have to report to them during his parole. If he did not report to the institution immediately on the expiration of the period mentioned in the order, or was guilty of any breach or condition of the order, he could be arrested by any member of the Police Force, or any other person authorised in writing.

Again, I think this is a safeguard to the person who is being rehabilitated and is a reasonable condition. It should be included in the Act, because the inmate would then know he could get out for special reasons with these provisions. A person who is being rehabilitated should not have any inclination to break the bond on which he is placed for parole when these provisions are in the Act.

Debate adjourned, on motion by Mr. Brady.

House adjourned at 5.53 p.m.

Legislative Council

Wednesday, the 12th September, 1962

CONTENTS

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

TIMBER WORKERS: DISMISSALS

Statement by Union Secretary

The Hon. J. MURRAY asked the Minister for Housing:

(1) Has the Minister read the statement in tonight's *Daily News* with reference to sackings in the timber industry, and the union secretary's comments thereon?

(2) Further, would the Minister get a copy of the statement made in relation to the same matter to the A.B.C. by the Conservator of Forests, Mr. Harris, and advise the House?

The Hon. A. F. GRIFFITH replied:

(1) and (2) I have not seen the statement referred to by the honourable member. However I have seen the Press report, and the only comment I would like to make upon reading the report is that I regard the statement by the union secretary in connection with the sackings, wherein he states that they may be as a result of the Empire Games Village, to be fallacious. I cannot possibly see what the Empire Games Village would have to do with the situation. However, there is a tendency on the part of some people to believe that the State Housing Commission, or the Government, is the only contracting authority in the State. That

belief is quite fallacious because the Government, from a housing point of view, is responsible for something in the order of 25 per per cent. of the number of houses built.

The houses at the Empire Games Village are of brick construction, and therefore the amount of timber involved is not as much as in the commission's usual type of construction, which is brick veneer. Furthermore, knowing that the contracts for the Empire Games Village were let gradually, I am aware that the commission, as it has been doing during the construction of the village, will be letting other contracts; and it is also expected that there will be extra money available for housing this year.

When I was speaking earlier to the Supply Bill or the Address-in-Reply, I think that in reply to a question asked by Mr. Davies about migrants, I foreshadowed there would be some additional money spent on houses in that quarter; and I also stated that shortly the commission would be engaged on the building of a block of flats at Claremont for the sum of £120,000. I fail completely to see, despite Mr. Brown's statement, that the Empire Games Village is even one of the factors responsible for the situation to which he referred.

QUESTION ON NOTICE

LATEC INVESTMENTS LTD.

Government Action to Protect Local Investors

The Hon. E. M. HEENAN asked the Minister for Mines:

(1) What steps, if any, has the Government taken or does it propose taking in connection with the inquiry initiated by the Government of New South Wales into the affairs of the public company known at Latec Investments Ltd.?

(2) Will the Government take whatever steps are possible in order to protect the interests of people in this State who have invested money in the company?

The Hon. A. F. GRIFFITH replied:

(1) The extent to which Latec Industries Ltd. and its associate companies carried on business and borrowed money in W.A. is not known officially. If the inspectors appointed in N.S.W. to investigate Latec affairs apply for recognition as inspectors in this State, I will, if satisfied that investigation should be made here, recommend to the Governor that the N.S.W. inspectors be given the necessary power. However, this course could be taken only if the uniform Companies Act is in operation at the relevant time. It is hoped to proclaim the Act on the 1st October, but it is not expected that the investigators will make any approach to this State before that date.

(2) Yes.

CITY OF PERTH BY-LAW No. 65

Disallowance: Motion

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.40 p.m.]: I move—

> That by-law No. 65 made by the City of Perth under the provisions of the Local Government Act, 1960, and the Town Planning and Development Act, 1928-1958, as published in the *Government Gazette* on the 24th May, 1962, and laid on the Table of the House on the 31st July, 1962, be and is hereby disallowed.

The by-law in question if not identical is practically identical with one that was tabled last year on the 10th October, and disallowed by this Chamber on the 1st November. It was disallowed by a vote of this House. The debate on the matter will be found in Vol. 3 of 1961 *Hansard* commencing at page 2215. Although by a vote of this House, and therefore by a vote of Parliament, this by-law was disallowed following debate, it has been remade as a by-law as if no decision at all for its disallowance had been made by Parliament. That of itself is a most serious matter; indeed, it could be regarded as an affront to Parliament.

It is certainly an indication that neither the Minister nor the Government wishes to take any notice of this decision of Parliament, but merely to please themselves in the matter. It is unfortunate that in a case of this kind a member must move for the disallowance of all of the by-law, when it is only part of the by-law that is objectionable; particularly when one must be concerned, as Parliament was concerned previously, and as mover of this motion I am concerned now, with the effect of the disallowance of all of the by-law and all of the principles that are involved in such a disallowance.

The remedy is so simple, so practical; and it was so clearly shown to this House on a previous occasion that it was surprising to me indeed to find the by-law back in its old form. I repeat, I am concerned about the possible effect of leaving

open the zones affected within the City of Perth, and with only certain other ancillary by-laws controlling some operations and some aspects within the area. But it is not the fault of this House if that situation arises. I wish to emphasise that point.

There is a small section of land which I will discuss shortly and its logical category in regard to zoning and development is brought about by a simple alteration which has been presented to the Minister by this Parliament, and by individuals, meaning as it does a different classification and a different zoning of this small section. This is not an expediency —it is not something to regard as anything less than very serious, because it is very important in the whole plan.

The area in question, and the area in particular affected if the by-law is amended, lies in Beaufort Street, between Bulwer Street and Lincoln Street, or Chatsworth Road. As previously explained to this House at some length, the central area of the city of Perth is zoned into several zones—zones 1 to 8; and zones 10 and 11—and the two zones to which I wish to confine my remarks are zones 2 and 7.

I have taken the opportunity of looking at the file which has been tabled in another place, and which indicates all the happenings since the disallowance motion in this House. There are scant references to contacts between the Minister and the City Council, and there are no details of what may have transpired, or of decisions that may have been arrived at. There appears ultimately a minute submitted to Cabinet upon which the decision to reinstate these by-laws was made. On carefully reading the Cabinet minute which is tabled, and which is public, it is obvious that within a time following the last disallowance certain objections were lodged on behalf of property owners; these were lodged by solicitors Robinson, Cox & Co., and Parker & Parker, and were sent to the City Council in time.

There is the record of the Minister being advised of such objections. But the matter which concerns me is that, although there was a City Council decision in December last on this matter; and although the City Council—as the Minister will doubtless tell me and the House —is reported as having been unanimous on this matter—which is understandable in the light of all the circumstances, on which I will touch later—I object very strongly to a sentence or phrase in the Cabinet minute submitted by the Minister. The sentence to which I object reads as follows:—

> The Hon. F. J. S. Wise in his speech in the House contended as a basis for his argument that I had overridden three resolutions of the council dealing with objectors, and it was mainly on these grounds that the zoning was disallowed.

I leave others in this Chamber to speak for themselves; but it is not right to say that the reason for the disallowance of these regulations was the aspect—and the one aspect only—that I raised; namely, that the Minister had overridden certain resolutions of the Council.

The Hon. H. K. Watson: I think it was the character of the zoning itself.

The Hon. F. J. S. WISE: That was the whole basis of the case; and may I quote one member who spoke on this subject—and I refer to the speech of Dr. Hislop? He said, "I would ask the Minister not to feel that we are opposing any action he may have taken in the past or any action the Perth City Council may have taken." That nullifies wholly the presentation and the reason given by the Minister to Cabinet for the disallowance of these regulations. The reasons and the basis for the disallowance of these regulations were the circumstances obtaining in Beaufort Street—as explained in detail—and Barrack Street, from the Weld Club to Walcott Street. The reasons were analysed at some length; and, with your indulgence, Mr. President, I propose to read exactly what was said by me on these points.

I quote from *Hansard* to show that the case was not stated on these premises at all. I quote from page 2216 of *Hansard* for 1961, Vol. 3—

> Zone 7 relates to offices, shops, showrooms, and warehouses; and zone 2 relates to residential flats or a high density area. The area to which I wish to refer in some detail is the length of Beaufort Street from the city proper to Walcott Street. A good many years ago, and until comparative recent years, a considerable part of the long length of Beaufort Street was used for residential purposes varying from terrace like structures to single dwellings, duplex houses, and other variations of residences. Many of them are still in existence.
>
> They were, in those days and until recent years, served by trams; and a lot of people lived in those areas—lived on the ribbon strip of Beaufort Street. However, changing development in more recent years has seen offices, shops, and business places of different kinds, and manufacturing business develop with the demolition of some places, and the adaptation of others by means of alterations and demolitions to make way for new structures and for the establishment of new businesses. On many old sites in the length of that street there will

be found warehouses and professional offices, and all sorts of trading interests operating, and all fronting Beaufort Street.

So rapid has been the development that whether we like it or not a ribbon-like development in a business sense has taken place in the actual development of this street; and we have seen the replacement of the old structures and the projected replacement of structures into business premises. I would not like it to be thought for a moment that as a general principle in town planning I am advocating a ribbon-like or strip-like development as an objective or as a desirable feature; but in this case we are dealing with something that is almost an accomplished fact; and it is an area which it would be impossible to commence, at this stage, to level to the ground for the purpose of retaining contiguous areas that may be relieved from the implications in zone 2 or zone 7.

Indeed, I would go so far as to say it would not be very realistic to upset the particular development along this street at this stage.

After giving in some detail the particular structures involved in the very short few hundred yards in this rezoning, I went on to say—

> The particular area in dispute, to narrow it down, is the area lying between Bulwer Street and Lincoln Street. Half the area on the east side from Bulwer Street to Lincoln Street is for business purposes, is zoned as such, and is occupied as such. That is, from Bulwer Street northward, taking in the eastern side, from the garage on the corner, and Mr. Johnson's well-known factory in the garden. Adjoining it is a warehouse. Adjoining the warehouse are one or two very old residential buildings. Then there is a lot which was cleared for the purpose of car sales. Further on is an area which was the home of the late Dr. Wardell-Johnson, which is one of the areas in dispute in the case I am presenting.

I then went on to describe the particular end of Beaufort Street towards Walcott Street where continuously are business premises in that region; and at a later stage I went on to analyse what might be done if this area in part was declared a high density area and how important it would be to relieve the whole of the high density areas and their potential in the vicinity of that highly desirable land, particularly the land adjacent to Hyde Park and away from Beaufort Street. I said that this land was more suitable as a high density area than the narrow short piece of land which abuts onto business premises at both ends—and indeed has business premises intruding into it.

If members look up page 2118 of the *Hansard* I am quoting from they will find these words—

> In this case we have, in my view, a positive solution to two things which appear to be at issue and contentious: the re-zoning of this small length of street into a business zone, and the arranging of a very large area of high density residential land available to us if the plan is completely recast in respect of that section. There is no doubt the area in close proximity to Hyde Park, not only on that side but also on the southern and south-western sides, lend themselves to a high density population.

The whole of my remarks at this stage—as Mr. Watson pointed out just now by way of interjection—were on the basis of the zoning of a particular area. In addition to that, I related the facts in sequence and historically—and members will at least do me this credit and say that in the preparation of a case I try to keep my thoughts and my statements in relevance and in order. Therefore, it was quite wrong for the Minister to base his argument in the Cabinet minute on the statement that "Mr. Wise contended in his speech in the House as a basis for his argument that I had overridden the three resolutions of the council dealing with objections and it was mainly on this ground that the zoning was disallowed."

Not only have I said that it is an entirely wrong assumption, it is not based on the case presented either by myself, who introduced the subject, or the member who supported it. Indeed it was clearly stated, as I have quoted, that that was not the basis one member wished to have the matter considered upon. It is true that the early approaches prior to 1961 found favour with the Perth City Council; and what happened at that time is a matter of history. Indeed it is a matter of history now that the council made a unanimous decision quite opposite to its original one. I repeat —and I said this in the Minister's absence —that that is quite an understandable situation with a by-law such as this—one which embraces the whole of the zones within the city central area, plus the adjacent ones.

So the reason is very obvious to them. But if there is validity in our argument, in the argument expressed by members in this Chamber, and in the expression given in the vote of this House, that this is something which should be excluded from its present classification and zoning, surely the Minister is not going to be so obdurate. I am not going to be nasty and use words that I would regret. I am not going to use words that are offensive; but the Minister, on this matter, is obdurate or he would give this House the assurance that that short area, embracing the

section between Bulwer Street and Chatsworth Road—particularly between Bulwer Street and Lincoln Street—should be rezoned.

The Hon. H. K. Watson: I think that is a pretty fair proposition.

The Hon. F. J. S. WISE: This is the picture: On the plan of the zoning of the City of Perth certain brown areas intrude into the classified business area. If members have not examined the plan they want to be very careful when they speak to this motion because they will find that more than one classification intrudes in that short distance.

It might as well be argued that we could rezone the area from Newcastle Street to Francis Street, or from Newcastle Street back to Monger Street. Indeed, there might be more substance in an argument for that area to have a differentiation than for this to be different from the whole of Beaufort Street as zoned.

The owners involved in this matter are dealing with high-value investment land for which, in most cases, the original zoning and original desire of the City of Perth was that it should be planned for development in connection with that zoning and classification. Now we find the circumstances that the whole of this area could be, for the present and in the distant future, much more suitable for commercial enterprises, even if we ignore the case of the past altogether and look at how the matter might be more adequately planned today; and I feel sure that if we keep for high density purposes all the land that is away from the main artery, we will be rendering this community a much greater service.

I repeat, Mr. President, I am not handling this matter lightly. I am concerned with what could happen—not necessarily, but could happen—if this motion is carried, as it could be carried. I ask the Minister, when he replies, whether it is today or some other time, to ponder very deeply before he rejects the sentiments that have been, and will be, expressed in this Chamber because if he does reject them, the onus will be on him.

The Hon. L. A. Logan: It won't be on me at all.

The Hon. F. J. S. WISE: I would prefer him to reconsider—not have in mind the past and the arguments that led up to the change of opinion in the Perth City Council, because that change is quite understandable; and I am quite prepared to elaborate on that point at a later stage —and give the House a positive assurance that at some subsequent stage consideration will be given to this matter. The process would then be very easy.

I think it will be found without a lot of reiteration, without a lot of stressing the obvious, without a lot of quoting from the original case which is available for members to see—it has all been expressed to them previously—that the case is just as strong now as it was when the House carried the motion for the previous disallowance of this by-law.

Debate adjourned, on motion by The Hon. L. A. Logan (Minister for Town Planning).

BP REFINERY (KWINANA) LIMITED BILL

Returned

Bill returned from the Assembly without amendment.

LOCAL GOVERNMENT ACT AMENDMENT BILL

Report

Report of Committee adopted.

LAW REFORM (STATUTE OF FRAUDS) BILL

Third Reading

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

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Third Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.9 p.m.]: I move—

That the Bill be now read a third time.

I promised to get some information for Dr. Hislop and Mr. Lavery. Dealing with playground equipment, the granting of playground equipment has been reviewed from time to time. It has always been granted on condition that a local authority maintains and services the equipment. Very rarely does the same reserve get a second allocation of equipment. Now the commission may make a grant of half the required amount up to a maximum of £50.

I think the query was raised: What is the interpretation of public recreation and sport? Public recreation and sport, as far as grants are concerned are: police boys' and citizens' clubs, boy scout and girl guide movements, surf life-saving clubs, and any similar organisation that has as one of its aims the welfare of the youth of Western Australia and the saving of life. It does not include sporting clubs such as hockey, basketball, cricket, and

football clubs, and the like. Special consideration is given to organisations north of the 26th parallel.

A report giving details of prize winners and a financial statement must be sent in at the conclusion of a large raffle. The commission does not ask for a report on one-day raffles unless it has reason to doubt the conduct of the raffle.

Another query raised was: Do football clubs give reasons for holding one-day raffles? Yes. Statements are received giving details. The application must state for what purpose the raffle is being conducted. All donations made by the commission are audited by the Government auditor, and anything not in accordance with the Act appears in his report. Allocation of prize money in regard to raffles is watched and if the prizes being given appear to be too high, the organisation is advised that, "Unless prizes are donated, the value should be reduced."

I think Dr. Hislop asked whether a fee was charged for a permit. No fee is charged. A great number of organisations conducting raffles also seek financial assistance from the commission. So why give it to them with one hand and take some of it back with the other? Similarly it would be hard to charge some—particularly those that do not qualify for our funds—and not others. During the year ended the 30th June, 1961, 2,337 permits to conduct large raffles, and 831 permits for one-day raffles were issued.

Members allowances have been reviewed on several occasions in the following issues of the *Government Gazette*: No. 96, 11th November, 1955; No. 105, 19th December, 1958; and No. 706, 21st March, 1961. The last date is fairly recent. Members, including the secretary, make periodical visits to country centres regarding distribution work, and recently extended this to a survey of country agents. The chairman is not full time, although he is close to it. It is agreed that members' duties are increasing all the time, and I think it is very interesting to note that in the last nine working days, six consultations have been drawn. I think that is a record for the commission; and the commission has held two meetings during that period.

The annual audited lists of donations is presented to Parliament through the Minister each year. I think Mr. Lavery said he did not get the usual reports.

The Hon. F. R. H. Lavery: I did not.

The Hon. L. A. LOGAN: They are laid upon the Table of the House each year. The form or notice regarding raffles is that the commission may grant a permit for the conduct of a large raffle for which the number and the charge are 3,000 tickets at 1s. each, to be conducted over a period not exceeding three months. I think Mr. Lavery said, 1,500 tickets.

The Hon. F. R. H. Lavery: The parents and citizens' associations mostly have 1,500 tickets.

The Hon. L. A. LOGAN: Yes. The value of the prizes, unless donated, should be between £10 to £12 per 1,000 tickets at 1s. each. No deviation from the price of each ticket as applied for and approved by the permit will be permitted. A period of nine months must elapse from the drawing of one raffle to the next application. Organisations may be granted permits to conduct several raffles during the year provided the total value of the raffles does not exceed the equivalent of 3,000 tickets at 1s. each.

In the case of small raffles, the commission may grant a permit for a one-day raffle or a series of small raffles to be commenced and finalised at a properly organised function on the one day. No deviation from the price of each ticket as authorised by the permit is permitted. A period of three months must elapse between each one-day raffle. I note that where an organisation is seasonal, such as a cricket, hockey, swimming, or football club, etc., it is the policy at present to allow four one-day permits during the period of activity. I think that covers most of the queries raised.

The Hon. J. G. Hislop: Have you got the details of the salaries?

The Hon. L. A. LOGAN: I have not got the salaries, but they were reviewed three times during the last few years. The last date was the 21st March, 1961, and that is fairly recent.

THE HON. J. G. HISLOP (Metropolitan) [5.15 p.m.]: I thank the Minister for the information he has given to us, which I am certain will be of interest to the general public. I think it is correct to state that the part-time members of the Lotteries Commission receive £10 per week for the duties they perform. It seems to me that this is a very small reward for the time they are spending to fulfil their duties, when it is considered that they conduct as many as six lotteries in nine days. It might be wise for the Minister to review the remuneration that is paid to the members of the commission.

There is one aspect concerning the drawing of these lotteries which I think should be investigated. I understand that in the Eastern States, for example, a Tattersall's lottery is drawn every morning, but the actual drawing is performed by an automatic machine. The last time I inquired into the drawing of our own lotteries, I found that a member of the commission was still required to take an active part in calling out the marble numbers as they were taken from the barrel.

The Hon. G. Bennetts: I saw them conducting the drawing of the lottery today.

The Hon. J. G. HISLOP: I think that method of drawing is a little antiquated, especially when the services are performed by part-time members of the commission who, as I have stated, have conducted six lotteries in nine days.

The Hon. A. F. Griffith: Do all members of the commission attend each lottery drawing?

The Hon. J. G. HISLOP: I understand at least three members attend.

The Hon. G. Bennetts: There were three members in attendance at today's drawing, with another behind carrying out a check. Altogether, there were seven people, including a woman, in attendance at the drawing.

The Hon. J. G. HISLOP: I do not know what an automatic machine would cost, but I think some investigation would be worth while because, in my opinion, our lotteries are being drawn in a primitive manner. An automatic machine could perform a good deal of this work and would thus permit the chairman and other members of the Lotteries Commission to spend more time inspecting institutions which are being assisted by money contributed by the Lotteries Commission. I therefore hope the Minister will have a close look at this matter, because with the expansion of the State the Lotteries Commission will play a big part in its development, and it is time we took some action along the lines I have suggested.

THE HON. W. F. WILLESEE (North) [5.18 p.m.]: I support Dr. Hislop in his advocacy of an increase in the salaries paid to the executive members of the Lotteries Commission, and particularly the salaries paid to the commissioners. Possibly in the course of the extremely efficient and smooth running of this institution we have failed to give sufficient thought to the decreasing value of the pound and the increasing responsibilities of the members of the Lotteries Commission. I deplore the fact that it has been necessary for this to be brought to the notice of Parliament, because there could be considerable justification for a review of the commissioners' salaries.

In regard to the present method of drawing lotteries in this State, in my opinion, until Western Australia outgrows the need for the personal touch, I rather favour the present method of lottery drawing. I think the personal appearance of representatives of the commission is most advantageous from the public's point of view; and the drawing of each lottery by some prominent member of the community or representative of an organisation gives a very personal and considered touch to the procedure surrounding the drawing of the lottery.

The Hon. A. F. Griffith: Each week a different person is selected and thus a large cross-section of the people is represented.

The Hon. W. F. WILLESEE: Yes, I agree with the Minister; a great cross-section of the community is represented by the people who are selected to draw these lotteries. Also, there is considerable local interest, especially in that district from which the person performing the drawing is selected. I realise that time marches on and we are progressing all the time, and that as the State grows we may have to surrender this personal touch attached to the drawing of our lottery, but I hope it will continue for as long as possible.

THE HON. F. R. H. LAVERY (West) [5.20 p.m.]: I thank the Minister for the answer he gave to the only question I asked last evening; namely, that relating to playground equipment.

Question put and passed.

Bill read a third time and passed.

WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [5.21 p.m.]: I move—

> That the Bill be now read a second time.

This brief measure has been passed in another place, and comes to the Legislative Council for review. The parts of the Bill amending the principal Act are contained in clauses 2 and 3. The main purpose of clause 2, as set out in the Bill, is to empower the Minister to grant, through a license, the exclusive right or use by a person, or persons, of specified waters for the mooring of vessels. Such license would be granted by the Minister on terms and conditions he would consider reasonable.

The Harbour and Light Department has, in fact, been issuing similar licenses to yacht clubs and other similar organisations since the inception of the Jetties Act of 1926. Such licenses were issued in respect of mooring areas in navigable waters, and the Crown Law Department has expressed the opinion that there is no power under any Act for the department to make such issues. The proposed amendment will now legalise the private rights to be given for the exclusive use of mooring areas.

There is another amendment providing for the regulation or the prohibition of the use of any specified waters for any purpose. The intention of this amendment is to enable the Minister to prescribe specified waters at specified times for the sole use of speedboats or power craft towing water skiers. It is intended during this

time that no yachting or organised swimming shall be permitted in such waters. The purpose of the amendment is to avoid risk of life while the speedboats are using the specified waters.

A further amendment has to do with the registration of pleasure boats. The registration of small craft has been the cause of much concern throughout the Commonwealth, and the Australian Port Authorities Association has been urging all States to take legislative action. Legislation in that direction was introduced last session in another place, and its purpose was to empower the Harbour and Light Department to issue licenses and control craft using the Swan River, and also any area defined by the Bill. That measure was not, however, proceeded with after the second reading because of the strong representations directed against it by certain users of the river.

Opportunity has since been taken to establish an advisory committee comprising representatives of the Swan River Conservation Board, the Aquatic Council, local governing authorities adjacent to the river, and the Harbour and Light Department. That committee has given a great deal of thought to the problem, as a result of which the Minister was advised to introduce this amending legislation which will give him power to make regulations for the registration and control of pleasure boats. In accordance with that recommendation, the amendment in clause 3 is for the amendment of section 207, which is the regulation-making section of the parent Act.

Further, it is thought that any regulation considered necessary by the advisory committee in the future may be promulgated as and when it is considered appropriate to do so. It should be mentioned that the intention of this regulation-making power is rather for the control of craft and protection of their users, than as a revenue-producing medium. Fees for registration will not be heavy, though it is possible that the return from such fees may be made available in some manner to assist in the better use of waterways through appropriate channels.

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

PILOTS' LIMITATION OF LIABILITY BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.25 p.m.]: I move—

That the Bill be now read a second time.

Pilotage authorities in all States were asked at the 16th Conference of the Australian Port Authorities held in 1959, to seek the amendment of the relevant State Acts so as to bring them into conformity with the terms of the old section 350 (1) of the Commonwealth Navigation Act, as relating to claims against pilots arising from incidents occurring in the course of duty. All States, excepting New South Wales and Western Australia, have conformed in that regard.

The problem is now under consideration by the New South Wales Cabinet, and this Bill has been passed in another place prior to its coming to the Legislative Council. The purpose of the Bill is to protect the pilots concerned beyond the amount of £100. The amendment set out in clause 3 is similar to the provisions of the Victorian Act. Its passing would limit the liability of a pilot for damage, because of neglect or want of skill in piloting a ship, to a maximum of £100, together with such amount as he was to be paid on account of pilotage for which he was responsible on the particular voyage in which he was engaged should events for which he was liable occur.

The binding of the Crown proposed under clause 4 is considered necessary in this case. In the event of the Crown not being bound by this Statute a pilot for, say, the State Shipping Service, or a pilot who damages any Crown property—which would most likely apply where harbours are administered by Crown authorities—may find that the limit of his liability proposed by this measure is a limit in name only. The inclusion of clause 4, therefore, makes it patently clear that the absolute limit of liability of the pilot as against the Crown is as set out in clause 3, subject only to the Commonwealth Navigation Act, and notwithstanding the provisions of any other Act or law.

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

HEALTH ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.28 p.m.]: I move—

That the Bill be now read a second time.

This Bill now being introduced to members has been passed in another place and comes to the Legislative Council for review. One of the most far-reaching amendments proposed in this Bill, and one which has much significance in the matter of public health, is that set out in clause 2.

The Bill proposes the making of by-laws to empower the public health authority to insist upon essential maintenance being done on swimming pools not being kept in safe condition. Such by-laws would affect an increasing number of swimming pools which are becoming available for public use, but they are not intended to cover

private pools used by the owners and their families and friends; although they will be watched, too, to ensure that the position does not get out of hand.

It is considered essential, in the public interest, that pools enclosing a large volume of water and used by substantial sections of the population, should be safeguarded lest they become a hazard to public health. Treatment methods for the prevention of the growth of bacteria present no difficulties as to understanding and availability, and the purpose of this amendment is to ensure that such methods are carried out in instances where the public health of the community is involved.

The amendment in clause 3 of the Bill has to do with the liability of a retailer for deficient food supplied to him by a wholesaler.

The object of the amendment is to permit proceedings to be taken against the guilty party in respect of foods which are not manufactured, rather than the retailer, who quite often is an innocent victim of a law which, up to the present time, has been protecting the real offender.

It is well known that the person who sells deficient food is liable to be prosecuted for an offence against the Health Act. So we find that a local authority is enabled to take proceedings against the manufacturer or original supplier of manufactured foods, such as canned foods. This is correct procedure for the reason that the retailer has no means of checking the condition of the contents. He has not broken the law. The Act does not, however, extend that provision to foods which are not manufactured.

Take the case of milk, for instance. This is generally supplied to the retailer in a sealed container nowadays, and he sells to the customer in the condition in which he receives it; but in the event of foreign bodies being found in such container the retailer is liable to prosecution. The fact that milk companies invariably refund the retailer's costs does not undo the harm which his business suffers through the bad publicity. The effect of the amendment will be to lay the blame directly at the door of the offending party.

The purpose of the amendment contained in clause 4 is to empower the Commissioner of Public Health to order a person to provide a nominated medical practitioner with faecal specimens when the general safeguarding of the health of the community requires it.

Such specimens are required for examination from time to time to enable the identification of persons who are carriers of organisms of dangerous infectious diseases. Though, with our high standard of sanitation, it is only on a rare occasion that a case of typhoid fever is reported in the community, it has been found on such occasions that the patient had associated with an elderly person who had had the disease many years previously, and had remained a carrier of the organism.

Such a carrier would likely show no symptoms of illness, and his condition as a carrier could not be established by a superficial medical examination; it could only be established by laboratory examination of faecal specimens. However, under the present provisions of the Act, the public health authorities are powerless to act in the event of a person who is a carrier being unwilling to provide such specimens. Consequently, we find ourselves in the position of the dormant carrier remaining as a potential danger which could bring about wide-spread outbreaks of disease. The importance of positive identification is therefore apparent.

It might be added that the application of the power now being sought would not be limited to typhoid cases. Similar circumstances could arise in respect of carriers of diphtheria and other diseases.

The fifth clause deals with section 324 of the Health Act, which authorises local authorities to provide or subsidise centres for "the care of the aged." Several such centres which have been provided by local authorities that have shown estimable consideration for the aged, come to mind. The buildings and facilities provided enable elderly citizens to meet and take part in group activities. Such centres are of tremendous importance to those who avail themselves of the facilities provided, and there is no doubt that they promote the well-being of their members, enabling them, too, to maintain their independence as useful citizens.

It has been found, nevertheless, that some of the facilities being provided are outside the scope of the provisions of the section, and in order to rectify the matter and enable the good work to continue, it is proposed to amend the Act to cover the extended functions of those centres, which include recreation, comfort and convenience.

The amendment in clause 6 of the Bill contains provisions which may be regarded by many as being the most important in this measure. The purport of this amendment is to empower a medical practitioner to perform a blood transfusion on a child when this is necessary to preserve life, despite the refusal of the parents to authorise the transfusion.

The medical practitioner will be required to seek a second medical opinion, but where another medical practitioner is not available, the transfusion may be performed without a second opinion if the emergency demands immediate treatment. The passing of this amendment will save the lives of children in circumstances in which others have lost theirs because of parental

refusal to authorise blood transfusions considered necessary to treat some otherwise fatal condition.

It is well known that in many such cases, parents claim to be acting in a conscientious belief that blood transfusions are against their religious principles and so withhold approval, well knowing their decision might result in the death of their child. It is considered that the greater body of reasonable public opinion in this State rejects that view.

The only alternative presently available is action under the Child Welfare Act. Unfortunately, the necessary court proceedings under that Act required for the declaration of a child as a neglected child and a ward of the State, can take so much time that the child might well die in the meantime, too late for the transfusion which may then be authorised to be carried out.

Debate adjourned, on motion by The Hon. J. G. Hislop.

STAMP ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.35 p.m.]: I move—

That the Bill be now read a second time.

The passing of this measure will remove two anomalies which have become apparent in the Stamp Act. The first of these deals with the duty on the transfer of shares in any building society. The purpose of the amendment, which appears in clause 2 (a), is to reduce the duty payable on the transfer of such shares from one per centum of the value of the shares transferred to ½ per cent.; or, in other words, from 1s. for every £5, or fractional part of £5 of the amount or value of the consideration, to 3d.

Special emphasis is, at the present time, being given to the activities of building societies in the matter of house building. The proposed reduction in duty payable represents not only an encouragement of these activities, but also a practical means of eliminating an existing anomaly in the Act by reducing the duty to be paid on the transfer of building society shares to the same figure as has been paid on the transfer of both ordinary company shares and co-operative and provident society shares consequent upon a 1941 amendment to the Act.

The proposed concession is in conformity with an established principle of granting concessions to building societies under the Stamp Act, in that the stamp duty on all receipts given by or to a building society for £1 or upwards is set at 1d. It will be noticed that the amendment in paragraph (b) removes any reference to the War Munitions Supply Company of Western Australia Limited. Such reference is now unnecessary on account of the company having been dissolved, and that was in 1923.

The amendment contained in paragraph (c) is introduced in response to submissions made by the Local Government Association and the Perth Shire Council. Its object is to introduce a duty of 10s. only on each transfer when land is transferred back to landowners affected by a town planning scheme. By way of explanation, it should be pointed out that some local authorities, when implementing certain town planning schemes, resume land initially from owners for resubdivision and the provision of roads. The land is then reallocated between the original owners.

A stamp duty of 10s. is charged in the case of an owner having returned to him the same land substantially as previously owned. However, that does not always occur. It is not always possible to transfer back to the original owner his original allotment. When the replanning of the area renders this impossible, he is offered a new lot in replacement of his resumed land.

As the law now stand, *ad valorem* stamp duty at the rate of 5s. for every £25 of value is payable in those cases. As a consequence of present-day land values, the resultant duty payable is considerably in excess of 10s. The purpose of the amendment is to prevent such anomalous circumstances eventuating. The Bill therefore provides that all landowners affected by a town planning scheme are to be placed on the same footing; and with the passing of this measure a stamp duty of no more than 10s. will be charged on each transfer when land is transferred back to the original owner.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Town Planning) [5.40 p.m.]: I move—

That the Bill be now read a second time.

As is widely known, interim development control in the metropolitan region has been in operation since 1956. Such control gives protection to the proposals contained in the Stephenson-Hepburn Report and plan, until a statutory town planning scheme eventuates. The initial period of control is further extended under the provisions of clause 2 of this measure until the 31st December, 1963.

Having received preliminary approval the metropolitan region scheme is at present open to the public for consideration. Even so, there remains the necessity to protect through the order the major provisions of the scheme until it is finally approved. Such approval is subject to the carrying out of certain statutory procedures, and it is not likely they will be completed before the end of the present session of Parliament.

Under the provisions of existing administrative precedures, a local authority's town planning scheme progresses over a period of six months from presentation to approval. Of that period, there is a minimum of three months set aside for advertisement and receipt of objections.

There is no provision, however, which enables a local authority to disallow development in the area. The absence of any proper means of controlling any development which might adversely affect the scheme proposals, can be a cause of very real embarrassment to the local authority. The period of six months is far too short, because as a rule it takes much longer. On the other hand, the procedures, though of a lengthy nature, have been designed primarily for the protection of the ratepayers' interests, and they should not be varied.

Most town planning legislation makes provision for interim development control, and the intention of the amendment to the Act, introduced through clause 3, is to implement in respect of other schemes a similar control to that contained in section 7A of the Act, which grants control to the Metropolitan Region Planning Authority in respect of developments affecting the metropolitan region scheme.

The clause accordingly provides that an order should not be made until the local authority has resolved to prepare a scheme; furthermore, such order should only operate over the period preceding final approval and for no more than 12 months, without special extension. It is usual for such formalities preceding approval to be completed within 12 months. Excepting those limitations and some minor administrative changes, the provisions are identical with those operating in the metropolitan region.

The purpose of the amendments contained in clause 4, is to facilitate the revesting of land in the Crown where subdivision is involved. Existing statutory provisions require only roads to revest automatically. Landowners are required to transfer land for other purposes.

It is of little consequence whether the particular land is being revested as a condition to meet the requirements of the Town Planning Board in consideration of a subdivision or voluntarily as a part of a subdivision; the present procedure is onerous in both time and money.

The Act presently requires conditions fixed by the board to be carried out before the plan is approved. That is in subsection (3) of section 24. The relative administrative procedures recently came under criticism in a Supreme Court judgment. Procedures now proposed have been devised with a view to overcoming the criticism and relieving owners of the additional expense and delays involved in the preparation and registration of transfers.

It is now intended to provide that any land to be revested as the result of a condition imposed by the board, is to be shown on the survey plan. Upon the completion of Titles Office examination and approval, such land will automatically revest in the Crown, obviating the need for transfer or payment of fee.

There is a discrepancy between clause 9 of the first schedule and clause 8 of the second schedule, which it is the intention of the amendment contained in clause 5 of the Bill to rectify. The discrepancy has come about through the passing of an amendment to clause 8 last year, and the defeat of a similar amendment to clause 9. The defeat of the amendment to clause 9 came about because of its having been linked with another amendment last year, and when that part was lost, the whole amendment was deleted. As mentioned previously, the intention of clause 5 is to rectify the matter.

Some of the criticism levelled at me through the Minister in another place in regard to the handling of appeals relating to town planning was unfair. I do not mind being criticised when it is fair criticism, but on that occasion the honourable member in another place was so wide of the mark that I decided to put the matter straight.

In the first two years and nine months as Minister in charge of this portfolio, I dealt with 291 appeals under town planning throughout the length and breadth of this State. Of those 291 appeals I upheld, unconditionally, 86; and I upheld, conditionally, 77—a total of 163; and I dismissed 128. So, to say that the Minister has the name for saying "No" to everything is not correct, and I think my explanation should dispel that accusation.

It should be appreciated that I have to give these decisions against the department, of which I am the Minister, and it will therefore be seen that I am not necessarily a "yes-man," nor am I a "no-man," in the matter of appeals. During the period I have been Minister, I have dealt with approximately 500 appeals under the Town Planning and Local Government Departments. In the past 12 months I have dealt with 131 Town Planning Department appeals and 91 Local Government Department appeals. I am sure members will appreciate the number of appeals with

which the Minister has to deal. The figure of 291 which I gave will demonstrate that I have not treated appellants unfairly.

Debate adjourned until Tuesday, the 18th September, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

METROPOLITAN REGION TOWN PLANNING SCHEME ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Town Planning) [5.46 p.m.]: I move—

That the Bill be now read a second time.

The amendments proposed in this measure are consequential to the drafting of the metropolitan region scheme and are prompted by consideration which has been given to problems arising out of its implementation and administration.

Section 31 of the Act contains the procedures for submission and approval of a plan, and in paragraph (c) of that section the authority is required to give notice, by way of advertisement, of the main purpose of the scheme, and to indicate places of inspection to enable persons to submit any objections desired.

In accordance with paragraph (d), objections to the scheme may be made at any time within the period prescribed in the scheme, being not less than three months from the date the notice is first published in the *Gazette*.

It is conceivable that, under the provisions of paragraph (d), the authority would be required to specify in the scheme a period for objections to be lodged, even though that period had already passed and the objections had been considered. It would be more to the point if that time were specified in the notice rather than in the scheme, and the purpose of the amendment appearing in clause 3 of the Bill is to effect that change.

There is machinery in section 33 of the Act for the variation, amplification, or amendment of the scheme after it has the force of law, and that machinery requires that such alterations shall be submitted and approved in the manner provided for the overall scheme. This procedure could well become most cumbersome because of the long period encompassed by the planning proposals and the scale of works envisaged.

It has been found impossible, and in many cases undesirable, to define in precise detail, land requirements for reservations, and particularly for those reservations required for road purposes. There is no question that many small changes will be necessary in alignment or land requirements for interchanges and so forth. The detail of some of those will not become apparent until detailed design of surrounding lands has been considered.

Strictly interpreted, the present requirements indicate that even the slightest adjustment must be regarded as an amendment to the scheme, so involving the complete statutory procedures set out in subsection (1) of section 33. Such procedures involve substantial expenditure; and, furthermore, the time lag which will occur could well further delay development, causing frustration to landowners and to the developing authorities.

It is accordingly intended that such procedures should be short-circuited in minor matters upon the authority certifying to the Minister that certain amendments do not constitute a substantial alteration to the scheme.

There is no intention that there should be any departure from the present requirements of the Act with respect to any change that could be regarded as a major amendment. The interests of landowners are protected by the requirement that such modification be duly notified and by subject to a right of appeal.

The next amendment deals with compensation as related to the financial resources of the metropolitan improvement fund. Consideration of this matter has been highlighted by problems of planning authorities in other States where claims for compensation have totalled many millions of pounds, and it was found the claims were far beyond the resources of the responsible authorities.

The authority has reported that it would be quite impossible to contemplate immediately, or in the immediate future, the acquisition of land which will not be required in the scheme for many years to come. The acquisition of such land will, in the aggregate, run into many millions of pounds. On the other hand, it is necessary that the land be reserved in the scheme for future needs; and that reservation in itself imposes an obligation in respect of compensation.

One of the problems which is not easy of solution in this matter, is the question of depreciation. It could properly be argued that reservation under the scheme depreciates the value of land. As against that, it might be said depreciation is, in many cases, hypothetical and becomes a reality only when the land is sold at a price which actually reflects such depreciation, or when development is frustrated by a refusal of consent under the scheme.

The amendment which appears in clause 5 proposes that compensation for injurious affection be limited to two circumstances —firstly, where a sale is effected at a depressed value attributable to reservation

under the scheme; and, secondly, where consent to develop is refused on the grounds of reservation under the scheme.

The new provisions are designed to protect the interests of landowners while, at the same time, securing the success of the scheme by assuring the fund can meet all reasonable claims. The provisions proposed, together with the authority to purchase land, will enable the prevention of individual hardship which otherwise might arise.

Debate adjourned until Tuesday, the 18th September, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Child Welfare) [5.52 p.m.]: I move—

That the Bill be now read a second time.

The measures contained in this Bill are directed towards the better helping and protection by the Child Welfare Department of wards under its care, and other children.

It unfortunately happens that sometimes a child is left without any effective guardian because of the death or desertion of parents or near-relatives. It does not necessarily follow that such a child is destitute, neglected or delinquent, yet there are circumstances in which the young need some public authority to act on their behalf.

Recently, for instance, there was the example of a widow, who was herself incurably ill, and who lived in this country without either relatives or friends, and desired her young family to remain here under the guardianship of a proper authority. In the absence of any appropriate provision in the Child Welfare Act, the director of the department, acting in his private capacity, became the guardian of the children by an instrument signed by the mother.

It will be appreciated that there are practical limits to such an expedient, and accordingly, one of the important amendments in the Bill will appoint the director as the guardian of all wards of the State. In his capacity of guardian of wards, the director will be enabled in the future to act more properly as legal guardian in many matters. Matters other than the one previously related surround the necessity for consent to be granted for the giving of anaesthetics, the carrying out of emergency operations, matters concerning the adoption of children both of whose parents are deceased, and perhaps those concerning wards desirous of enlisting in the defence services.

The effect of the amendments set out in clause 3 will consequently assist the director in the better use of appropriate facilities at the disposal of the department for the benefit of wards. It may be of interest to relate that a child becomes a ward of the department either by being committed to the care of the department or by being committed to an institution.

The next amendment refers to certain Children's Court procedures. It is proposed to empower the Children's Court, in the event of a plea of guilty being entered, to hear and determine charges laid in respect of offences committed outside its area of jurisdiction. The area is laid down in section 19 of the Act, and relates to magisterial districts.

Under the circumstances just mentioned, the court would be empowered to proceed in its finding and determination as though the offence had been committed within its own boundaries. The passing of the amendment would obviate additional travel and escort duties, and overcome delay and several unnecessary expenses.

There are specified in section 20B certain sexual offences which, when charged against an adult, may be tried in a children's court, the purpose of that being to protect child victims and witnesses from the otherwise inappropriate severity of the adult court.

It is proposed to insert four additional offences. The first of these is described as "(h) unlawfully assaulting a child and its insertion is recommended by the Police Department. The insertion of the newly specified offence requires the later insertion in the Bill of the appropriate paragraph and that is set out in subclauses (d) to (e).

The second specified offence added to the list is "(i) unlawfully and indecently dealing with a girl under the age of 13 years." The insertion of that offence has been recommended by His Honour the Chief Justice, and it differentiates between such offence against a girl under the age of 16 years—quite a different matter—and specified in paragraph (e) (i).

The relevant section also stipulates that a children's court, when hearing a charge against an adult under that section, must be constituted by a stipendiary magistrate and one other member of the court. That is an isolated provision in the parent Act, and it is proposed that the stipendiary magistrate shall, in future, be free to decide whether he will sit alone, or be accompanied by a member; and in this regard, it might be mentioned that, in any case, the decision of the magistrate prevails and is the decision of the court.

In the matter of probationary periods which are looked upon as a means of rehabilitation, it has been found that such periods have, at times, been rather too short to enable the complete rehabilitation of the child to be effected.

The amendments in clause 6 would enable the Minister for Child Welfare to extend the prescribed period until the eighteenth birthday of any child concerned, or for a shorter period as the Minister thinks fit, bearing in mind the welfare of the child.

The provisions in the following clause of the Bill enable consequential dealings in court in respect of children breaking terms of extended probation. The next amendment lifts the upper limit of maintenance payments. The limit is at present fixed at £2 10s. per week, which is obviously insufficient under present-day money values to provide adequate maintenance for a child. The amendment proposes the more realistic upper limit of £5 per week.

Clause 10 amends section 106, which permits the department to license a child of 12 years, or older, to engage in street trading. The usual form of street trading for which licences are issued is that done by newsboys, but under the existing provisions in the Act a license for street trading may also be issued to a girl.

The department believes that licensing should be restricted to boys only, and that is the purpose of the amendment contained in clause 10. A recent case came under the notice of the department of a girl selling newspapers, and because of certain undesirable features which came to light in this particular case from inquiries made by the department, it is considered it is not reasonable for the department to differentiate in particular circumstances, and the amendment proposed is considered quite justified.

The next amendment has been devised to remove a restriction on the right of the department to appear in court and be heard in any matter affecting a child. Section 121 of the Act was considered to be clear on that point until the matter was recently raised. It is now the view that the section really relates only to those cases where a child is charged on complaint with an offence. That precludes the representation of the department in cases where children are brought before a court as "neglected" or "destitute," because in these cases an application is made rather than a complaint.

In the case of girls, most come to court under applications for "neglect" rather than in response to complaints. It follows that until the section is amended in accordance with the provisions of clause 11, the department is unable to help such children in court. The passing of the amendment will enable the department to express itself in court not merely on acquittal or punishment, but also on the treatment of the child.

The next two clauses are purely consequential; and in clause 14 is contained authority for officers of the department, irrespective of sex, to make inquiries and inspections concerning the welfare of illegitimate children under six years of age. The department is empowered, under section 132, to have such matters dealt with by female officers only. That is not always practicable. It is often quite difficult to pursue inquiries in some cases; and, furthermore, in some country districts, the department is represented only by male district officers. The amendment proposed would facilitate the better administration of the Act.

Finally, there appears in the second schedule of the Act a list of the institutions subsidised within the meaning and for the purposes of the Act. The amendments necessary to this list have come about through the need to aid the Sister Kate's Children's Homes, and certain new names which managements of some of those institutions wish to be used.

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

GUARDIANSHIP OF INFANTS ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Child Welfare) [6 p.m.]: I move—

That the Bill be now read a second time.

The next four Bills are complementary to the one I have just introduced.

This Bill is in conformity with the provisions of the Child Welfare Act Amendment Bill previously explained. The children's courts are the courts of summary jurisdiction which, under the 1926 Act, deal with custody of infants, and their maintenance. The main purpose of this Bill is to increase maintenance up to which the court is competent to award in respect of a child under 16 years of age, from £2 10s. per week to £5 per week.

The reason for up-lifting the maximum which may be demanded lies in the reduced value of the pound at the present time, as compared with its value in 1954. The figure was then raised from £1 per week, fixed in 1926, to £2 10s. per week. It is considered that when circumstances make its payment possible, a maximum maintenance rate of £5 per child per week could well be justified under present-day money values.

The remaining amendments in this Bill are required to tidy up some of the outmoded phrases in the Act having reference to the Child Welfare Department and its permanent head.

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

JUSTICES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [6.2 p.m.]: I move—

That the Bill be now read a second time.

This is another of the group of Bills, the provisions of which are associated with the adoption of new procedures, particularly in the matter of maintenance defaulters. The Justices Act relates, in its appropriate part, to proceedings surrounding cases of simple offences. The machinery for the enforcement of maintenance orders made by courts of summary jurisdiction, is included in that part. The intention of this Bill is to amend and improve those procedures.

The Married Persons (Summary Relief) Act of 1960 contains provision for methods of enforcement of maintenance orders, and those methods are more comprehensive than others formerly in use. It has been clearly perceived in the course of the administration of that Act that the new means available have operated most satisfactorily in the interests of all parties. It is accordingly proposed, through the introduction of this Bill, to incorporate such procedures into the Justices Act, so enabling their application in all enforcement actions.

There exists reference, for instance, in the Child Welfare, the Guardianship of Infants, and the Interstate Maintenance Recovery Acts, to the payment of orders for maintenance, and those references are to the effect that enforcement shall be in accordance with the provisions of the Justices Act. The amendments proposed in this measure will ensure that the system which has proved so successful under the Married Persons (Summary Relief) Act, will be applicable in all courts of summary jurisdiction.

The present method of enforcing payments of maintenance orders are set out in section 155 of the parent Act. Under the existing law, a defaulter is liable to have a warrant of execution taken out against him. In the event of his possessing neither goods nor chattels on which levy of the amount of the warrant may be made, he faces a warrant of commitment. Therefore, he must pay amounts due in full or serve default in gaol. It should not be overlooked that the section at present permits a warrant of commitment in the first instance, and also places a limit on the amount of arrears recoverable to six months' arrears.

The amendments now proposed would dispense with the limit, and reduce the maximum period of imprisonment from six months to three months. It would work this way: Immediately a warrant of commitment is executed on a defaulter, the order made against him will be automatically suspended while he is serving the default in gaol. The serving of the default in gaol does not act as satisfaction of the debt, but ensures that the defaulter is not likely to be imprisoned again for the same debt. Further, money owing on the order after his discharge from gaol is to be regarded as a new debt.

In the event of more than one warrant being executed on a defaulter, which happens in some cases where separate warrants are issued for each missing instalment, the defaults are to be served cumulatively, but are not to exceed a total of three months in prison.

There is a further provision which will ensure that all benefits deriving under the new system will be made retrospective so far as unexecuted warrants are concerned, i.e., warrants of commitment issued prior to the coming into operation of this amendment, but executed after that date.

There is an amendment enabling the court to remand a defaulter, either in custody or on bail, and yet another which permits further remands when considered necessary. The court is authorised to order the warrant to be put into operation when the debtor is proved to be a wilful defaulter or, alternatively, to make such order as is considered suitable to enable the debt to be paid by instalments, in which latter case, the operation of the warrant is suspended.

There is also an additional requirement that the defaulter, if actually in prison, must be brought before the court as soon after he decides to seek a suspension of the operation of the warrant as practicable.

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

Sitting suspended from 6.6 to 7.30 p.m.

INTERSTATE MAINTENANCE RECOVERY ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [7.30 p.m.]: I move—

That the Bill be now read a second time.

This is one of a group of Bills directed towards the better administration of the laws introduced for the purpose of preserving some of the rights of individuals who have been adversely affected by the disruption of normal family life.

One of the principal purposes of this Bill is to enable warrants of execution and warrants of commitment in respect of arrears under maintenance orders to be issued out of a court.

As is widely known, the parent Act is integral with interstate reciprocal legislation in the matter of recovery of maintenance payments due. The manner of enforcement comes within the ambit of the Justices Act.

In order to implement the new procedure, it is proposed to amend the Act to make it obligatory for the collector in this State, upon receiving a request that a maintenance order be enforced from a collector in another State—which has reciprocal laws —to register and certify a duplicate of the maintenance order in the Married Persons Relief Court. Thereafter, warrants may be issued out of that court.

It is proposed further that all applications for variation, suspension, or the discharge of an order, be made to that court. That is in lieu of procedures under courts of summary jurisdiction at present in force.

A further important amendment enables maintenance defaulters arrested on warrants to be admitted to bail and subsequently heard by a Married Persons' Relief Court in respect of an application made by such person that the warrant should not be put into operation. The court may order the warrant to be put into operation or to release the defaulter under certain conditions, one of which could be that he would pay the warrant at a rate determined by the court.

In the case of a maintenance order made here and varied provisionally in another State, it will rest with the Married Persons' Relief Court to say whether such provisional order shall be confirmed; unless, of course, it be a Supreme Court order.

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

PHARMACY AND POISONS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 30th August, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [7.34 p.m.]: This Bill alters the system of training chemists; and with the proclamation of this Act there will in the future be a different concept in the basis of training chemists within the State. We were told by the Minister that the proposals were acceptable to the pharmaceutical profession generally, and one can see—in view of the fact that similar measures have been introduced in the States of Queensland, New South Wales, and Victoria, and in the United Kingdom —that there is some merit in a uniformity of principle in relation to reciprocity, not only with regard to the training of people for professions but also in the actual handling of professions between one State and another; or between one country and another.

The principle of the Bill lies in its extending the academic training aspect of apprenticeships to a more emphasised degree than has been the case heretofore. The period of, shall we say, academic study is limited at present to three half-days a week at a recognised technical college. The Bill will now cause this method of training to cease, and future apprentices will emerge under a system whereby they have full-time study for a period of three years, I think it is, at a recognised technical college before they enter the service of a chemist for a further year's training.

The basic feature of increased academic training leaves some room for thought. To me, as a layman, the profession of medicine seems to be very comprehensive and intricate in itself; and from the focal point of medicine today we are developing many tertiary or subsidiary arms which are complementary to the existence of that profession. It appears to me that chemistry would be one profession which might not require a great deal of academic qualification in the future, on the basis that there are today so many prepared ingredients and mixtures prescribed by the medical profession for the patient. The chemist as such merely carries out the instructions issued to him. There again I speak purely as a layman.

Generally speaking, I would say the chemist of today does not take upon himself the responsibilities he would have accepted 30 years ago. Let us consider, as an example, the common cold. At one time it was considered reasonable to go to the chemist and say, "Give me a prescription; I have a cold." Because of the more enlightened concept of medicine today, it is almost unthinkable to approach a chemist in that manner. The first thing one does is to ring one's doctor, and he in turn prescribes what he thinks best in all the circumstances of the case, and the chemist then plays his part.

But if the training in pharmacy is to be advanced in the opinion of those who know—and I refer to the guild of pharmacists—I am prepared to accept that recommendation as emanating from knowledge beyond that which I possess. It occurs to me that the new system of training runs across a principle with which I very much agree. A principle in which I believe is that of equality of opportunity. Under the new system proposed in the Bill, I see a deficiency in the rights of that principle. Under the present system we pay our apprentices for the first, second, and third years of their training; and I see great merit in the fact that a person from Kalgoorlie, Albany, or

Geraldton, or from further afield, can train within the metropolitan area and be assisted by the emoluments paid under the apprenticeship system.

But with the deliberate forsaking of that amount of money by the new situation, whereby an apprentice must exist within the ambit of his own finances for a period of three years, I feel we will be taking away the opportunity from apprentices from the country and will prevent them from coming to the city for training. Alternatively, we will restrict the intake of apprentices to a point within the financial capacity of those parents who are able to afford this training. I see great danger in that.

If we do not have an intake, into this profession of students from the country areas, there may easily be a dearth in this profession in the country; because if a person becomes apprenticed and ultimately qualifies, and is from a country town, the tendency will be for him to go back and practise his profession in that particular town, or in a similar town. If we take apprentices from the ambit of the metropolitan area, the tendency will be for them to practise within the area to which they are accustomed. They will not readily move further afield, because of the inherent, immediate, or considered disadvantages attendant on such a move.

There has been some mention—either by the Minister when introducing the Bill, or in another place—that there would be scholarships available, and that there might possibly be introduced a system of bursaries under the new scheme. If that is so, I feel there should be a much more definite and comprehensive mention of this matter before the Bill is passed. There should be some very definite instructions in the Bill—or in the law which will obtain within the Bill—that the intake of students to this profession, where they are obtained from the country areas, will be given priority where the circumstances are financial and where some financial assistance must be made available.

If one takes the junior examination as a basis, the statistics reveal that children of the metropolitan area tend by some degree of percentage to do better than children in the country. So, if we let this be on an academic basis of entrance—merely an examination for entrance—we would tend to exclude, in the main, those applicants who have a keen desire to train for this profession but who cannot pass the very first hurdle.

To me this is a very serious Bill; and, having regard to the fact that it creates a degree of uniformity throughout most of Australia, we must bear in mind the equality of opportunity that exists in Western Australia, which is an advantage to the people who desire to engage in this profession.

I hope there will be further speakers who are more enlightened on the details of this subject than I am; and until I hear them I will reserve my right to make a decision as to whether I support this Bill.

Debate adjourned until Tuesday, the 18th September, on motion by The Hon. J. G. Hislop.

GRAIN POOL ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 30th August, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. S. T. J. THOMPSON (South) [7.47 p.m.]: I support this Bill. It is a straightforward measure which, as the Minister explained, possibly could have been given effect to last year when the other portion of the Act was amended. My principal reason in rising to support the Bill is to express appreciation of the work this organisation has done for country people, particularly in regard to the handling of oats over the past nine or ten years.

Few people realise what a wonderful asset the pooling of our oats has been, particularly in the great southern areas, over the past ten years. It has made a wonderful difference to the people in that area, and they deeply appreciate the work put in and the manner in which the organisation has carried out the trust imposed upon it; particularly after this season—one of the driest on record—when our farmers were carting oats back out of the pool—oats which had been reserved by the pool for just such an emergency. I express the hope that the authorities will continue to preserve the market that has, over the years, been built up with respect to our oats and will maintain the high standard that has been achieved.

My fear in this regard is that great pressure will be brought upon the organisation to receive oats of a type which is not readily acceptable; and I express a strong hope that the authorities will stand firm and keep to the high standard achieved in the past. With those few remarks, I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 30th August, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North) [7.52 p.m.]: This Bill covers a retrospective aspect that was missed when a similar Bill was before the House last year. The measure subsidises the funds of those people who are not eligible under the Superannuation and Family Benefits Act and who therefore cannot join that particular fund.

Under the Bill that was passed last year, the people who could be accepted within this fund were only those eligible in the current calendar year. By making this retrospective aspect of the Bill law, about 20 persons who were excluded from the Act will be able to come within its ambit.

We are told by the Minister that the cost to the State will be somewhere in the vicinity of £9,000, which is not a lot of money in the circumstances. The Bill rectifies something which is wrong, and I support it.

THE HON. J. G. HISLOP (Metropolitan) [7.55 p.m.]: I admit I have not had much time in which to look at this particular Bill as I have been interested in a number of others, but it strikes me that a certain possibility might be investigated. I take it that these people are not allowed to share in the main benefits of superannuation because of some disability which is regarded as debarring them from having an ordinary expectancy of life. From the Minister's remarks I would assume that about 20 people are involved.

The Hon. A. F. Griffith: That is right.

The Hon. J. G. HISLOP: I think we have to adopt a modern idea about this. So far as the State is concerned, it should agree to take a percentage of people who are unfit into the Civil Service, into rehabilitation, and into superannuation.

In these days the extension of life insurance is something to be wondered at. Cases not accepted in years gone by are now accepted readily on a small loading; and this is making a tremendous difference to the lives of many people who feel they have a sense of security. Surely it should not be beyond the State Public Service to take in a percentage of such people. If we have regard for the 20 people, it would work out at a percentage of 0.01 per cent.

When people are joining the Public Service, or any other Government service, we must take into account those who have some disability such as the loss of a limb, poor health, rheumatic fever, or a like condition. We must help these citizens to a useful life and give them a sense of security; and the risk run by admitting a small percentage into the superannuation fund is indeed low. I would like to see measures such as this terminated and legislation introduced to allow a percentage of these people into the superannuation fund.

The Hon. A. F. Griffith: What percentage?

The Hon. J. G. HISLOP: I would say about half of 1 per cent., or 1 per cent. It would not be a great risk.

The Hon. A. F. Griffith: I do not think you can relate your ideas to these circumstances.

The Hon. J. G. HISLOP: I have an idea of what I am talking about, because during the last year or two I have been medical officer to quite a large insurance company; and the extension of risk has been quite considerable, and is paying off. Some thousands are employed in the Civil Service, are they not?

The Hon. A. F. Griffith: Yes.

The Hon. J. G. HISLOP: So the addition of even 100 would not make very much difference; but we would have within the Public Service people who were limited in their capacity to apply for insurance or superannuation in the ordinary way. They would make very good public servants.

Even today with ordinary life insurance, if a person has been treated for gastric ulcer he is given life assurance, but this would not have been the case many years ago. That individual would have been frowned upon. However, today he is given life assurance with quite a small loading. The same applies to those who have had rheumatic fever.

We have long passed the stage when we should say that these people cannot enjoy the benefits of superannuation. All sorts of illnesses have been reviewed over many years and a new system has been evolved which allows these people to take out life assurance; and we should extend this graciousness to the superannuation fund. It would make a tremendous difference to those organisations that are trying to rehabilitate people who have some disability, but who are fit to work. I make the suggestion to the Minister that the Public Service should consider this aspect as a means of benefiting many of our citizens.

THE HON. R. F. HUTCHISON (Suburban) [8 p.m.]: I support Dr. Hislop's remarks, and I hope the Minister will take cognisance of the attitude that is altering so vastly throughout the world in respect of these matters. We have come to the

stage where we have to consider ourselves as our brothers' keepers. In all matters pertaining to the health and welfare of society at large, Governments have more and more to widen the ambit of legislation that goes to make for security and happiness in ordinary family life. Many of the provisions in our Acts, as Dr. Hislop has just said, could be widened considerably.

The more I have studied this question, and the more I have travelled, the more I realise that this is "a must." There is much that wants overhauling. I thought that perhaps there might be some kind of committee set up to go fully into our laws pertaining to the employment and the welfare of the people at large, especially those employed under the Public Service Act. The legislation is very restricted. If members read some of the laws in America their hair would stand on end because of the restrictions included in them.

The Bill touches on work that I am interested in and that I have spent much time on. I hope the law will be widened in this respect and that the ordinary worker —the father of a family—will be given more of an opportunity in regard to his own welfare, especially in the field of insurance. The strictures that apply to insurance could be looked at again because in medical science certain things that were regarded at one time as being such that one could not get over them are now able to be cured; and there are wonderful stabilising amenities for people who suffer from certain disabilities. Previously they were precluded from earning a living and leading a useful and, therefore, happy life. I support the Bill.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [8.3 p.m.]: The purpose of the Bill, as I have explained, is to give retrospective power in respect of the obligation on the State to contribute to the fund for the few people I mentioned. The retrospectivity will, as has been said, cost the State about £9,000. That is the whole purpose, and naturally the limited purpose, of the measure.

I cannot make any other comment at the moment in reply either to Dr. Hislop or Mrs. Hutchison, except to say that I will forward their remarks to the Treasurer and ask him whether he will have a look to see if there is anything that can be done along the lines indicated.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PAINTERS' REGISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [8.7 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of the Bill is to facilitate the administration of a measure passed last year entitled the Painters' Registration Act. The Bill last year was introduced in another place by a private member and came to this House for the usual review; and members will probably recall that a great deal of debate ensued on it. The purpose of the measure was to set up a painters' registration board. While the Bill was dealt with in this Chamber, I moved some amendments to clause 7 and they were accepted by the Legislative Council. The purpose of my amendments was to establish a board of three persons.

Not only did the Legislative Council think it was all right to agree to those amendments, but the honourable member who introduced the Bill in another place and who spent quite some time in this Chamber listening to the debate, must also have felt they were all right, because when the measure went back to the Legislative Assembly seeking its concurrence in our amendments, such concurrence was forthcoming.

When it was decided that the Act should be proclaimed, and the Crown Law Department set about preparing the documents for the proclamation, it was discovered there was, in fact, as a result of the amendments introduced here and agreed to by Parliament, a board of five and not a board of three. If one examines section 7 of the Act one can easily see how that occurred. I am afraid I must accept at least some of the blame, because I was responsible for the amendments which, if I remember correctly, I framed and read out during the course of the debate.

The Bill now presented to the House has been passed by the Legislative Assembly, and it seeks to rectify the situation I have just described by amending section 7 of the Act, thus bringing into effect that which Parliament, without doubt, intended when the Act was passed last year.

The principal amendment is contained in clause 3 of the Bill which seeks to amend the constitution of the board as laid down in section 7 of the Act. I do not think any further explanation is necessary.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

POLICE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 11th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [8.11 p.m.]: The Bill seeks to amend the Police Act in three particulars. The first amendment deals with people who may be found loitering on premises, and obviously loitering with some criminal intent or without lawful excuse; and it adds to section 66 of the Act some further words which include "housebreaking instruments." On an examination of the Act itself and the alterations which will be made to section 66, I can see no objection to the proposals which the Bill, in this clause, embodies.

The amendment to section 89A, however, falls in a somewhat different category. That section was introduced only last year in Act No. 71 of 1961, and the Bill which then amended the principal Act endeavoured to bring about a more rigid control of machines which are known as slot machines; and to control those types of machines which were used, or were intended to be used, in some way for gambling purposes and for amusement purposes.

It is obvious from studying the draft of section 89A that there was the intention in the wording to differentiate between the two types of machines—that is slot machines used for gambling purposes, and those used especially, or distinctly, or solely, for amusement purposes; because section 89A makes quite clear in the exemptions, the sort of machine which shall be exempted from the provision of that section of the Act, and which shall not be unlawful in its use. Subsection (3) of section 89A reads—

> For the purpose of this section, "slot machine" means a machine that is operated by the insertion of a coin or valuable token but does not include any machine that—
>
> (a) gives access to any place or convenience;
>
> (b) is a weighing machine or parking meter—

Some of these appear to me on occasions to be one-armed bandits. Continuing—

> (c) certainly yields previously ascertained goods of which the sale, or exposure for sale, is not prohibited by any law of the State;
>
> (d) provides music; or
>
> (e) for the insertion of only one coin or token, enables two or more competitors to play a game entirely of skill,—

Those are the five categories of instruments which are classified as being exempt under section 89A; but following those paragraphs is a proviso as follows:—

> —without affording any other consideration, advantage or reward.

My particular purpose in speaking to this clause is to draw attention to the clouding of the specific meaning which to me appears in section 89A if the words proposed to be added are added. That is to say, there appears to be a complete distinction between a gambling machine and an amusement machine. Speaking entirely personally and not as a prude, I would be so drastic on the gambling machines and those who operate them that I would make it impossible for them to be operated. I would do what South Australia does; that is, impose a fine of up to £500 for using a gambling machine which gives no chance to the person inserting a coin into it.

However, that class of machine which provides an innocent form of amusement, and which last year's amendment appears to endeavour to exclude, should be exempt from the provisions of this legislation. That is to say, we should take the view that we expressed last year on the introduction of the amending Bill. I am wondering whether the Minister will take particular note of these questions: Is there any intention, under this new provision, to ban the amusement machine? Is there any intention of using this section 89A, which was introduced last year and which this Bill seeks to amend, to ban the amusement machine? I ask these questions because it is extremely difficult to understand what is meant by the words "without affording any other consideration, advantage or reward."

Those words could be widely interpreted. Do they mean that if a person is able to earn himself another game on the machine, that constitutes "any other consideration, advantage or reward"? I have never played one of these machines, but I have watched another person playing one, and considerable skill appears to be required to propel the ball into a certain channel according to how the knobs of the machine are manipulated. However, do these words mean that any person using such a machine could not have another game if he still controls, by his skill, the ball in the machine? Does that constitute a consideration, advantage or reward? If it does, I think the ground is a little flimsy; and, if it does, I think it is going a little too far by exercising rigidity over an amusement machine because, being strictly a machine for amusement, it would not warrant such control.

I understand from a young man who comes from a very good family and who is attracted by these amusement machines that he spends approximately 3s. or 4s. a week from which he derives a good deal of amusement from the manipulation of these machines. At present, as the law stands, he is able to continue playing such a machine for quite a long while if he is skilful enough to control the movement of the ball in the different channels which are involved in the game. He does not gain any financial reward; he merely has the reward of being able to play the machine again.

The Hon. G. Bennetts: Yes; and the more skill one shows the more fun one has.

The Hon. F. J. S. WISE: I see less evil or danger in playing an amusement machine such as that than perhaps playing a game of billiards or snooker in a billiard saloon where the players bet a few bob on the game, or play for afternoon tea, or something of the sort. So it is a simple matter that does not warrant any suggestion of drastic action; and I think the suggestion of drastic action is in this amendment unless we get a clear admission from the Minister that it is not the intention of the provision to ban these machines or to stop people from using them.

It is far too easy these days to criticise our youth; it is far too easy to find in them faults which we as fathers or grandfathers never had.

The Hon. G. C. MacKinnon: Forget we had.

The Hon. F. J. S. WISE: Yes; we are prone to forget them, and we are prone to forget that we live in a different era. Whilst probably in our day we danced the boomps-a-daisy with enjoyment and relish, we are perhaps appalled at young people today dancing the twist, despite the fact that there is very little difference between the two dances. I think that properly handled and controlled in the home, the youth of today are as sound as they ever were. I would not like to see a simple, harmless amusement taken from them unless it can be shown that there is something vicious attached to it, because; if that were shown, this legislation would definitely be necessary.

The Hon. A. F. Griffith: This amending legislation is not aimed at youth, but at those people who have already found a loophole in existing legislation which last year we thought was watertight.

The Hon. F. J. S. WISE: Provided the amendment is aimed at the gambling machine only, I can find little fault with it; but if, in some oblique way, it is designed to control the amusement machine which may be found in any amusement park, I think the legislation might be going a little too far at this time in the light of all the circumstances.

The next clause seeks to repeal section 90A. After reading that section it would appear that all the authority necessary for the police to make an arrest, should they be suspicious that there has been false or misleading information given out, is provided. In other words, if, in certain circumstances, reports by a person have not been fairly, truthfully, or properly stated, action may be taken under the existing section 90A. I understand that, in practice, there is insufficient authority within that section to deal with such cases as that which we all recall occurred recently when it was reported that a mythical boat was foundering off the north-west coast and the lives of several people were in danger because the boat was about to be swamped, and the person spreading the news and causing the sensation was on a cattle station on the edge of the desert operating a radio transmitter.

This amendment, I understand, is now framed to cover all circumstances where false information or improper action is designed to mislead. In such circumstances the police will be able to take successful action against the people concerned. As the Minister mentioned, under the existing law the only safe course that could be taken against such people is provided in a section of the Post and Telegraph Act. However, it is a bit remote to use a Commonwealth Statute to prove quickly and adequately a State offence. I support the Bill. I would not like to see clause 3 passed tonight, however, without the Minister making some reference to the points I have raised in regard to it.

THE HON. R. C. MATTISKE (Metropolitan) [8.26 p.m.]: I am extremely pleased to see included in this measure reference to the slot machines which are described in section 89A of the principal Act. As the Act stands at present a slot machine means a machine that is operated by the insertion of a coin or valuable token and, as has been explained, the intention of the Bill is to widen the scope of that section to include other means by which persons can gamble on seemingly innocent machines.

Whilst I was in Japan recently I was absolutely astounded at the way the Pachinko machines have taken hold of the people. The Minister who was visiting Japan just prior to my arrival no doubt was also struck by the use of these machines.

The Hon. A. F. Griffith: I also saw them being used in New South Wales.

The Hon. R. C. MATTISKE: There are many of these Pachinko halls, side by side, lining the streets. They are accom-

modated in large buildings which extend to a great depth, and in which there are bank upon bank of these gambling machines. The way they are played is that one goes to an attendant in charge and, upon payment of so much money, receives so many balls. These balls are inserted into the Pachinko machines one after the other and when, in certain instances, a player is successful in directing the ball into the right channel a certain number of balls or a token is returned to the player by means of a chute. The principle is that it appears as if the player is operating the machine purely for the sake of amusement and to prove his skill; but it goes beyond that. A successful player earns certain tokens which entitle him to some particular brand of cigarettes or some other type of prize. The next move is that his token is taken to another establishment nearby—not in the place where he is playing the machine—and it is converted into cash. In other words, the machine is used purely and simply for gambling, but that is the means by which they avoid the gambling laws.

Apparently the playing of these machines has developed into a craving by a large majority of the people. From the many inquiries I have made, I understand that it is now a common practice that when a worker receives his pay he should go straight to a Pachinko hall and remain there until he has lost all his wages. There is no doubt that the gambling instinct is in the blood of a large majority of these people and they cannot resist playing these machines until they have lost all the money in their possession.

One can see hundreds and hundreds of these places in any city of reasonable size throughout Japan. They are made very attractive. They are extremely colourful; and, in addition, juke boxes are located at various points throughout the buildings and make even more din than the Pachinko machines. The sight of these gambling halls is something one has to see in order to believe, and I am extremely pleased that action is now being taken to prevent the introduction of similar machines into this State.

Debate adjourned, on motion by The Hon. E. M. Heenan.

COMPANIES ACT AMENDMENT BILL

Second Reading.

Debate resumed, from the 11th September, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [8.30 p.m.]: Although I have not taken any part in the general debate on the clauses contained in the Bill, I am prompted to say a few words on the aspect first raised by Mr. Watson, and further developed in thought by an interjection or by a question or two from the Minister on the point of the consistency of the Act being proclaimed—an Act which is to be the same as the Acts of the other States, and which makes like provisions—on a uniform date.

The Hon. A. F. Griffith: That was said in the debate last year.

The Hon. F. J. S. WISE: No; it was said last night when the Minister posed a query while Mr. Watson was stressing the point of uniformity of proclamation. One of the main aspects of uniformity is the uniform time of proclamation, so that there will be a standard practice adopted in all the States where the legislation has been passed, and so that the Act will be proclaimed by all the States at the same time.

I took the opportunity of discussing this angle with a prominent businessman of Perth. I followed through the line of thought as to what was likely to happen in South Australia where a Bill, a copy of which is now available to members in this Parliament, was introduced on the 6th September. If rumour has it right—and the rumour is very strong according to the very prominent businessman who advised me—the Bill in South Australia may not emerge as an Act. If it does not, after similar measures have been proclaimed in four or five States of the Commonwealth, one can visualise the advantageous position in which South Australia will be placed. In this legislation there is provision to give concessional advantages to overseas companies. I am not making any adverse comment in that regard.

The Hon. H. K. Watson: And even to ex-Western Australian companies.

The Hon. F. J. S. WISE: Exactly. South Australia could arrange the fees so that that State would become the headquarters of many businesses because the lower fees would be attractive to them.

The Hon. A. F. Griffith: Operating where?

The Hon. F. J. S. WISE: Operating in other States. South Australia is the State, of all the States in Australia, where mining transactions predominate; that is something which has been going on for a very long time. Unless we in Western Australia are careful with the legislation before us we will not achieve the uniformity which we are seeking. We might get something entirely different.

After discussing this matter today, following the expression of thought in this Chamber last evening, I wonder whether it would not be wise to consider proclaiming the Act—not on the 1st October, but at the time of the passing of the similar

Act in South Australia, or at some date later than the 1st October. If uniformity is to mean so much, I feel there should be uniformity of action by the proclamation of this legislation at approximately the same time as it is proclaimed by all the States in which this law will operate.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [8.37 p.m.]: I propose to start at the point where Mr. Wise left off. I venture to suggest—I do not know whether I am correct—that the point of view he expressed to us might have some connection with the information that has been sent to me, and which has been made as widely known as possible by certain people as to what they thought might happen in South Australia. There was a document produced.

The Hon. F. J. S. Wise: I have not seen it.

The Hon. A. F. GRIFFITH: I am not accusing anyone, but it does seem to me there is a tie-up in the information that has been given.

The Hon. F. J. S. Wise: The gentleman to whom I spoke is a very responsible businessman.

The Hon. A. F. GRIFFITH: I am not suggesting he is not. An attempt has been made to make it look as though, and to have it said that, South Australia would stay out on its own. At the conference of the Standing Orders Committee held in this State about three months ago, the Attorneys-General for all the States questioned Mr. Rowe, the Attorney-General for South Australia, on the introduction of the companies legislation. We received a categorical assurance that the legislation would be introduced into the South Australian Parliament; and the undertaking has been fulfilled. As I said in reply to Mr. Watson, I understood the legislation had been introduced in South Australia last week, and a few moments ago Mr. Wise confirmed that it was introduced in that State on the 6th September. I do not think there is any doubt that the South Australian Parliament proposes to carry on with the legislation in accordance with the undertaking given.

If, at this point of time, we were to adopt the suggestion put up by Mr. Wise that Western Australia should not proclaim the Act until all the other States had proclaimed their Acts, we would be putting the clock back a long way. We would be putting back the clock as far as Queensland, where the legislation is enforced, is concerned. We would be putting back the clock also in regard to New South Wales, the Australian Capital Territory, and Victoria. That would not be a logical thing for us to do, and I shall explain that aspect later.

Last evening we listened to two speeches on this measure—both given by well informed members, one being Mr. Willesee and the other Mr. Watson. On the one hand Mr. Watson said there were many business people in the community who were not ready for this Act, and it would cause them some embarrassment if the Act was brought into force on the 1st October; on the other hand Mr. Willesee said that, in his opinion, commerce was geared to go, and business people expected this Act to come into force on the 1st October and they had, in fact, made arrangements accordingly. There is no doubt about that.

We were also told about a speech I made last year during the third reading debate. To say the least I find it difficult to explain what I said, because the remarks I then made contradicted what I said earlier in this debate when I referred to what would take place this year. There was no doubt as to what was intended, because on page 2248 of the 1961 *Hansard* will be found the following remarks which I made:—

> The measure now before us passed through the Legislative Assembly without amendment. It has made that much progress up to the present time, so why turn round and say we are not going to pass it here—that we are going to have no further truck with it? If that is done, next year we will have to start all over again.
>
> Mr. Watson told us that it is understood—and I believe it is understood—that the Bill will not be proclaimed until roughly a year's time. There will be another session of Parliament between now and November of next year, or the date when it is proposed to proclaim the Bill; and in the light of experience in the other States, if amendments are necessary, they can be introduced.

The amendments have become necessary; they have been introduced and are before us. Mr. Watson said there were a number of people in the community who had little or no knowledge of the expectation that the Act would come into operation on the 1st October. I want to refer to the following report which appeared in *The West Australian* of the 7th March:—

> Amendments to the 1961 Companies Act were planned for the next session of State Parliament and the legislation probably would be proclaimed on October 1, Justice Minister Griffith said yesterday.
>
> When the legislation was before Parliament last year, former Attorney-General Watts had foreshadowed amendments—approved by a conference of attorneys-general—during the 1962 session.

Mr. Watts had said the amendments would be made to the New South Wales, Victorian and Queensland Uniform Companies Bills in 1961. They would be included in South Australian, Tasmanian and Federal Territories Bills early this year.

Mr. Griffiths said the amendments would be introduced early in the new session.

When the amending Bill was passed, the Companies Act would be reprinted and put on sale as soon as possible.

So, on the 7th March, 1962, the whole State knew that the Companies Act would most probably be proclaimed on the 1st October.

The Hon. H. K. Watson: With what amendments?

The Hon. A. F. GRIFFITH: I did not say in the Press report what the amendments would be. I merely said that amendments would be introduced; and that was in conformity with the statements made last year to the effect that before the Bill was proclaimed in this State in about a year's time, amendments would be introduced in this House. They would, as I said, be introduced early in the session.

We have had a considerable adjournment of the debate on this Bill since it was introduced. The first adjournment was until Tuesday, the 4th September, I think, from the date on which I introduced it in the first place. I have forgotten what that date was, but the adjournment time has been not inconsiderable. The situation we are now reaching is one in which I am entitled to ask the House to pass this Bill because of the difficulties which will be encountered by commerce if it is not passed, and for the very reason which Mr. Willesee gave the House last night: that commerce and industry are geared to accept this uniform Bill on the 1st October.

I think Mr. Willesee will agree that the points he raised were more or less settled between us after the House rose last night. I think he was satisfied with the explanation given him by the Registrar of Companies.

The Hon. F. J. S. Wise: Quite.

The Hon. A. F. GRIFFITH: I thank the Leader of the Opposition. The statement made by Mr. Watson to the effect that none of the suggestions he made in Parliament last year had been considered and none of them had been put into this Bill is not quite correct; because, as I said by way of interjection last night, it is not possible, until we see how uniformity is going to work, to give the consideration which his suggestions are worthy of; and the examination of those suggestions will take place at the conferences of Attorneys-General and Ministers for Justice; and those Ministers are meeting on quite frequent occasions. They are meeting not only on the question of uniformity of company law, but they are dealing with a lot of other matters which are of mutual interest to all States.

I am sure that no amendment in this Bill to our 1961 Act, which was instituted by the Attorneys-General of New South Wales and Victoria, gives any special benefit to companies in those States.

Concerning the point raised by Mr. Mattiske last night on the question of the reprint of the Bill, I did try to explain to him, by way of interjection, that when the Companies Bill of 1961 was passed—and I have a copy of it here—the Government Printer printed something in the order of 1,500 copies. When the Bill was presented in another place, one member asked what the situation was with respect to the availability of copies. He was told that only 1,500 copies had been printed; that they had all been taken up, and that when the amendments which are now before Parliament were passed a reprint of the Bill would be made.

It has been my policy, not only with this legislation but with all legislation on our statute book, to reprint Acts wherever it is possible to do so; and that is a very desirable state of affairs. This particular Act costs, I think, £1 to purchase. No doubt there could be a number of people who would prefer to alter an existing Act rather than pay for a new one; but, in any case, if this Act is passed a new Act will be reprinted and these amendments tied to it.

With regard to the stamp duty question raised by Mr. Watson, I recalled, when he was speaking last night, that there was mention made of this matter. I examined *Hansard* today and found that I had given an assurance in connection with the Stamp Act. I regret that the assurance I gave has, to this point of time, not been fulfilled. On realising that, I discussed the matter with the Treasurer today, and I am now in a position to inform the House that although we have a Stamp Act Amendment Bill on the notice paper at the present time, there will be another one introduced; and when that Bill is introduced it is proposed to insert into it the provision which section 433 of the old Companies Act provided.

The Hon. H. K. Watson: That is quite fair.

The Hon. A. F. GRIFFITH: And it will appear in its correct place in the Stamp Act. Section 292 of the principal Act, dealing with priorities in the payment of debts in winding up a company, was referred to by Mr. Watson. As the honourable member is aware, the law is that debts payable to the Crown, either in the right of the State or in the right of the

Commonwealth, have a prime and absolute priority, and this situation can be varied by Act of Parliament, State or Commonwealth; but no State Act can deny the Commonwealth's priority.

Representations on this particular point were made to the Commonwealth authorities by the Attorneys-General with a view to having the Commonwealth forgo or modify its prior right, but that is without result as yet. The matter is beyond the control of this Parliament.

Further, the situation in South Australia on the Companies Bill is, as I have said, clarifying itself. The Bill has been introduced. I understand the main obstacle to the uniform Bill in South Australia is the matter of there being 2,500 private companies on the register. All those companies must convert to become proprietary companies if they are to secure their status as exempt proprietary companies. A lengthy transition period has been provided for in the South Australian Bill, and conversion may be effected without cost to the companies concerned. I am informed that the South Australia Government does not support the gloomy prognostications of the fate of the Bill in that State.

In the planning for uniformity it was considered unwise to aim at a common commencement date for all States in the uniform Act. Government legislative programmes and differences in parliamentary sittings, in the first place, cause difficulties and complications which make that rather impossible.

Further to the point raised by Mr. Watson, we have the situation where three of the States and the Australian Capital Territory have now proclaimed their Acts; and, all being well, I hope that Western Australia will proclaim its Act. Then it will remain for the other two States to proclaim theirs.

I repeat that substantial uniformity is already a reality because of the acceptance of the legislation in the States mentioned, and we would simply put the clock back by not accepting it in Western Australia.

Mr. Mattiske referred to the companies registration office printing and supplying prescribed forms without charge. All I can say to the honourable member at this time is that I will have a look at this point. I will confer with the Registrar of Companies in order to ascertain the practicability of his suggestion, and also the cost involved; and I will then see if anything can be done in the matter.

The most important thing which seems to worry Mr. Watson, Mr. Mattiske, and Mr. Wise, is the question of whether this Bill should, in fact, be proclaimed on the 1st October. I repeat that it has been suggested it should not be proclaimed on that date because commerce and industry have not had sufficient notice. I do think, with respect, that is a fallacious argument. In order that I will not be inaccurate on the question of time, allow me to trace the history of this Bill. We had a Bill in 1960 which was introduced in another place and lay there for a year. We then had the 1961 Bill, which we passed. There was a move in the closing minutes of the passage of that Bill to kill it so that it would not go through.

The Hon. H. K. Watson: Not to kill it, but to do what Sir Thomas Playford is doing—bring it in this session.

The Hon. A. F. GRIFFITH: No. Perhaps my interpretation of the word "kill" does not mean the same.

The Hon. F. J. S. Wise: It would be very dead if you killed it.

The Hon. A. F. GRIFFITH: I think this Bill would have been dead too, if we had adopted these words—

> I propose to vote against the third reading of the Bill.

What happens when we vote against the third reading of the Bill and there are sufficient members on one side of the House to carry a proposition of that nature? As I understand it, the Bill will not go further than that. It is also recorded that Mr. Strickland said he was going to vote against the third reading, and I think he did.

The Hon. H. K. Watson: And so did I.

The Hon. A. F. GRIFFITH: I hope the honourable member will not do so this time.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: Now that the honourable member has had a year's notice of the Bill and a year's opportunity to study it, I hope that if the bells are rung this time he will vote with me and not against me.

The Hon. F. J. S. Wise: He mostly does.

The Hon. A. F. GRIFFITH: I will make no comment. I repeat that the coming into operation of this Act is no secret. I have another interesting document here. I will admit that the same amount of time has not passed in connection with the preparation of this document compared with the production of the 1961 Act and the Press report; but here is a document entitled the Companies Act, 1961. It is the uniform Act, and it has been compiled by a committee comprising a representative of each of the following bodies: The Law Society of Western Australia; the Institute of Chartered Accountants of Western Australia (W.A. Branch); the Australian Society of Accountants (W.A. Division); and the Chartered Institute of Secretaries (W.A. Branch).

The foreword in this document is dated July, 1962—which is certainly not a year ago. Do you not think, Mr. President, that it is an unreasonable statement to say that a lot of people do not know about the coming into operation of this Act? If we follow Mr. Watson's suggestion, I am not sure what the proposed amendment which he now has on the notice paper will do; and I have conferred with the Registrar of Companies, and he is not sure what it will do. I was so uncertain that I posed a question to Mr. Watson when he talked about "that sort of thing."

The Hon. H. K. Watson: That's not on the notice paper!

The Hon. A. F. GRIFFITH: No; if that was on the notice paper then this amendment would be a little less obscure than it is. This is so obscure that it makes me uncertain in my own mind as to where we would go. The honourable member explained his amendment by saying that in respect of any annual general meeting held before the 1st day of January, 1963, it shall be lawful for a company to conduct proceedings and produce accounts in a manner as if this Act had not come into operation. Exactly what does that mean? Mr. Watson says it means the conduct of their meeting. But they call their meeting under the conditions of the old Act, and I do not see how one can apply the conditions of the new Act if it has not come into force in respect of the meeting which is going to be held under the old Act. I do not for a moment doubt the statement which he made, but it is a most obscure situation and I do not understand where it would lead us. I have tried to get my advisers to work out where it would lead us and it seems, to say the least, there would be a complete conflict between the relevant sections of the two Acts.

Then at this somewhat late hour of the day another amendment is foreshadowed and if it is agreed to it will mean that this Act will come into existence containing the words "such proclamation to be withheld until a joint proclamation day is agreed upon with the States of South Australia and Tasmania." I can well imagine how the other States would feel about a suggestion of that nature. We have given undertakings that we will proceed with our legislation and the States of South Australia and Tasmania have given the same assurances. The other States have, in fact, introduced their legislation and they have been operating under the Act in Queensland for a greater length of time than the other three States.

The Hon. A. R. Jones: The other States could not give an assurance that they would pass it, though.

The Hon. A. F. GRIFFITH: No. That is a quite correct statement by Mr. Jones and I cannot give any assurance that this Bill is going to pass in this State. But if it does not, or if there is an amendment of the nature foreshadowed by Mr. Willesee to provide that the proclamation will be delayed until South Australia and Tasmania have passed their Bills, then we are going to put commerce and industry into a state of affairs that they will not understand.

I find it very difficult to understand why Mr. Willesee would foreshadow an amendment of this nature when last night, in his own words, he was able to tell us that commerce was geared and ready to go and ready to accept this Act. I just cannot understand the change of mind of the honourable member, and I hope that he will not persist with this amendment because it is going to bring us into a situation which nobody will understand.

Let us assume for a moment that the South Australian Act is passed in a week's time or a fortnight's time and that the Tasmanian Act is passed in the very near future also, or that it does not pass; let us imagine an uncertain state of affairs like that. Where on earth would the people be who are in business in our own State? Mr. Watson said that they are uncertain in their minds now because some of them will find it inconvenient to have meetings called to coincide with the 1st October. Where would they be if we do not know what is going to happen at all?

I think that Mr. Willesee will surely be one to reflect on that matter and realise that we would all be put into quite an impossible state of affairs if we proceed with the amendment.

The Hon. H. K. Watson: I cannot appreciate that.

The Hon. A. F. GRIFFITH: No. The honourable member cannot appreciate that just as in the same way I cannot appreciate the necessity for any further delay. I would like to say this in conclusion: The coming into operation of this Act is no secret. It has been a determined effort on the part of Ministers of all States to get uniform company law. It was first attempted as far back as 1960, and achieved in a manner in 1961 with the production of the present Act which we are trying to amend.

If we do not carry on and pass the Act now we will find ourselves suffering a great deal more inconvience than we ever imagined and will put commerce and industry into a state where they will not know where they are going, because they will not have any idea of what the proclamation date is likely to be.

Of course, this would result in a sorry state of affairs and I cannot contemplate where the position would end. We have already said that our Act will come into operation—subject, of course, to the acceptance of Parliament of this amendment

—on the 1st October, and I do hope that the Legislative Council will allow us to proceed with the programme as planned.

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. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 11 put and passed.

Clause 12: Section 74 amended—

The Hon. H. K. WATSON: On reading through this clause it appears to make quite substantial alterations to section 74 of the principal Act, and to blow it up from a section of a few lines to one of a page and a half; and then it finishes up by renumbering other sections. Am I to understand from the Minister that this was put in for the benefit of some corporations in the Eastern States?

The Hon. A. F. GRIFFITH: I am informed that it has no special application to any company in the Eastern States.

Clause put and passed.

Clauses 13 to 15 put and passed.

Clause 16: Section 158 amended—

The Hon. H. K. WATSON: Although the Minister is advocating that the Act shall come into operation on the 1st October, 1962, there is one clause in the Bill which provides that at least one section of the Act shall not come into operation until January, 1963.

The Hon. A. F. GRIFFITH: The position is that this clause will prevent a company from filing two annual returns this year.

Clause put and passed.

Clause 17: Section 162 amended—

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

> Page 10, lines 17 to 20—Delete all words in this clause and substitute the following:—
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> Section one hundred and sixty-two of the principal Act is amended—
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> (a) by substituting for the word, "was" in the last line of subsection (15) the word, "were"; and
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> (b) by adding after subsection (15) the following subsection:—
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> (16) In respect to any annual general meeting held before the first day of January one thousand nine hundred and sixty-three it shall be lawful for a company to conduct proceedings and produce accounts in a manner as if this Act had not come into operation.

The Minister has said he has found extreme difficulty in understanding what the latter part of the amendment means. It means that if the accounts are to be produced, and if the annual general meeting for the year ending the 30th June, 1962, is to be held in a manner as if this Act had not come into operation, it is merely another way of saying this: If this Act does not come into operation, the Act which has been in existence since 1943 will be the one according to which any company will hold its annual general meeting and produce its accounts for that annual general meeting. Nothing could be simpler than that.

The Minister will probably tell me that he cannot understand what I am talking about; but, in the circumstances, that would not be surprising. Let us take the ninth schedule of the 1961 Statute relating to the preparation of balance sheets and accounts. That, to some extent, enlarges upon the information which has to be contained in balance sheets and profit and loss accounts as compared with the requirements of the corresponding schedule in the Act which has been in operation for the past 20 years.

I would suggest that the accounts having been closed at the 30th June and having been prepared in accordance with the Act as it exists, that should be sufficient for the current year. It should also be sufficient for the annual general meeting to be held just as if the 1943 Act was still operative. It certainly does not mean that a company's accounts and its annual general meeting can be prepared and held willy-nilly, regardless of any obligation whatsoever. The 1943 Act relating to accounts and the holding of the annual general meeting is quite clear and fairly elaborate and comprehensive. That is all that is meant in the final words of the amendment.

The Hon. A. F. GRIFFITH: So that I might better understand the situation, could I ask Mr. Watson this question: Under the 1961 Act there is a section which provides that a director shall not be more than 72 years of age. Let us assume that the director of a company is 75 years of age now, or will be in a month's time, and the company holds its annual general meeting in December, 1962. In the conduct of the proceedings of the annual general meeting, would that director of 75 years of age be eligible or ineligible for re-election?

The Hon. H. K. Watson: What section is the Minister referring to?

The Hon. A. F. GRIFFITH: Section 121.

The Hon. H. K. WATSON: The section does not say merely that a person over 72 years of age shall not be a director of a company. It provides that he shall not be elected as a director of a company unless due notice has been given and he has been authorised by a resolution of the company to continue in office until the next annual general meeting. There is no prohibition. If a person who was 72 was unable to carry on for twelve months it would not rock the Act to its foundations. Following on this morning's Press report of the trend of the debate last night, communications have been made to me during the day indicating that several companies in the City of Perth are greatly concerned at the problems that may arise.

The Hon. J. M. Thomson: Not only in the City of Perth, either.

The Hon. H. K. WATSON: That could very well be so. The hope was conveyed to me that the points I had raised were sound and justified, and that Parliament would appreciate them.

The Hon. A. F. GRIFFITH: The position now is much clearer to me than it was a few moments ago. Section 121 (1) says—

> Subject to the provisions of this section no person of or over the age of seventy-two years shall be appointed a director of a public company or of a subsidiary of a public company.

I know this is not foundation-rocking; but it is simply a provision I have taken out of the Act as an example. It does not matter which portion of the Act we deal with, if we write into the Bill the words proposed we will find that our meetings, the production of our accounts and the conduct of our proceedings will be in accordance with the 1943 Act.

The Hon. H. K. Watson: Yes.

The Hon. A. F. GRIFFITH: So the conditions of section 121, or any other section, will not apply.

The Hon. R. C. Mattiske: That is right.

The Hon. A. F. GRIFFITH: So we can have a director who is 75 years of age re-appointed. It is clouding the issue to draw attention to subsection (2) and say that the Act does not preclude him from becoming a director. He can become a director under certain conditions. But if we adopt the proceedings according to the 1943 Act there are no conditions; and that I think is the purpose, or it will certainly be the effect, if Parliament adopts the suggestion. The conduct of the company will come within the ambit of the 1943 Act.

It may be true that there are several organisations which are not ready to go and which will find it inconvenient to use the 1st October as the date; but it is equally true that there are many hundreds of others which have geared themselves ready to go. Mr. Willesee mentioned this fact. The companies have been aware for twelve months that this Act would come into force sometime this year. Even if a year ago the date was not set by me—and it was not—to be the 1st October; in March, six months ago, it was certainly set as the 1st October.

If we err at all we must err on the side of those who have prepared, rather than cater for a few who have not prepared. They have had plenty of time and notice to prepare. I answered a question tonight, which was asked by Mr. Heenan, concerning Latec Investment Pty. Ltd. I am informed we will have no authority to make an investigation into the activities of this company.

The Hon. H. K. Watson: That has nothing to do with the question with which we are dealing at the moment.

The Hon. A. F. GRIFFITH: Maybe it has not; the fact remains that the Act will not come into operation, and will not give us any authority to deal with this aspect. The law will be uncertain. We will have two Acts—the 1943 Act and the 1961 Act. Heaven alone knows that the words "conduct of proceedings" are pretty wide. They are so wide that the conduct of proceedings will allow a man precluded by this Act, even if there are conditions appertaining to it, not to be precluded, because he will come under the 1943 Act.

The Hon. R. C. MATTISKE: I support the amendment. Like Mr. Watson, since the report of last night's proceedings appeared in the Press I have been contacted by a number of people who will be directly affected by this legislation, and who do not know where they stand at present. The amendment is very fair. It does not say everybody must conduct their meetings in accordance with the 1943 legislation; it simply provides that they may. The words read, "It shall be lawful for a company to conduct proceedings," and so on. It does not say it is obligatory to do that, but that it shall be lawful for a company to do it. It is little enough to give these companies three months' grace, as it were, so that any meetings held between the 1st October and the 31st December can be optional.

The Hon. A. F. Griffith: You mean an extra three months' grace.

The Hon. R. C. MATTISKE: All right. It shall be optional for them to hold their meetings in accordance with the 1943 Act which—and do not let us overlook this point—has been operating very satisfactorily in this State. If the 1943 legislation were chaotic I would not agree with the amendment for one moment. But it has been functioning well, and I see no reason why we should not permit companies to continue to operate under it until the 31st December.

The point raised by the Minister in relation to a person over the age of 72 being re-elected as a director does not carry very much weight; because a warning has already been sounded to those who may be in doubt regarding a certain director that in future, under the 1961 legislation, he will not be able to be a director unless he fulfils certain requirements. In the past he has operated as a director even though he may have been over the age of 72. I see no reason at all, if the company so wishes, why it should not reappoint him with the full knowledge that the legislation in future will place certain conditions on him.

The Hon. E. M. Heenan: For how long will he be reappointed?

The Hon. R. C. MATTISKE: For one year; but with the rotation of directors in a company where there is a large number of directors it would be possible for such a man to be appointed for a long period. That does not alter my argument that the existing practice has gone on for a long time. It has worked satisfactorily, and a warning has now been issued. If a company at an annual general meeting resolves, with full knowledge, to allow a director to continue for a further period, it should be permitted to do so.

The Hon. A. F. GRIFFITH: After listening to the honourable member and to others in the debate on this clause I am more certain than ever that what he is doing is to question the value of section 121 of the new Act. He said it was perfectly in order for a company to appoint a director who is over the age of 72 years. I am certain that the relevant sections of the Act will become inoperative if Mr. Watson's amendment is agreed to. The situation would therefore become clouded.

The Hon. H. K. WATSON: The Minister has confused himself. Referring to the appointment of directors, it may happen that a person over the age of 72 years is elected as a director by 51 per cent. of the shareholders under the provisions of the existing Act, as against the 75 per cent. required under the new Act which is to be proclaimed. Assuming the proclamation date to be the 1st October, in all other matters such as the raising of money and the accepting of deposits, a company must fully comply with the conditions. Similarly in respect of fees, any company registered after the 1st October will have to pay the higher fees, and any company lodging documents after that date will also have to pay higher fees.

The Hon. A. F. Griffith: Why should they not?

The Hon. H. K. WATSON: The Minister is raising doubts as to what will happen, but I am endeavouring to show what will happen. The new Act will operate from the 1st October, with very minor differences in relation to the preparation of accounts and the holding of annual general meetings in respect of the year ended the 30th June, 1962.

Last year the Minister was successful in getting the Bill passed without amendment, and it appears that on this occasion, with the exception of the amendment which I moved, the same will apply. I will remind members that the contents of this Bill have only been made known to us for a little more than a month, and it has not yet been passed. I have yet to learn that the mere introduction of a Bill into this House signifies that it will, without alteration, become law. I suggest the commercial community are entitled to say this, "When the Act is proclaimed, then you can tell us what to do." We should show some consideration, during the transitional period, to the companies that are affected. Had this matter been finalised last December everyone would have had six months' notice of what was to take place; but unfortunately the Act is to come into operation in the midst of the compiling of returns and accounts for the year 1962.

The Hon. A. F. GRIFFITH: The comment made by Mr. Watson is doubtful and not quite accurate. I chose to refer to section 121 of the new Act, dealing with the age of directors, because it was an easy one to discuss. When I asked if a person over the age of 72 years was eligible for re-election, I was told that such a person was. If that is the case, then the provision in section 121 of the new Act will not apply. If the amendment is agreed to, will the conditions laid down in section 165 (2) of the new Act still apply?

The Hon. H. K. Watson: They apply today.

The Hon. A. F. GRIFFITH: Do they apply to proprietary companies?

The Hon. H. K. WATSON: In respect of proprietary companies the position is that under the existing legislation a company may, by special resolution, resolve not to appoint an auditor. Many such companies have done so for the reason that their accounts are kept by the accountant, and an auditor would be superfluous. The Minister has refused to accept my recommendation that the existing provision relating to the appointment of auditors shall continue.

It is proposed under the new Act that in lieu of a special resolution to remove an auditor, the secretary, an officer, or a director of a company has to go around and obtain the consent of every shareholder for the company to be exempt from appointing an auditor. The Minister may think that to give the secretary or directors of a company the "run around" is good business. I do not agree with him. I

would say that if my amendment is accepted for the year just ended, the position under the 1943 Act will obtain; and I do not think that is anything of profound importance so far as the uniform Act is concerned.

The Hon. A. F. Griffith: And the company will not have to appoint an auditor.

The Hon. H. K. WATSON: Until the ensuing year.

The Hon. W. F. WILLESEE: I have listened to both sides of this question and feel the amendment is reasonable. Several companies have held their annual general meetings so far as this year is concerned under the 1943 Act. It would seem to me to be reasonable on that basis for the remaining companies to hold their annual general meetings under the auspices of the 1943 Act. As from the 1st January everybody will be on the one basis and there will not be any differentiation between any company.

The Hon. A. F. GRIFFITH: Will not the same position prevail on the 1st January, or any other date that one might choose to pick?

The Hon. W. F. Willesee: I do not think so.

The Hon. A. F. GRIFFITH: Why not?

The Hon. W. F. Willesee: Most of the annual general meetings will be over.

The Hon. A. F. GRIFFITH: When do most companies hold meetings?

The Hon. H. K. Watson: In the six months between the 1st July and the 31st December.

The Hon. A. F. GRIFFITH: So the question of time is in favour of the 1st October—four months to the 1st October, and two months to the 1st January. Is that right?

The Hon. H. K. Watson: No.

The Hon. A. F. GRIFFITH: We find that section 121 of the new Act will not prevail. We find very definitely that section 165 (2) will not prevail; and this is the real crux of the situation. The only company that does not have to appoint an auditor under this Act is an exempt proprietary company. For a period of a year there will be no auditors appointed at all according to the provisions of this section because it will not apply. We find that two sections do not apply; and I am sure if we took the time to have a look, we would find that that would be the position with more sections. As a matter of fact, we do not have to take the time, because none of it will apply. I find it difficult to understand the situation that Mr. Willesee relates to us. Why has the honourable member changed his line on this?

The Hon. A. L. Loton: Anybody is entitled to change his mind.

The Hon. A. F. GRIFFITH: I hope members will appreciate the chaotic condition that can take place.

The Hon. E. M. HEENAN: We have all had the advantage of hearing the pros and cons in respect of Mr. Watson's amendment. In my experience about Perth it has been well known for a long time that this Act was expected to become operative on the 1st October. I am wholly in support of the uniform Companies Act which the Bill fortunately is going to bring about.

I think it is going to be an untold blessing not only for the business community but for the investing community of the whole of Australia when all these States operate under the same company legislation. It has been brought under our notice continuously how the public has been misled and has suffered great loss and hardship in many cases largely due to the fact that our laws have been lax in many respects.

This measure is the outcome of a lot of skilled and scientific work carried out by men capable to do it. It can easily be envisaged that the promulgation of this measure on the 1st October, as is proposed, will cause inconvenience to some. That is unfortunate; but I think we would make the situation worse if we tried to have some companies operating for the next 12 months under the old Act and the majority complying with the provisions of the new Act.

I am not an expert on company law and do not claim to have had much experience in it, but I do not think there is any great legal impediment to the companies that are running a bit late to rectify things by the 1st October. For those and other reasons I hope the measure will go through as printed.

The Hon. R. C. MATTISKE: I want to clear up one point of mechanics. The Minister when last speaking said we would have had three months between July and the 1st October, and that during that period the bulk of the annual general meetings would have been held. In actual practice that is not the case. The majority of companies end their financial year on the 30th June, and the majority of company secretaries are accountants.

Those accountants not only have company work to clean up after the end of the financial year—the end of June—but they have all the accounts of their various clients, and the taxation work involved therein. The Taxation Department realises that they cannot get everything done in the first two or three months, and therefore it permits registered tax agents until the 31st October, without any application for extension of time whatsoever, in which to lodge income tax returns; and thereafter extensions are granted almost automatically.

The Hon. A. F. Griffith: Have you done the accounts for any of your clients?

The Hon. R. C. MATTISKE: Yes, for very many of them.

The Hon. A. F. Griffith: On which dates would you do them?

The Hon. R. C. MATTISKE: We have to work through them as rapidly as we can. We have to deal with them in sequence; and we cannot get them all completed by the 31st October. In some cases we are handling a large volume of work at the end of December.

The Hon. A. F. Griffith: Are you preparing your accounts under the 1943 or the 1961 Act?

The Hon. R. C. MATTISKE: For certain companies the meetings are prepared in connection with the 1943 Act. Those companies whose accounts have now been completed, and whose annual general meetings have been held, have done them under the 1943 legislation.

The Hon. A. F. Griffith: That is right.

The Hon. R. C. MATTISKE: They may have already appointed their new directors over the age of 72 years for a further period, and so on. What is the difference between those companies which have already had their annual general meetings and those which may be forced, because their accounts and so on are not ready, to have their meetings between the 1st October and the 31st December? And this is only for one year; for this transition period.

I repeat the point I made earlier, it is not obligatory for anyone to have the annual general meeting under the 1943 legislation. It is an alternative, because of the very wording of the amendment; and therefore if, as has been said, certain companies are prepared to have their annual general meetings in accordance with the 1961 legislation, they may do so. If they are not prepared to do this but wish to do it by the other means, then they may do so; and both will provide good results which will preserve the interests of shareholders or anyone else who may be doing business with a company.

The Hon. F. J. S. WISE: I am wondering whether we are making a mountain out of a mole-hill over this; and whether it is not a case of "much ado about nothing." Surely it is a fact that all the companies which have had their annual general meetings and which have finalised all their general business have, since this Act is not proclaimed, conducted their annual general meetings and all their business under the old Act! And next year those companies will, on the passing and proclaiming of this Act, hold their annual general meetings and will conduct their business under the uniform companies law. Exactly the same position will obtain with all other companies if this amendment is passed, because the balance of the companies which have not had their annual general meetings, and cannot have them before the 30th September, will be acting, if this amendment is accepted, under identical conditions to those applying to the companies which have already had their annual general meetings.

The Hon. A. F. Griffith: That happens with every Act we pass.

The Hon. F. J. S. WISE: Exactly; and all that is being asked is that there shall be consistency with the companies which have had their meetings and those which have not; and if members will take the trouble to look at any report of any stock exchange they will find, from a quick glance, that there are a number of companies that have yet to hold their annual meetings, either in October, November, or December. Some of them, thinking that the 1st October was unalterable, have brought their meetings forward and have been able, because their business is of less magnitude, to arrange their meetings for the last week in this month. Others have been unable to do that. But the fact remains that all this amendment will do will be to permit those companies which have not held their meetings to operate under the same law as those companies which have held their meetings.

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

Ayes—14.

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. E. M. Davies	Hon. R. Thompson
Hon. R. F. Hutchison	Hon. J. M. Thomson
Hon. F. R. H. Lavery	Hon. H. K. Watson
Hon. A. L. Loton	Hon. W. F. Willesee
Hon. R. C. Mattiske	Hon. F. J. S. Wise
Hon. R. H. C. Stubbs	Hon. W. R. Hall *(Teller.)*

Noes—10.

Hon. A. F. Griffith	Hon. J. Murray
Hon. E. M. Heenan	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. F. D. Willmott *(Teller.)*

Pairs.

Ayes.	Noes.
Hon. J. J. Garrigan	Hon. C. R. Abbey
Hon. H. C. Strickland	Hon. N. E. Baxter

Majority for—4.

Amendment thus passed.

Clause, as amended, put and passed.

Clauses 18 to 27 put and passed.

New clause 3—

The Hon. W. F. WILLESEE: I move—

Page 2—Insert after clause 2, in lines 1 and 2, the following new clause to stand as clause 3:—

3. Section two of the principal Act is amended by adding after the word "proclamation" in line two the passage—

, such proclamation to be withheld until a joint proclamation date is agreed upon with the States of South Australia and Tasmania.

I move to insert this new clause because of information that has come forward during the debate on this Bill.

The Hon. A. F. Griffith: Wouldn't it be fair to tell us something about this information?

The Hon. W. F. WILLESEE: I am coming to that. I have come to the conclusion, after listening to the debate on the Bill, that there is a distinct possibility that the State of South Australia may not pass this legislation on a uniform basis. If that is to be the case it will leave that State in the advantageous position of being able to frame a much lower scale of registration fees than would be the case in all the other States of Australia. It is quite logical that there would be a tendency for companies to register in that State, and probably in the case of Western Australia, to work on the basis of a foreign company coming under the foreign companies section of the Act. If one State did not fulfil the obligation of uniformity the business fraternity in this State would in my opinion be disadvantaged.

That is the reason for moving that this new clause be inserted; and I say to the Minister, in all good faith, that if he cares to report progress and, within the next 24 hours, we find that South Australia passes the Act, I will withdraw my proposition.

The Hon. H. K. WATSON: I think this new clause is well founded.

The Hon. A. F. Griffith: I thought you would.

The Hon. H. K. WATSON: I do, for the very reason that the Minister has stated. The whole reason why we have agreed reluctantly to this uniform legislation, to the high fees, and to the restrictions has been on the one ground of uniformity—on the one ground that the six Australian States will adopt the Act and enforce it. It would be an extraordinary state of affairs if five States having adopted it one State played possum and stood out and said, "We are going to become the Reno, so to speak, of Australia." What a happy hunting ground it would be for that particular State; and it would be the very opposite of uniformity for such a state of affairs to occur.

This State, on the industrial side, would to a very large extent be committing harakiri; and if members would refer to *Hansard* of the current session, at page 563, they would see there a very good reason why this amendment should be agreed to. This amendment is well founded and quite unobjectionable. It simply says, "We will proclaim our Act on the same day as South Australia and Tasmania." That being so, if South Australia and Tasmania proclaim their Acts on the 1st October, or earlier, we do the same.

The Hon. G. Bennetts: That is only fair.

The Hon. H. K. WATSON: It is fair enough. But if for any reason they do not proclaim on the 1st October, or the 1st November, or at all, then what would be the sense or the wisdom of this State proclaiming an Act and leaving the field open to any other State which decided not to adopt uniformity? The whole purpose of the Act would be defeated.

I intend to support the new clause, but at the same time I think there is quite a bit to be said for the suggestion made by Mr. Willesee that the Minister might report progress and allow the Bill to remain on the notice paper for a while to see what happens in South Australia or Tasmania.

The Hon. A. F. Griffith: Where will that get us?

The Hon. H. K. WATSON: It will get us to the stage that if we are going through the gate of uniformity we will do so, and not through the gate of disunity.

The Hon. A. F. Griffith: How can you line it up with your statement that if the previous amendment moved by you was passed the Act would come into existence on the 1st October?

The Hon. H. K. WATSON: I was discussing the position as it was then. This amendment was not before us, and my amendment dealt with the Bill as it stood.

The Hon. A. F. Griffith: Having carried that, you now suggest we should let the Bill rest.

The Hon. H. K. WATSON: Yes, for a very different reason—for the reason that it is vital to the interests of Western Australia, to the Minister's colleague (the Minister for Industrial Development), to the Government as a whole, and not to any particular company. It is for those vital reasons of State-wide importance that I think this provision is desirable.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I would point out, for the information of members of the Committee, that Standing Order No. 392 does not refer to the reading of any debate of the current session in the Assembly, but states, "No member shall allude to any Debate of the current Session in the Assembly . . ."

The Hon. H. K. WATSON: I tender my apologies, Mr. Deputy Chairman.

The Hon. A. F. GRIFFITH: If the Committee passes this amendment it will simply mean that we will have no uniform companies legislation in this State until such time as South Australia and Tasmania pass their Statutes. The situation existing is that there is uniform companies legislation in Queensland, New South Wales, Victoria, and the Australian Capital

Territory. Last year when we adopted this uniform legislation the members of this Chamber gave their approval to it, knowing full well that amendments were foreshadowed. The effect of this amendment will kill the Bill.

The question of South Australia being at an advantage and the bogey of South Australia not lining up with the rest of the other States has been completely removed. I repeat that Mr. Rowe, the South Australian Attorney-General, gave a categorial assurance at the last metting of the Standing Orders Committee that he would introduce legislation to the South Australian Parliament; and that has been done.

The Hon W. F. Willesee: When, in your opinion, will South Australia pass its Bill?

The Hon. A. F. GRIFFITH: How could I possibly have an opinion on that? After that question, do not tell me that this is not a House of review!

The Hon. F. R. H. Lavery: I do not think the Minister should cast a reflection on the vote that has been already taken by the Committee.

The Hon. A. F. GRIFFITH: Am I reflecting on the vote taken by the Committee if I call this a House of review?

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): For the information of the Minister, he is not.

The Hon. A. F. GRIFFITH: I could not have obtained the answer from a better quarter. I thank you, Mr. Deputy Chairman. If Western Australia does not line up with the other States, the shares held in Eastern States' companies will disqualify those companies from exemption under the provisions relating to proprietary companies, and the Western Australian companies which operate as foreign companies in the Eastern States where uniform legislation has been proclaimed and is in operation will have to file their balance sheets in those States. That is the situation in which we will be placed if this amendment is agreed to.

The question asked by Mr. Willesee might well be asked by an honourable member in the Victorian Parliament concerning the sitting here tonight. The answer is that I just do not know.

The Hon. W. F. Willesee: We could assume that it will not pass.

The Hon. A. F. GRIFFITH: Let us assume that it does not. The disadvantage which will be suffered by Western Australia will also apply with equal force to South Australia. We will have the advantage enjoyed by those States which have adopted the legislation and which are acting under it, and South Australia will not gain the advantage it is considered it might gain. What if companies do flock to South Australia to register? Will they all be able to trade there indefinitely or will they desire to bring their business into other States? Sooner or later they will have to make such a move because they will be unable to confine their activities to South Australia, and then they will be made fully aware of their shortcomings.

So it is no excuse to say that South Australia is going to be in a more advantageous position than Western Australia when we know full well that other States have adopted the legislation and that for some months it has been in operation. I find it difficult to understand three events that have occurred tonight, bearing in mind the fact that people are able to change their minds; namely, the statement that Mr. Willesee was aware of the situation that the companies were all geared up to accept the date of the 1st October; the acceptance of Mr. Watson's proposal that that date should be put forward to the 1st January, 1963, and now the proposal that nothing will take effect until such time as South Australia proclaims its legislation. That event could happen at any time, but in the meantime we are not fulfilling the obligations we accepted when we agreed to the uniform legislation. If we accept this amendment we will destroy any chance of this Act coming into force. I cannot say when the South Australian or Tasmanian legislation will be passed; and, in any event, it has nothing to do with the argument here.

Apart from anything else, this is considered to be a good piece of legislation which was accepted by Parliament last year. The amendments in this Bill, in the main, have been accepted, and I certainly hope the Committee will not pass this amendment.

The Hon. R. C. MATTISKE: This legislation must be extremely important in view of the fact that we have had so much time to consider it since it was first placed before Parliament. Nevertheless, although we have had a great deal of time to make our deliberations, doubts have now been raised concerning some of the provisions in this Bill; and before we make any hasty decision surely we can postpone the debate for at least a week so that inquiries can be made regarding the passage of the legislation in South Australia and Tasmania.

I do not know what difference it will make to the proclamation of the legislation on the 1st October if we were to report progress now and ask leave to sit again in a week's time. But if that were done, surely it would enable us to dispel the doubts that we have at present, and we could then reconsider the question at a later date and either reject or accept the amendment.

The legislation could then go through its normal channels and still have plenty of time to be proclaimed by the 1st October. At the moment I am inclined to support

the amendment, but I am in some doubt, as I am sure are other members, and I feel the only way to give proper consideration to the amendment is by clearing the doubt; and the only way to do that is by asking the Minister to defer the debate for another seven days.

The Hon. F. J. S. WISE: This is a case where if sweet reasonableness prevailed nothing untoward would happen and no harm would accrue. This day is the 12th September, and in my view it is most likely that a determination by the legislature of South Australia will be evident after three or four more sitting days. This Bill did not originate in this Chamber; it has not to be debated as a second reading Bill in the Legislative Assembly. Its passing in this Chamber will mean that it will be ready to become law, in my view, within 30 hours of its passing this Chamber.

The Hon. A. F. Griffith: You know that cannot be correct.

The Hon. F. J. S. WISE: It will be ready for acceptance by the Governor and for a proclamation to be prepared within 36 hours of its coming back to this Chamber.

The Hon. A. F. Griffith: That is different; it has to get up to the other Chamber first.

The Hon. F. J. S. WISE: That is a matter of moments; and its consideration at the other end would in my view be not a matter of hours or days but of moments.

The Hon. L. A. Logan: It has taken us days.

The Hon. F. J. S. WISE: Rather than run any risks the Minister should report progress, and by today week, or tomorrow week, there will be ample time to consider all the impact of the proposed new clause. There will be time to know exactly the trend in South Australia, and we will be in a better position to know whether to accept or to reject this amendment. At the moment, if it is put to the vote, we could get a very different result.

The Hon. A. R. JONES: One point that strikes me is that while we are deliberating as to whether we should pass this Bill tonight, South Australia and Tasmania might quite well be doing the same thing, and wondering what Western Australia is doing. Those States cannot of course guarantee the Bill will be passed, but if we pass the measure and South Australia by some chance did not pass its Bill, it should not take us long to repeal the Act if we thought it would be harmful to us, or that it would keep industries out of Western Australia. I appreciate the point raised by Mr. Willesee and others, that we could be at a disadvantage; but we could be criticised by South Australia and Tasmania if they knew that we were not passing our legislation until we were sure what they were doing. I am prepared to support the Minister at the moment, as far as he goes in this matter, although I do see there is a possibility of the other States having the advantage for a short period at any rate if they do not pass their uniform legislation. This could be offset, however, by Western Australia repealing its Act.

The Hon. F. R. H. LAVERY: The Minister would lose nothing by accepting the suggestion that he report progress till Tuesday or Wednesday. Without presenting any bouquets, the Minister has put up a great fight, and he is to be congratulated for having kept the debate at such a high standard, and for not having conceded any point at all. I believe he would lose nothing in prestige by reporting progress till Tuesday at least.

The Hon. A. F. GRIFFITH: I would thank the honourable member for his remarks. Our memories surely are not so short that we cannot recollect what has happened this evening. When Mr. Watson moved his amendment, which was subsequently carried, he laid great stress on the fact that if the amendment were not carried it would allow certain companies to conduct their proceedings and produce their accounts in accordance with the 1943 Act.

He made great play on the point that there would be nothing to stop the Act coming into force and being proclaimed on the 1st October—nothing at all. Now, when the amendment has been carried by this Chamber, there is a change of coat. This amendment will certainly stop it going through and being proclaimed on the 1st October. I wonder whether the Committee would have passed the first amendment if it thought that in doing so we would find ourselves in the situation in which we are at the moment.

I am asked to let this Bill lie for another week. When one gets forced into a situation by a majority vote of the Chamber one must do as one is told. We must not forget that this was adjourned in the first place to the 4th September, and if it lies for another week, it will have been on our notice paper for three weeks before being dealt with.

The Hon. R. C. Mattiske: These doubts were not then known.

The Hon. A. F. GRIFFITH: These doubts were not then raised. The honourable member has raised more doubts tonight than he raised on the debate in 1961 or on the debate on the second reading of the Bill. If I let it lie for a week we get to the point where the amendments are put in, the report of the Committee adopted, and the Bill sent to another place.

It is true the Bill can be dealt with in a short space of time when it is returned to this Chamber. However, tomorrow will be the 13th September and the following Thursday will be the 20th. Then there would be another Tuesday sitting, with three or four days to go before the 1st October.

The Hon. H. K. Watson: What is there that sanctifies the 1st October.

The Hon. A. F. GRIFFITH: Nothing; other than the argument which the honourable member put up when he asked the Chamber to accept his amendment. He said there was nothing to stop this Bill from coming into operation on that date.

The Hon. H. K. Watson: I deny the statement of the Minister, in the context he is using.

The Hon. A. F. GRIFFITH: The honourable member is only denying it because the circumstances have been changed by the insertion of a new clause in the Bill. It suits the purpose of some people for the Companies Act to be not uniform, and for it not to come into effect, but in the long run that will not benefit Western Australia. There will be no profit to this State if the Act does not go on the statute book

The Hon. L. A. Logan: They want a few more Latec episodes in this State.

The Hon. A. F. GRIFFITH: I could use that company as an illustration for my point. I do not want to lose this Bill, so I shall have to bow to the wishes of the Chamber if there is any risk of losing it.

The Hon. F. R. H. Lavery: You would do.

The Hon. A. F. GRIFFITH: What a nice situation to place me in, to say, "You would do!"

The Hon. F. R. H. Lavery: I said that you could do that.

The Hon. A. F. GRIFFITH: I am not pleased with the set of circumstances with which I am confronted. The suggestion is that progress be reported, and the Bill be left in abeyance.

The Hon. F. R. H. Lavery: Until next Wednesday.

The Hon. A. F. GRIFFITH: I do not like to show weakness in argument when I think that I am right.

The Hon. F. R. H. Lavery: There is no weakness in doing that.

The Hon. A. F. GRIFFITH: I shall let this Chamber decide the question. Even if the amendment is agreed to, all will not be lost, because I have the third reading debate to fall back on. Some other change might take place when we reach the third reading stage, but I hope the Committee will not agree to the amendment. The effect of the amendment is bad; and that result is desired by some pressure groups. I know where it comes from, because, I was told about it at the conference of the Standing Orders Committee. I have given a rebuttal to the statement about the position of this legislation in South Australia, but the pressure is still prevailing with a view to preventing the Act from coming into operation.

The Hon. H. K. Watson: What Standing Orders Committee are you referring to?

The Hon. A. F. GRIFFITH: I am referring to the conference of Attorneys-General. It is called the Standing Committee. There will be no harm in passing the Bill, especially after the amendment to clause 7 has been agreed to.

The Hon. H. K. WATSON: I desire to put the Minister on the right track, to ensure that the Chamber is not misled unintentionally by his remarks. I moved my amendment on the assumption that the Act would be proclaimed on the 1st October, and it is entirely wrong for the Minister to say that anything done in respect of that amendment has the slightest connection with the amendment before us.

Regarding the point raised by Mr. Jones we should be clear on what we are doing, particularly as the Minister has decided to vote on the amendment moved by Mr. Willesee. This amendment does not propose that the Bill shall not be passed; it proposes that the Bill shall be passed by this Parliament, whether or not South Australia passes similar legislation. There is only this contingency, that when the Act is proclaimed it shall be a uniform one, and it shall not be proclaimed until the South Australian legislation has been proclaimed—either at the same time or thereabouts. The amendment provides that the Bill shall be passed with one tag, which is that the legislation be uniform—as we were led to believe when it was introduced. That is different from not passing the Bill.

The Hon. A. L. LOTON: I refer to the statement made by the Minister that pressure groups have been at work in no uncertain manner, but I want to point out that no member of Parliament or of the public has spoken to me at all about this matter. The Minister made a general statement; I take it that any member who does not defend himself has been subjected to pressure. I have reached my own conclusions and I shall vote according to my observations.

The Minister said that the debate on this Bill was a fair indication of the debate in a House of review, but the statement had a twist in it.

The Hon. J. MURRAY: I did not enter into the second reading debate, and up to this stage I have not taken part in the Committee debate, because I want to leave it to those more knowledgeable on the subject than I to discuss it. I thought I would learn something.

The Hon. E. M. Davies: Have you?

The Hon. J. MURRAY: I have learnt a lot about stonewalling to the extreme. Despite what Mr. Watson has said, if this amendment is agreed to the Act cannot be proclaimed until South Australia and Tasmania fall into line. If this information is conveyed to the people in South Australia and Tasmania who desire to kill this uniform legislation, they will be able to achieve their purpose by not proclaiming the Act in their own States.

The Hon. A. F. Griffith: By agreeing to the same amendment as the one before us.

The Hon. J. MURRAY: Where will we get if that is to happen? South Australia and Tasmania would be waiting for this State to proclaim its Act; and we would be waiting for them to proclaim theirs first.

The Hon. F. J. S. WISE: I regret to hear the ill-chosen words of the Minister in regard to pressure groups about which he averred he knew. He said they had some influence in certain directions, and he thought he had evidence of that. I think on reflection he will regret having used those words. I want to make it perfectly clear that no vote of mine on any motion or on any amendment is directed to kill the Bill before us. No motion or any amendment of mine or of my colleague, Mr. Willesee, has been directed to kill it; and that goes for all in my party who sit behind me. We have had matters of much less importance than this and progress has been reported because we have bogged down on whether the word should be "shall" or "may". This is very much more important than that.

I would think that if progress is reported it is conceivable that the result could be very different from what I forecast it is likely to be if the vote is taken now. I suggest we let wiser counsels prevail. At the same time, I realise that after the fight the Minister has put up he is reluctant to report progress, but I suggest we follow that course.

The Hon. A. F. GRIFFITH: I am only reluctant to report progress because I do not think the Committee should pass this particular amendment. Before going on let me make it perfectly clear that if there was any suggestion in the minds of Mr. Loton, Mr. Wise, or anybody else, that my mention of the word "pressure" referred to members of the Legislative Council, that was not so. The pressure I referred to and of which I have had evidence was in the documents presented to us at the last meeting of Attorneys-General. I apologise if I conveyed the wrong impression to the Committee.

We certainly do get pressure, and I only wish the galleries tonight were full of people, just as they were in the past when we were dealing with the Bank Holidays Act, or some other Act. The point made by Mr. Murray is a very valid one. What sort of situation will we find ourselves in if this clause goes into the Act and South Australia has the same sort of clause in its Act?

We have been told tonight that South Australia might organise itself into a position where it is better off because it has not got uniform legislation. If the claims regarding South Australia are correct and that State wrote a clause into its Bill containing these words, "such proclamation to be withheld until a joint proclamation date is agreed upon with the State of Western Australia", where would we be then?

The Hon. H. K. Watson: Agree on a joint date. Nothing would be more simple.

The Hon. A. F. GRIFFITH: I do not want to see this Bill lost; and between now and tomorrow perhaps we can have another look at it. Therefore, I will report progress.

Progress

Progress reported and leave given to sit again, on motion by the Hon. A. F. Griffith (Minister for Justice).

House adjourned at 10.50 p.m.

Legislative Assembly

Wednesday, the 12th September, 1962

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