Hon. D. Brand: You are mixing it up a bit.

The MINISTER FOR JUSTICE: No, I am not. In England there is a fair House of review, and if we had it here I do not think there would be any complaints; because if legislation is sent to the House of Lords a certain number of times, and that House does not agree with it, it ultimately becomes law nevertheless. The Upper House there can hold up legislation for a period up to 12 months, I think—or it may be nine months—but if then it does not agree, the legislation becomes law.

Hon. D. Brand: What about the New South Wales House?

The MINISTER FOR JUSTICE: In New South Wales there is an elected House.

Mr. Court: It is a nominated house.

Mr. Ross Hutchinson: Who is Leader of the Opposition in Russia?

The MINISTER FOR JUSTICE: I think the Leader of the Opposition in Mukinbudin might be the member for Cottesloe.

Mr. Ross Hutchinson: I said, "in Russia."

The MINISTER FOR JUSTICE: I think our Parliament should be representative of the majority of the people. The Legislative Council of Victoria was granted adult suffrage and compulsory voting in 1950; and not by a Labour Government.

Mr. Cornell: That was introduced by a very disgruntled Government.

The MINISTER FOR JUSTICE: It is working very well and no alterations have been made by the new Government. The Upper House in New Zealand was abolished by the Liberal Party.

Hon. D. Brand: Do you know why?

The MINISTER FOR JUSTICE: Because it was considered superfluous and costly. Without the Upper House we would have plenty of accommodation for private members—

Hon. D. Brand: The difficulty would be to get Labour members to vacate it.

The SPEAKER: Order please!

Hon. D. Brand: It would be like New South Wales.

The MINISTER FOR JUSTICE: What is wrong with New South Wales except that it has a Labour Government? Its legislation is similar to ours and its Government is doing a very good job.

Mr. Lawrence: Owing to the cackling of the member for Vasse and the interjections by the Leader of the Opposition, Mr. Speaker, I cannot hear what the Minister is saying.

The SPEAKER: Order please!

The MINISTER FOR JUSTICE: I have heard a member opposite say, "Thank goodness for another place."

Hon. D. Brand: Phil Collier, a Labour Premier, said that.

The MINISTER FOR JUSTICE: We have a bicameral system; but our Upper House is ruled by a minority and we are subject to it. I move—

That the Bill be now read a second time.

On motion by Mr. O'Brien, debate adjourned.

BILL—CONSTITUTION ACTS AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [10.25] in moving the second reading said: This Bill is complementary to the Electoral Act Amendment Bill. As that Bill proposes to incorporate the franchise provisions in the Electoral Act, this measure removes them from the Constitution Acts Amendment Act. Provision is made in this Bill for it to come into operation on a date to be proclaimed. This will enable both Bills to operate simultaneously. I move—

That the Bill be now read a second time.

On motion by Mr. O'Brien, debate adjourned.

House adjourned at 10.26 p.m.

Legislative Council

Tuesday, 5th November, 1957.

CONTENTS.

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

QUESTIONS.

HOUSING.

Lots Owned, Rates Paid, etc.

Hon. R. C. MATTISKE asked the Minister for Railways:

(1) How many vacant building lots were owned as at the 30th June, 1957, by—

(i) The State Housing Commission; and

(ii) The War Service Homes Commission, in the following wards of the Perth Road Board—

(a) Hamersley;

(b) Inglewood;

(c) Osborne;

(d) Scarborough?

(2) On how many lots in each category were road board rates paid during 1956-57 and what was the total payment in respect of each of the above wards?

(3) How many vacant building lots were owned as at the 30th June, 1957, by—

(i) The State Housing Commission;

(ii) The War Service Homes Commission; in—

(a) the metropolitan area;

(b) the remainder of the State?

The MINISTER replied:

		State Housing lots.
(1)	(a) Hamersley	1955
	(b) Inglewood	875
	(c) Osborne	3464
	(d) Scarborough	2773

In each of the above wards some of the land consists of unsubdivided broad acre lots.

(2) On all lots above—

	£	s.	d.
(a) Hamersley	2,006	4	10
(b) Inglewood	2,858	2	4
(c) Osborne	12,762	0	1
(d) Scarborough	8,922	0	0

Only a small number of vacant war service lots unallocated are held and these are not ratable.

(3) Unable to give figures at the 30th June, 1957. Position at the 31st October, 1957, was as follows:—

Metropolitan area—

State Housing Commission—approximately 27,500 potential sites.

War Service Homes—323.

Remainder of State—

State Housing Commission—approximately 2,200 potential sites.

War Service Homes—79

TRAFFIC REGULATIONS.

(a) Tabling of Recommendations.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

I think it was on Tuesday last week that I asked the Chief Secretary whether he would request the Minister for Transport to lay on the Table of the House some recommendations that had been received by him in connection with the traffic regulations gazetted on the 21st December last. Did he ask the Minister? If so, what was the reply; and, if he did not, would he please do so?

The CHIEF SECRETARY replied:

I suppose the answer I could give is, "No," "Yes."

(b) Expediting Answer to Question.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

In view of the fact that the motion for disallowance of the regulations is listed on the notice paper for Thursday, and I have no desire to go on with it if satisfaction is reached, would the Chief Secretary be kind enough to try to get me an answer by tomorrow?

The CHIEF SECRETARY replied:

I assume the hon. member is referring to the disallowance of the uniform building by-laws—

Hon. A. F. Griffith: I am referring to regulations made under the Traffic Act.

The CHIEF SECRETARY: I will do my best to have the information supplied to the hon. member.

MOTION—ROAD DISTRICTS ACT.

To Disallow Uniform General Building (Car Port) By-law.

HON. J. McI. THOMSON (South) [4.37]: I move—

> That uniform general building by-law No. 428A made under the Road Districts Act, 1919-1956, as published in the "Government Gazette" on the 4th October, 1957, and laid on the Table of the House on the 9th October, 1957, be and is hereby disallowed.

Members will recall that on the 15th October Mr. Griffith moved an identical motion dealing with the general building by-law No. 428A made under the Municipal Corporations Act. As this motion is identical with that one, I do not propose to take up the time of the House at this stage, in discussing it at length, but I would ask members to recall what that by-law contains—provision that a flat-roofed car port shall be supported by steel pipes of not more than 3in. in diameter.

I maintain that if a person desiring to build a car port so wishes, he should be able to use a concrete column, or a brick

pier of 14 or 18in. depth. On occasions I have seen car port roofs supported by Hume pipe columns.

Hon. A. F. Griffith: Or by timber.

Hon. J. McI. THOMSON: Yes, 6in. x 6in. posts, for instance; and I do not see the necessity for the by-law. People desiring to support a car port roof by the means I have mentioned should be permitted to do so. I consider that the by-law is quite unnecessary.

Ministerial Statement.

The CHIEF SECRETARY: If I could have the leave of the House to make a statement which would not be regarded as my having spoken to the debate, it would be a great help.

The PRESIDENT: Has the Chief Secretary the permission of the House to make a personal statement? There being no dissentient voice, the Chief Secretary may proceed.

The CHIEF SECRETARY: Thank you Mr. President. I desire to inform the House that the committee appointed to deal with the suggested amendments, and so forth, to the uniform building by-laws had its final meeting, and has arrived at a decision on quite a number of matters discussed here, and those referred to it by the local authorities. The draft of the committee's submission is now with me, and I am going through it with the idea of submitting the relevant portions to the Crown Law Department with a view to their being further submitted to the next meeting of the Executive Council, which will not be until tomorrow week. In the meantime I am giving consideration to making available a copy of that statement to those members vitally concerned with this matter.

Debate Resumed.

HON. A. F. GRIFFITH (Suburban) [4.42]: I would like to take the opportunity of pointing out that perhaps it will be necessary to give further consideration to this matter. The Chief Secretary will be aware of the dates in question; but during his absence there was an acting Minister for Local Government who, upon receiving certain information from me, through the secretary of the Department of Local Government, appreciated that these notices of motion to disallow the by-laws were on the notice papers in both Mr. Thomson's name and mine; and he suggested that further curtailment of the operation of the by-laws should be brought about. That was done until the 15th November.

If the Executive Council is not to meet until tomorrow week, that means it will not meet until the 13th November, and the building by-laws as they now stand will come into operation on the 15th November. I suggest with all due respect that we would not like to see a situation arise where these by-laws will become operative on the 15th November, and perhaps be disallowed within a short time after that. Accordingly, in the interests of practicability, might I suggest that the Chief Secretary give consideration to curtailing the operations of these by-laws again, and for a third time, until we can see whether we are getting unanimity so far as the by-laws are concerned?

If the by-laws are likely to come into operation on the 15th November and apply, then people who make application to local authorities under the existing by-laws might find that in the event of either House disallowing the regulations they will be back exactly where they started. I know the Chief Secretary does not want to address himself to this motion at this stage; but I point out that fact in good faith. Perhaps he could curtail the operations of the by-laws for a couple of weeks so that we can deal with the amended regulations which will no doubt be tabled at a date subsequent to the 13th November.

On motion by the Chief Secretary, debate adjourned.

BILL—COMPANIES ACT AMENDMENT.

Reports of Committee adopted.

BILL—TRAFFIC ACT AMENDMENT (No. 1).

Recommittal.

On motion by Hon. F. D. Willmott, Bill recommitted for the further consideration of Clause 2.

In Committee.

Hon. W. R. Hall in the Chair; Hon. F. D. Willmott in charge of the Bill.

Clause 2—Third Schedule amended:

Hon. F. D. WILLMOTT: I move an amendment—

> That after the word "tractor" in line 10, page 2, the following words, struck out by a previous committee, be reinserted:—
>
> > and trailer, or for a tractor with platform attached, having in either case a maximum payload capacity of not more than two tons.

The Committee will recall that it is necessary to accept this amendment because of the mistake we made. Like Mr. Willesee perhaps I cannot think and talk at the same time and that was probably the cause of the mistake.

Amendment put and passed.

The MINISTER FOR RAILWAYS: I move an amendment—

> That all words after the word "shall" in line 17, page 2, down to and including the word "fee" in line 18 be struck out and the following inserted in lieu:—
>
> > notwithstanding the provisions of this Act and the scale shown under Items 7 or 8 of this schedule

one half of the prescribed fee for the tractor or of the fees prescribed for the licensing of both the trailer and the tractor.

There is no provision in the Traffic Act to license a tractor and a trailer together. If this amendment is agreed to there will be provision to license each or both, and the licence fee will be one-half of the prescribed fee but will not exceed the sum of £10. That seems fair and reasonable and appears to straighten out the difficulty into which we got when last discussing this measure.

Hon. A. F. GRIFFITH: I would like to ask the Minister whether he obtained any information concerning the amendment which I put into the schedule. Will this amendment have any effect on it?

The MINISTER FOR RAILWAYS: I should not think so. The amendment inserted by the hon. member is one which I have read and re-read, and I am rather puzzled about it. No further information has been given to me.

Hon. F. D. WILLMOTT: I can see no objection to this amendment, particularly if it makes the position clearer to the Minister.

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

Bill again reported with further amendments.

BILL—SHEARERS' ACCOMMODATION ACT AMENDMENT.

In Committee.

Resumed from the 31st October. Hon. E. M. Davies in the Chair; the Minister for Railways in charge of the Bill.

Clause 4—Section 6 amended (partly considered):

The MINISTER FOR RAILWAYS: It will be remembered that when progress was reported the question had been raised concerning accommodation for cooks and as to whether, under the Bill, it would require to be provided for each cook. I have looked into the matter, and the president of the Pastoralists' Association agrees that the wording in the Bill does contain some ambiguity and should be amended to the extent that the accommodation shall be provided for cooks in a building. I move an amendment—

That the word "each" in line 8, page 3, be struck out.

Amendment put and passed.

The MINISTER FOR RAILWAYS: I move an amendment—

That the word "cook" in line 9, page 3, be struck out and the word "cooks" inserted in lieu.

Amendment put and passed.

Hon. A. R. JONES: I wish to move to delete the words "a building" in line 9, page 3, and insert in lieu the words "any part thereof."

The CHAIRMAN: Order! This amendment was defeated on the voices at the last sitting. We are not on a recommittal of the Bill. As the amendment was rejected on the voices, I think that the only way the hon. member can deal with it now is on recommittal.

Clause, as amended, put and passed.

Clause 5, Title—agreed to.

Bill reported with amendments.

BILL—COAL MINE WORKERS (PENSIONS) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.5] in moving the second reading said: This Bill stems from representations made to the Government by the combined mining unions' council at Collie. Members will note that in Clause 2 it is proposed to bring the Bill into operation on a date to be fixed by proclamation. The reason for this is the proposal in the Bill to increase from 10s. to £1 the weekly pension payable for each child or step-child under the age of 16 years. Prior to recent alterations to the Commonwealth means test the payment of more than 10s. would have brought about a corresponding reduction in a Commonwealth social service pension. Now, however, any income received by a parent or guardian of a child is not taken into consideration when assessing a Commonwealth pension, and so it is considered the opportunity can be taken to increase the payment made under the Act for children.

The first amendment in the Bill seeks to include in the definition of "mine worker" any person who, prior to the 7th January, 1949, was employed or engaged in coal-mining elsewhere than in this State, and who on or since that date has worked in the industry in Western Australia, the only interruption in continuity of employment being the time taken in travelling to this State.

In view of the provisions in the parent Act that retirement pensions are not payable to workers who were over 35 years of age when first employed in the industry after the 7th January, 1949, it has become difficult to attract managerial staff and qualified men to Collie from outside Western Australia. Such persons, if over 35 years of age, are generally unwilling to apply for positions at Collie, owing to there being no prospect of a retirement pension.

The proposal in the Bill will overcome this difficulty. The reason workers are not eligible to obtain retirement benefits if they join the industry after 35 years of age is

that the Act provides for retirement at 60 years of age and benefits are based on at least 25 years of contribution to the fund. A worker over 35 years of age can contribute to the fund and be eligible for invalidity benefits after 10 years of contribution. Managers and other officers affected by the proposal in the Bill are prepared to pay the necessary arrears of contributions to the fund.

The next amendment proposes that the payment made to any pensioner shall not be sufficient to cause any reduction in the pension he receives under the Commonwealth Tuberculosis Act. This is the same as the present provision in the principal Act as regards Commonwealth social service pensions.

The Bill seeks to reduce from two years to one year the period for which a mine worker whose services are terminated has to wait before receiving benefits under the Act to which he is due. The period of two years was fixed because it was often found that men were re-employed in the industry prior to the end of that period. With the necessary retrenchments that have occurred it is considered that two years is now too long, and that one year is more suitable. It is pleasing that the number of retrenchments has not been as great as was at first anticipated.

It is proposed to add to the principal Act two new sections to be numbered 21A and 21B. Owing to the provision in the Act which renders a miner ineligible for retirement pension benefits if he joins the industry after he attains the age of 35 years, some mine workers are in an awkward position if their services are dispensed with because of retrenchment at Collie.

It is possible for a worker to be employed in the mines from boyhood and to be over 35 years when retrenched. The Bill proposes that if such a person is re-employed within a period of 12 months or a further period as is considered satisfactory by the pension tribunal, subject to certain conditions outlined in the Bill, he retains his eligibility for retirement benefits.

If he is not employed within 12 months, he will become entitled to a refund of 75 per cent. of the contributions paid by him during his last period of employment. Similarly, it would be extremely harsh to deny an elderly man his pension if he had worked and paid contributions for a period in excess of 25 years. The Bill proposes that a person attaining the age of 57 years and who, because of retrenchment, is not re-employed before attaining the compulsory retiring age of 60, shall receive his pension on attaining the latter age. I move—

That the Bill be now read a second time.

On motion by Hon. G. C. MacKinnon, debate adjourned.

BILL—BILLS OF SALE ACT AMENDMENT AND REVISION.

Second Reading.

Debate resumed from the 31st October.

HON. R. C. MATTISKE (Metropolitan) [5.12]: When the Minister introduced the measure he said that it was highly technical in nature, and that a strong committee, appointed by the Law Society of Western Australia, had thoroughly investigated the Act and had made to the Minister recommendations upon which the amending Bill was based.

I have gone into the question thoroughly, and I am convinced that the measure is necessary for the purpose of tidying up the Act and to enable it to be reprinted. Therefore, without further ado, I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—LAND AGENTS.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.17] in moving the second reading said: In introducing this Bill I would like to mention first that the principal Act was enacted in 1922 and has been amended on numerous occasions. The most recent of the amendments took place in 1953, and provided, among other things, for the appointment of a body known as the Land Agents Supervisory Committee, a title which describes adequately the functions of the committee. The committee is composed of a chairman, who is Mr. G. J. Ruse, the Crown Prosecutor, an accountant member, and a land agent member.

In the light of its experience the committee has recommended a considerable number of amendments to the Act. These proposals are based on related legislation in Victoria and South Australia. In view of the number of these amendments, and because the Act required revision through the piecemeal amendments made from time to time, it is considered that the most efficient procedure would be to repeal the present Act, and re-enact it with the proposed amendments.

The greater part of the existing measure has been retained and is included in the Bill, which is designed to come into operation on a day to be proclaimed. A convenient day will be selected, taking into consideration the currency of existing bonds and licences. The tenure of

office of existing members of the supervisory committee is not disturbed, and the provisions relating to those offices, and the filling of them, are continued in the Bill.

Land agents are required to be licensed under the new measure, as is the case under the existing legislation, but—

(a) The meaning attributed to the expression "property transaction" has been amplified to include transactions which land agents carry out and seek to induce, because the existing legislation is outmoded in this regard.

(b) The meaning attributed to the expression "land agent" has in consequence been broadened.

(c) The Bill proposes that the functions of hearing and determining of applications for licences and related matters, shall be the responsibility of the committee, instead of courts of petty sessions. This is because consistency of decision and action is sought, it having been found that the courts were inclined—and understandably so in view of the many and varied matters listed for their attention—to grant a licence almost as a matter of course, if prescribed formalities had been complied with. The committee will have the advantage, from experience gained in its supervisory capacity, of knowing something of the circumstances relating to applicants and their applications.

Added provisions in the Bill require land salesmen employed by land agents, and managers of bodies corporate, and of absentee land agents to be registered by the committee. This will give the committee some degree of supervision and corrective control over those employees of land agents who induce, or seek to induce, the public to enter into property transactions, as well as over land agents themselves.

The amount of bond—now £2,000—required of a land agent, is increased in the Bill to a sum of from £2,000 to £5,000. The amount of a bond will be assessed on the nature, extent, and location of the land agent's business. The amount of a bond can fluctuate from year to year according to circumstances.

A maximum annual licence fee and the amount of bond required of a manager or salesman are respectively £1 and £500. If, instead of paying premiums to insurance companies on bonds, a person prefers to deposit securities with the Treasurer, the Bill proposes to permit him to do so.

In the case of defalcation by a land agent, or registered manager or salesman, the existing provisions relating to realisation of the bond or security, and payment of compensation, are preserved in the Bill; but in order to afford greater protection to the public, authority is conferred on the committee to freeze banking accounts of land agents, and cause money in those accounts to be paid over to the Treasurer as custodian.

The provisions of the existing legislation relating to audit of land agents' accounts are repeated in the Bill, with the addition of numerous safeguards and a power for the committee to cause surprise check audits and inspections to be conducted, the intention being, of course, not to wait until the horse has bolted before shutting the stable door.

The existing provisions denying a land agent a right to commission from a person unless he holds written authorisation from that person to act as agent on his behalf, are repeated and amplified. One of the additional safeguards is that the agent is not entitled to retain the commission if he has already deducted it from the proceeds of the sale of a property on behalf of his principal.

Added provisions in the Bill preclude a land agent from profiting by dummying—that is buying a property placed in his hands for sale at a price less than that for which he knows a buyer is willing to pay, and selling to that buyer, and pocketing the difference as well as the commission on the sale.

The Bill also precludes a land agent from advertising otherwise than in his own name. This is intended to prevent agents from appearing as members of the public willing as principals to buy or sell property, and to ensure that if an agent does advertise, the advertisement will make it clear that he does so as an agent.

Other more minor proposals confer regulation-making power in respect of qualifications of land agents, land salesmen and managers, rates of commission, forms and use of forms of contract, forms of appointment, deposits, and matters of procedure.

The Bill is designed generally to make good deficiencies, and clarify obscurities or matters of doubt in the existing legislation. It has been recommended by the supervisory committee as a result of its experience in administering its supervisory powers over the last few years since it has been functioning. I move—

That the Bill be now read a second time.

On motion by Hon. G. C. MacKinnon, debate adjourned.

BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

In Committee.

Hon. A. F. Griffith in the Chair; the Minister for Railways in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 59 amended:

Hon. C. H. SIMPSON: I move an amendment—

> That all words after the word "amended" in line 13, page 2, be struck out and the following inserted in lieu:—
>
> > by deleting all words after the word "shall" in line one of Subsection (2) down to and including the word "shall" in line five of the subsection.

During my second reading speech I explained that the amendment in the Bill was very desirable, so far as it went; but it is thought that it does not go far enough. During the war and up to the present time it has been competent for new Australians to get certificates to drive cranes, etc., provided they were competent, and understood the English language, and were either of British nationality or had served with the merchant navy or merchant marine of the allied nations. But it is thought that the qualification should be amended; and provided they are competent, irrespective of whether they have seen service or not, they should not be debarred from performing these duties.

Young fellows are growing up who had no chance of serving during the war, and they should not be prevented from doing this work. They have an obligation to become naturalised as soon as they have completed the necessary term of residence, and there is a provision that the certificate may be withdrawn if they do not do so. In actual practice it can happen that in isolated areas it is not convenient, and it could even be difficult for a new Australian to attend a naturalisation ceremony, no matter how keen he might be. He might have good reasons for not desiring to take out naturalisation papers for the time being.

I met a man at Carnarvon who had been here for seven years, and he said that he had not taken out naturalisation papers. because he intended at an early date to returned to Holland, and if he did so he would have to take out naturalisation papers there.

Hon. G. Bennetts: He was only using Australia for a while.

Hon. C. H. SIMPSON: He was living here, but he had good reasons for thinking of returning to his homeland. We might be in a foreign country ourselves, and we would not like to be burdened with irksome restrictions. This provision does not apply to any other State. Putting ourselves in the place of such persons, we would like to enjoy some freedom if we went to a foreign country. We know that new Australians are increasing in number. They are conscious of their rights, and it would be a good gesture to remove this restriction.

The MINISTER FOR RAILWAYS: This question has been discussed previously, and I shall retrace the ground. The object of the amendment in the Bill is to overcome the naturalisation restriction. The Act now requires that all applicants for a certificate shall be British subjects or naturalised British subjects. The amendment seeks to remove that qualification. The reason for the Bill coming before the House is to relax the existing qualification applying to naturalisation so that a person who enters this State can be issued with a certificate forthwith. Provided he satisfies the examiners in other respects he can be issued with a certificate, and he can continue to hold that certificate if at the end of five years' residence in Australia, when he is entitled to be naturalised, he makes application for naturalisation; in other words, complies with the provisions of the Act at the appropriate time.

As the Act stands, an alien entering Western Australia cannot be granted a certificate until five years have elapsed. The Bill aims to relax that condition. I am instructed to oppose the amendment. It is my personal view that if it is worth while to live in a country, it should be worth while to adopt it. An identical amendment was moved in another place, but the Minister in charge of the Bill opposed it. He contends that this relaxation of the existing qualification is fair and reasonable.

Hon. G. BENNETTS: I support the view put forward by the Minister for Railways. The Bill intends to liberalise the existing provision, so that if new Australians qualify for a certificate in other respects, they will be permitted to hold one without having to wait to be naturalised, which cannot occur until they have resided in the State for five years. That is fair and reasonable. An alien migrant is given all the facilities and privileges under this Act, and it is reasonable to expect him to become naturalised after five years. We are treating all migrants very well. There are many instances of alien migrants being quite prepared to become naturalised as soon as possible. If the State is prepared to give them five years' grace before becoming naturalised, there should be no objection.

Hon. C. H. SIMPSON: I admit that the Bill has gone some way towards removing a restriction which existed previously. I appeal to the Minister to remove the restriction completely, without any strings attached. The amending Bill brings into the legislation a provision which has nothing to do with the mining industry. The question of naturalisation should be covered by the appropriate legislation dealing with that subject. If a migrant enters this State and has sufficient knowledge of the English language to undertake employment, every effort should be made to enable him to earn a living.

I realise that every one of us has a desire to see that alien migrants are naturalised as soon as possible. The emphasis of publicity is in that direction. At the same time, we would resent having to take out naturalisation papers if we did not want to. I can give two instances of such persons in the United States. One was Charles Chaplin, an Englishman. During all the time he was in the U.S.A. he earned a very large income in the film industry, but he was not a naturalised American subject. There was no legal obligation for him to become naturalised. Then there is the well-known Australian, Mr. Bridges of the West Coast Waterside Workers. No doubt the authorities in the U.S.A. desired some power under their legislation to deal with him, but so far he has not been compelled to become naturalised and he is still there enjoying the rights of the American citizen.

If Australians can enjoy full rights and privileges in a foreign country subject to the qualification that they understand the language and can do the work required of them, we in this country should give the same facilities to those who come to our shores. This amendment will increase the work of the machinery branch of the department. If the Bill is agreed to, the department will have to make a note of all the persons to whom certificates have been issued and the dates when they are eligible for naturalisation. It will have to keep a check on them.

The MINISTER FOR RAILWAYS: The hon. member is aware there are many Acts, both Commonwealth and State, which do not recognise the rights of aliens until they are naturalised. When discussing this measure previously, Sir Charles Latham stated by interjection that aliens were liable to become interned in times of hostility. I am familiar with a case during World War I when an old German settler was interned while his two sons were fighting for Australia in France. That settler eventually died at Rottnest Island. When his two sons returned from the war they were very embittered, but they realised the position. I have spoken of people who have deserted ships in this country and who were unable to avail themselves of social service payments. They will be a burden on the State for many years.

If it is a question of the Mines Department having to do some extra work, that would not be an important factor. Only a small number of migrants are affected by the condition in the Bill. At the end of five years it is only necessary to send a reminder to them of the need to become naturalised. There can be no objection to such a course of action.

Hon. Sir CHARLES LATHAM: Will this principle have general application in all legislation? I agree that aliens should be naturalised as soon as possible. But I can see a difficulty. We now allow such persons to be employed for five years; and under this Bill, they will be told at the end of that time that, although they have given very satisfactory service, they will not be permitted to carry on unless they become naturalised. That would have harsh application on a good citizen. It is very difficult for a person to forget his country of origin, and I am in a quandary as to what step I should take. I am faced with the difficulty that this principle is to have application in the Mining Act only. If it were to be generally applied, I would agree.

Hon. G. Bennetts: It is necessary to make a start somewhere.

Hon. Sir CHARLES LATHAM: The hon. member does not know the intention of the Government. I want to know if this principle is to have general application.

The MINISTER FOR RAILWAYS: This qualification is to cover all industries embraced by the Act, and to include persons driving winches and hoists. It emanated from the mining industry because many foreigners are employed in it. They require a certificate to drive a hoist or a small locomotive and they have to pass the normal test. I am not suggesting that the proposal originated at this place; but take a locality like Wittenoom, where the majority of the men working underground are foreigners and drive small electric locomotives, hoists, windlasses, and so on. I would say the proposal originated from the mining industry generally, and it is designed to help those who wish to remain here. I suggest the Bill be left as it is.

Hon. J. G. HISLOP: The only objection I have is the restriction, and I would like to see the whole process made more general. Only in recent days have I come across a similar case in another industry, in respect of which Australia is deprived of expert services because of these conditions. A man well qualified in radar and electronics, who would be very useful in regard to television, came here some five years ago and was unable to follow his occupation because he was not naturalised. He could not undertake the work on ships that he had been used to doing, and various other aspects of his occupation were closed to him because he was not naturalised.

Now he has been five years away from the subjects on which he came here as an expert, and he feels there is a possibility that at this stage, were he to assume a task in relation to that technical subject, he would no longer be regarded as an expert; and then having been naturalised, would find himself in the difficulty that he was still unable really to fulfil his vocation and, should he desire to return to Holland, it would be necessary to go through a renaturalisation ceremony in his own country.

So it seems to me that when we have a man who speaks English as well as any of us in this Chamber and who has come here as an expert, and we tell him that he cannot practise for five years, we are only being foolish, not only so far as he is concerned but so far as we are concerned also. My attitude towards the question of naturalisation is that it is extremely difficult for a number of people to forget the land of their birth and accept naturalisation in another country within a period of five years, though they may do it later on.

Secondly, I view the matter from the aspect that if we fail to induce some of these people to seek naturalisation, some of the blame may rest at our own doors, because I think our attitude towards the newcomer may well determine whether he desires to become naturalised or not. In some instances there has been a refusal by newcomers to accept naturalisation because they do not like the terms under which it is presented to them.

I would prefer Mr. Simpson's amendment, but I have a feeling that the Government rather fears that, having gone this far, that is as far as the unions themselves prefer to go, and that a further amendment might not be acceptable to those who brought the matter forward. I may be wrong in that assumption, but I feel from what the Minister said in his introductory speech that there may be some truth in it. If there is, I would prefer to see the Bill go through without the amendment rather than be lost.

Hon. J. M. A. CUNNINGHAM: I support the Bill, but I feel that the amendment is an improvement. I do not like to call this a restrictive Bill. It is not; it is giving something. But it is not giving quite enough. I agree that where there is no restriction in some other industries, we have benefited considerably. As an instance, there is the improvement of restaurants in this city.

It cannot be denied that the standard of eating-houses has advanced incredibly in the last few years; and these places are conducted mostly by new Australians, some of whom have been naturalised, but others have not been here long enough to consider naturalisation. I think it would be wrong to say that such people must be naturalised before they could own and run such businesses. If that had been insisted on, we would have been the losers.

I consider that the people interested enough to seek these qualifications under the Inspection of Machinery Act are just the ones who would voluntarily offer themselves for naturalisation when the time came. It would not be good to force them to do so. The present trend towards making naturalisation attractive is good, but it is remarkable how slow our people are to embrace the opportunity.

Not so long ago naturalisation ceremonies were conducted in courts by a magistrate. Today the Government has made it possible for these ceremonies to be conducted in the more informal and friendly atmosphere of council chambers; but it is remarkable how some of the councils in this State make such ceremonies a 10-minute break in a council meeting, run through the procedure hurriedly, and allow the naturalised citizens to be bundled off.

Hon. Sir Charles Latham: They don't do that at Narembeen.

Hon J. M. A. CUNNINGHAM: I agree. There are many towns in which it is not done that way, but where the ceremony is impressive and there is a friendly and welcoming atmosphere. I am 100 per cent. in favour of that.

I feel that the amendment is an improvement to the Bill, and I hope members will agree to it. It may be the beginning of a trend not only to make new Australians old Australians but to encourage them to become naturalised voluntarily.

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

Ayes	11
Noes	14
Majority against	3

Ayes.

Hon. J. Cunningham	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. C. H. Simpson
Hon. J. Murray	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. J. J. Garrigan	Hon. L. A. Logan
Hon. W. R. Hall	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. G. Fraser *(Teller.)*

Pair.

Aye.	No.
Hon. L. C. Diver	Hon. E. M. Davies

Amendment thus negatived.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—ELECTORAL ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [6.0] in moving the second reading said: This is a Bill to amend the provisions of the Electoral Act relating to postal voting. The Bill deletes the existing provisions for the appointment of postal vote officers, and in lieu includes provisions similar to those prescribed in the Commonwealth Act and in the Acts of other States within the Commonwealth, which make it necessary for an elector entitled to vote by post to make a written

application for a postal ballot paper. It improves the close co-operation between the various States in regard to voting.

The present system, by which postal vote officers are appointed and issued with postal ballot books, has been in operation practically since the inception of the electoral laws of the State, and during the course of time has been the subject of much adverse criticism. Amendments have been made by Parliament in recent years, in an endeavour to tighten up the system; but nevertheless complaints are still being received by the Chief Electoral Officer as to the methods adopted by some postal vote officers in obtaining postal votes.

The position of postal vote officers is honorary; and difficulty is experienced particularly in the metropolitan area, in obtaining the services of suitable persons who can spare the time and be relied upon to carry out the duties required. At present there are approximately 1,800 postal vote officers throughout Western Australia; and as the State becomes more populous, additional appointments will be necessary.

It is appreciated that a large number of these officers, who give their services gratuitously, perform their duties in a very satisfactory manner; and, by so doing, render an invaluable service to the State and to the electors. Unfortunately, however, it requires only a small percentage of postal vote officers to act irregularly, to cause the whole system to be viewed with suspicion.

With the provision for absent voting in force, postal voting may now be regarded as limited to electors who will be more than seven miles from any polling place on polling day, and to the sick and infirm; but it is in respect of the latter class that most complaints arise. A postal vote officer, armed with a postal ballot book, can attend indiscriminately at hospitals and institutions and the private homes of the sick and infirm, for the purpose of obtaining postal votes, regardless of whether any prior request had been made by an elector or the relatives of an elector.

This is one of the main weaknesses in our system, and one which has brought discredit to it. It is a reflection on the electoral laws of the State, when postal vote officers are permitted to wait at the doors of institutions before the hour of nomination, ready to attack immediately nominations are declared. The Bill will eliminate this practice.

The measures provides that at any time after the 10th day prior to the issue of the writs and before 6 o'clock in the afternoon of the day immediately preceding polling day, any elector eligible to vote by post may make an application to the Chief Electoral Officer or to a returning officer for a postal ballot paper. Where an elector resides within the North-West district or in part of the State declared under Section 93 of the Act to be a remote area, he or she may apply to a clerk of courts or police officer for a postal ballot paper. It will not be necessary to make an application to the returning officer for the district for which the elector is enrolled, and application forms will be readily available from various sources throughout the State.

The machinery clauses in the Bill set out the manner in which an application shall be dealt with and the manner in which an elector shall record his vote.

There is also provision in the Bill for an elector enrolled for a province or district in the North-West area, or in any other part of the State declared a remote area, who finds it difficult, on account of distance, to attend a polling place, to register as a general postal voter. In consequence, he will not be required to lodge an application for a postal vote for each election, but on each occasion a postal ballot paper will be sent to him immediately after the close of nominations. By this provision, electors in those areas should, in normal circumstances, receive their ballot papers in sufficient time to record their votes and return them before the close of the poll.

Under the existing system an elector temporarily outside the State is unable to record a vote for a State election. By this Bill he or she will be able to record a postal vote anywhere within Australia, and the authorised witnesses before whom an elector can record his vote, are defined. It is considered that the proposals will give the Chief Electoral Officer more rigid control over postal voting and will eliminate the unsatisfactory features of the present system.

As I have said, this Bill is in uniformity with the laws of the Commonwealth and the other States. It will be better than the old system, because there will be more control and not such a possibility of forcing the sick and infirm to vote for a particular political body; whereas, if they used their own judgment they would probably vote otherwise. Provision is made for those living in remote areas to have a ballot paper sent to them in time to record their votes, and they will not have to make application. I move—

> That the Bill be now read a second time.

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

BILL—PHYSIOTHERAPISTS ACT AMENDMENT.

Second Reading.

HON. N. E. BAXTER (Central) [6.7] in moving the second reading said: I believe that the two provisions contained in this Bill are necessary. Briefly, the first amendment seeks to amend Section 6 of the principal Act, in order to provide for

the re-election of members of the board, in the event of vacancies occurring through effluxion of time, death or other causes. It has been necessary to make a rather long provision in this regard, because there are sitting members of the board at present and the position could not be dealt with briefly.

The provision in this instance is that where a vacancy occurs in the office of a member of the Physiotherapists' Board, through the effluxion of time, the Governor shall appoint to that position a physiotherapist selected from a panel of two names nominated by the Physiotherapists' Association, one month prior to the time at which the vacancy on the board occurs. In the case of a vacancy through death, it is provided that within one month after the occurrence of the death of the member, the Physiotherapists' Association shall select and nominate a panel of two names from which the Governor shall elect the replacement.

It might be remembered that we debated this subject at some length earlier in the session; and, when the original legislation was framed, there were no organised physiotherapists in the State from whom nominations could be obtained for positions on the board. Now, however, they have quite a strong association, the members of which are keen to see that the practice and training of physiotherapy in this State, together with everything else pertaining to the calling, shall move along the right track. I believe the medical profession would back up any attempt to ensure that this ancillary medical service is conducted in a proper and efficient manner.

I believe that more modern methods are constantly being devised, and that members appointed to the board of the association in future will be better informed than those who have so far occupied that position, because they have got rather behind in their training. In this occupation it is necessary for the practitioners to have a refresher course, in order to become up-to-date in the methods of training and practice from time to time.

The first teacher for the school in this State, Mr. Lyall, who was one of the most prominent private practitioners of physiotherapy in Western Australia, has gone to England in order to make himself au fait with the latest developments in training and practice. That indicates that whereever possible these people should make sure that they are familiar with the latest developments.

I think Dr. Hislop will agree that in this profession, as in his own, one must study continually, in order to keep up with modern methods; and I think that is a good argument in support of the contention that the association should have the right to nominate board members. This Chamber has more or less agreed to the principle of the association nominating representatives on the board, in order that they might have in that position persons who will carry out the duties in the right manner.

The second amendment contained in the Bill seeks to amend Section 8 of the principal Act and contains provision regarding the course and standard of training of physiotherapists in this State. Members will recall that this question was discussed at some length previously in this Chamber. The advice I have received from those who are au fait with the latest methods of physiotherapy in Western Australia, is that up to date the standard of training has been far from what is desirable. This amendment provides that the course and standard of training here shall be not less than the minimum required from time to time by the Chartered Society of Physiotherapists under their own regulations.

I am informed that the prerequisite subjects for matriculation should include physics as compulsory; and chemistry is also desirable. I understand that this has not yet been one of the prerequisite subjects. My advisers say that although chemistry is desirable, it is not essential; but provided that they have these prerequisite subjects, more time will be available for study of other aspects of the profession.

Another factor is that in this State physiology is not taught to the students in the first year but is left to the second year. Although I do not profess to know a great deal about this matter, I think Dr. Hislop will agree that physiology is necessary in the first year as it goes hand-in-hand with anatomy. A further point is that the second-year students start ward work and deal with patients and so must have a grounding in physiology in regard to such things as the importance of blood, heart rate, temperature, and so on. I am therefore informed that it is essential for training in physiology to commence in the first year.

Another part of the training conducted in this State is zoology; and I am given to understand that this plays no part at all in the work of physiotherapists, being therefore entirely unnecessary. It is not included in the syllabus of the chartered society, and it seems that a lot of time is wasted on this subject, when in fact it could be put to better use.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. N. E. BAXTER: Before tea I was dealing with the matter of physiotherapists receiving training in zoology, a subject which is considered unnecessary.

Hon. J. G. Hislop: By whom?

Hon. N. E. BAXTER: By those who have been overseas and received training under the chartered society's regulations and syllabus; and who at the moment, have applied their training to practice, and have found that zoology plays such a small part in the practice of physiotherapy that it is a waste of time to teach it in

the training school. I believe that all those who have gone through training such as that provided in England by the chartered society would have more idea than those people who have been trained perhaps in the Eastern States of Australia.

They also maintain that histology should be taught in conjunction with anatomy in the first year instead of the second year as has been the practice set down by the board for training. This is followed by pathology in the second year instead of in the third year. As a result, the second-year students will take pathology in the second year instead of learning it in the third year. It seems a peculiar way to train students who, in this particular phase of the medical ancillary service, during their training time are in hospitals where they move amongst patients and where they have to understand the treatment of patients. It is odd that they should not know the full requirements of their training.

The whole point is that in this way they will be working more intelligently and understanding what they are doing. Apart from that, the patients would get the best of treatment. In the regulations and syllabus laid down by the Chartered Society of Physiotherapy the preliminary examination involves a written and oral examination after not less than 18 months of training. There are two written papers of three hours each in anatomy and physiology. I understand that in Great Britain the training of physiotherapists is far in advance of that which we have had in this State since the legislation was passed in 1950.

If we are going to do this thing properly, and if we are going to see that our people are trained in this service in a correct and efficient manner, we must aim at the highest standards. It will not cost any more to train the students in this State in the reasonably high standard set down by the chartered society than under the methods and the syllabus that have been prescribed by the Physiotherapists' Board in this State. I introduced this measure not because I have any axe to grind but purely to see that the service is carried on, and that the training is carried on, so that we will have competent physiotherapists in this State.

Much was said previously on the matter of whether the board had carried out its duties in an efficient manner. I would like to refer to the question of reciprocity with the chartered society. I went through both the departmental files and the files of the board; and in those files I found that the first approach made to the chartered society for reciprocity was contained in a letter dated the 19th August, 1953. No more correspondence was entered into by the Physiotherapists' Board in Western Australia with the chartered society until the 21st September, 1956.

One would have imagined that a board such as we had in this State, after perhaps a lapse of 12 months, would have gone to the trouble of making further inquiries as to the position concerning reciprocity with the chartered society. But apparently the board was quite content to let the matter rest where it was. I will say, however, that the board knew full well that whilst it had a teacher who was not a recognised chartered society teacher, that society would not consider reciprocity.

In spite of that, it did not make any attempt over that period of three years to alter the position in any way. In September it started to move, and advised the chartered society in February that the services of one, and possibly another trained teacher had been secured to commence duties from February, 1957. This was not so.

It had not engaged the services of an authorised and recognised chartered society teacher. It had made overtures, but had not appointed any teacher up till that time. The appointment of a teacher was made only approximately one month or six weeks ago. For all those years it carried on in that manner. Even in this matter of reciprocity, and in respect to the correct training of students, the reply received from the Minister when we were discussing this subject previously—which reply had come from the Physiotherapists' Board—was that the first teacher appointed, Mr. Lyall, resigned purely to take up private practice.

The letter sent by Mr. Lyall to the board tendering his resignation clearly sets out that he was doing so because his position was untenable; that letter is on the file. There was too much interference with the methods he laid down for training, and it got to the position that Mr. Lyall realised he could not carry on as an authorised teacher of the chartered society without at a later period receiving some condemnation from that society. For those reasons he tendered his resignation; and for the board to say he did so to take up private practice was entirely wrong.

In making further reference to this question of reciprocity, I would point out that this State does not have reciprocity with South Australia or New Zealand, or with the chartered society. It has reciprocal agreements with New South Wales, Queensland and Victoria; and those reciprocal agreements are based on an agreement framed and signed by the authorities in each State, where they agreed to recognise students trained in the various States mentioned.

Actually it is not really a reciprocal agreement based on whether in the various States training is carried out to a standard that would conform with what one might call a world standard training. I would say that the other three States mentioned—namely, Victoria, New South

Wales and Queensland—would be in a similar position to Western Australia in regard to reciprocity with the chartered society.

There has been quite a big move in this State this year—since this matter was first brought up—in that the board decided, when things started to stir, to form what is called an education committee. That committee is now going into the matter of the correct training and curriculum for students. I believe it will do a lot of good in this State.

But we must see that we have laid down under this legislation provisions that set out that the representatives on the board shall be capable and modern physiotherapists; and, apart from that, as I have proposed in this Bill, that the training shall be of the highest standard. I submit the Bill to the House, believing that it is in the best interests of the ancillary service of physiotherapy in this State.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—ACTS AMENDMENT (SUPERANNUATION AND PENSIONS).

Second Reading.

Debate resumed from the 30th October.

HON. A. F. GRIFFITH (Suburban) [7.43]: This Bill seeks to amend three Superannuation Acts. The first of these is the Superannuation and Family Benefits Act of 1938-1955; the second is the Superannuation Act, 1871-1951; and the third is the Government Employees' Pensions Act, 1948-1951.

The 1938 Act covers the greatest number of Government employees irrespective of whether they are salaried or wages employees; and it is, of course, a contributory scheme. The 1871 Act is a non-contributory scheme, which provides a low rate for certain Government employees in salaried positions who were permanently employed prior to 1904. The 1948 Act, which was introduced by the McLarty-Watts Government, sought to provide pensions for Government employees who considered they should have been covered by the 1871 Act. Pensioners under these three Acts have been receiving pension rates as laid down from time to time, and this Bill seeks in one movement to amend the three Acts.

In the first place, I do not understand exactly why the Government seeks to bring down one Bill to amend three Acts, particularly when two of them are of a different nature from the third. I have no fault to find with the amendments to two of them, but I do have some questions to ask the Government in connection with the portion of the Bill which seeks to amend the 1871 Act.

In seeking to bring about a new basis of pension rate for people employed under this Act, the Bill as introduced contains a formula—$((a-b) \times 52) - c + d = x$. The Minister may shrug his shoulders, just as I did when I first saw it. One has to have a close look to see just what the formula means. When one does that, it is not quite so difficult to understand. However, it is difficult indeed to understand some of the things upon which the formula is based.

In the formula, (a) represents in pounds the estimated basic wage content of pensions payable under the Superannuation and Family Benefits Act, 1938; and it is the sum of £12. Why the Government started at £12 is beyond me, because if that amount is applied to the year when that rate of basic wage was paid, we will find the closest point is the 28th July, 1952, when the basic wage was £11 18s., and the 27th October, 1952, when the wage was £12 4s. 2d. Therefore, the amount of £12 has been struck as (a) in the formula.

Why the amount was not fixed at the present rate, or why not at the rate in 1956 or some other year, instead of the one stated, I do not know; and to the best of my knowledge the Chief Secretary, in introducing the Bill, did not give us an explanation of why the figure of £12 was used.

In the formula, (b) represents the basic wage that pertained at the time of the retirement of the pensioner concerned. When we take from the £12, which is (a), the sum of the basic wage at the time of retirement, which is (b), it leaves a figure which is multiplied by 52. When we get to that point we deduct (c), which is a figure of £182, representing in pounds the proportion of pension payable at the rate of 5s. per week per unit in respect of contributor's contributions of a 14-units pension under the Superannuation and Family Benefits Act, 1938.

Then, after we take away the £182, we add (d), which is the amount of superannuation allowance paid to the nearest pound which would have been payable under the Superannuation Act, 1871. We are then left with a figure which is called (x), which is the pension. According to the Bill, (x) is an amount which must not exceed £1,000.

I contend that by including in this formula the section (c)—which is £182—the Government is repudiating the 1871 Act. That Act was introduced and a pension rate was given to employees on the basis that it was part of their employment. It was part of the consideration of employment under which men of that day accepted positions in various Government departments; and they did so with a feeling of security so far as their futures were concerned, bearing in mind that they would receive a pension rate of one-sixtieth of their average salary over the last three years before retirement, with a limited period of 40 years. When a man had served the term provided for under the 1871 Act he earned for himself a certain security to which he could look forward on retirement.

In some cases, because of the relatively high rates of salary that some 1871 pensioners received on retirement in comparison with the very meagre salaries that pertained some 40 years ago, the pension rate seemed somewhat high. However, in the past, the Government not only accepted the fact that the pension rate was high, but it was prepared, on two occasions, to supplement that pension rate by amounts up to £2 per week; and in the highest grades it was up to the rate of 10s. per week on two occasions, which actually amounted to £52 per year.

To take an example of a man who worked in a Government department for 40 years or more—anything over 40 did not count—that particular man would spend a lifetime in a Government department and would look forward to his pension and the increments to be derived therefrom; and he also received the supplement to which I was referring. This afternoon I had a question on the notice paper to which I will receive a reply tomorrow, asking how many 1871 pensioners were receiving more than £1,000 per year. In a few cases, this does pertain, and the man is getting more than £1,000 per year under the 1871 Act.

The Bill amends the 1871 Act in conjunction with two others, as I said when I first started this speech. The result is that the first two grades receive an increase in their pension rates—in some cases quite a reasonable amount. If the basic wage in (a) of the formula had been set at the prevailing rate today or that of last year, the amount of increase would have been higher. Some of the 1871 pensioners are not going to receive as much as they are receiving now. In his speech, the Chief Secretary made particular mention of the supplementation and said this—

> The supplementation which at present is paid to those under the 1948 and 1871 Acts will continue. This means that although the supplementation legislation will cease to operate the supplementation payments will continue to those who are now receiving them, either by direct absorption under the provisions of this Bill or by a new formula as set out in the Bill, which it is proposed shall apply to those who come under the 1871 Act.

In his reply, I want the Chief Secretary to give me a clarification of this point: Is any pensioner under the 1871 Act, when the rate of pension is applied under this formula, going to receive less pension than he is receiving at the present time. Because if he is, I contend this Bill repudiates the intentions of the 1871 Act. If the formula in the Bill stopped short and said, x was the pension, then everything would be all right; but the Bill says x is the pension and the amount must not exceed £1,000 per annum to the nearest pound of superannuation allowance as adjusted under the particular subsection.

I understand that the Treasurer has made comments concerning this matter; and I am informed that on the one hand he did say, "Nothing in excess of £1,000 per annum"; and on the other hand, he indicated there would be no deduction from any person who is receiving a pension in excess of £1,000 per annum. The remarks of the Chief Secretary in regard to the question of supplementation make the thinking a little more complicated; and I want that question cleared up.

If this formula is applied to some people who retired a considerable time ago, it might give them an amount of £80, £90, or £100; but if it is applied to people who retired in 1949 or 1950—which is not beyond the realms of possibility—on the figures I have calculated, the actual pension could be in the vicinity of £110 or £112 less than at the present time.

At this point I propose to leave the matter, but would be pleased if the Chief Secretary, in his reply, would be kind enough to cover those two points: Why the figure of (a) was based on £12 per week basic wage; and why there are conflicting statements about the amount of pension which is going to be paid to some people who are eligible for pensions under the 1871 Act.

Surely it is not fair to penalise the 1871 pensioner when this provision in the formula is (c) and (c) provides, as I said, for the amount of £182 to be deducted and is made up on the basis of 5s. per week per unit in respect of pension contribution being made under the Superannuation and Family Benefits Act, 1938.

I repeat, it was not the original intention of the 1871 Act that these people should pay anything towards receiving a pension. It was not free gratis either. It was considered as the basis of their employment; and I am told by some of the elderly gentlemen who are now receiving the pension that, in a number of cases, the fact that they stayed in Western Australia as employees of the Western Australian Government rather than seek advantages and opportunities in other parts of the world, was that in their employment lay the security of the 1871 Act.

Whilst some of them were offered positions in other parts of the world which, temporarily, would have shown them greater remuneration in the form of salary, they, because of the greater security provided for them by the 1871 Act, remained here. If it is the intention of the Government to take from anybody something which he has already been receiving—and not satisfied with that, has already accepted the principle of permitting two supplementary payments to be made to the class of people of which I am speaking—I think it is most unfair.

I cannot believe that this Government would be so unfair to a section of the community as to do that, and I hope my interpretation of this part of the Bill is wrong. I trust that the statement made by the Chief Secretary, when he introduced the Bill, and the statement which I understand the Treasurer made in another place, will bear out the suggestion that whilst the Bill aims to give increased pensions under the two Acts I have mentioned, it will refrain from taking away something which the Government has already freely given to this class of 1871 pensioner.

For the time being, because I am not empowered to offer any amendments which would impose an additional charge on the Crown, I am obliged to do one of two things—support the Bill as it is, or vote against it. By voting against it I would be doing an injustice to other sections of the community who hope to derive some benefit from the other two Acts; and it is far from my intention that these people should be affected by reason of the fact that I voted against the Bill.

The 1871 section of these people have an association, and they get together and discuss their problems. I understand that another formula which will give greater benefit to them than they will receive under this measure, has been worked out; but unfortunately it did not reach the stage in another place where it could be introduced or called to the attention of those who would have been sympathetic towards it. Had it received such attention, the situation of these pensioners would have been a little better than it is now.

However, the measure does seek to give some relief to those who are considered as being badly in need of it. So, for the time being I propose to support the second reading. I shall, however, await the Chief Secretary's reply on the three points I have raised; and when we go into Committee, perhaps further debate can take place on the clauses involved.

On motion by the Minister for Railways, debate adjourned.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Debate resumed from the 30th October on motion by the Minister for Railways to concur in the following resolution agreed to by the Assembly:—

> That the proposal for the partial revocation of State Forests Nos. 4, 7, 14, 22, 33, 37, 38, 49 and 51 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 23rd day of October, 1957, be carried out.

HON. J. MURRAY (South-West) [8.4]: I support the resolution for the partial revocation of certain areas of State forests, knowing full well that the present conservator, like others in the past, zealously guards our State forests. It is pleasing to note that when applications are made for areas of the State forests—as long as there is no timber on those areas, or they are sparsely timbered—the conservator allows revocation. This means that settlers and the like are able to take up that land for agricultural purposes.

Only two large areas are concerned in the resolution—one of some 350 acres with little or no timber on it; and the other in the vicinity of 270 acres, also with little or no timber on it. In making a deal in this matter, the conservator has not only assisted the settler by granting the land to straighten out his boundaries and shorten his fence line, but he has also assisted himself by shortening the boundaries of the State forests.

It is interesting to note that an exchange of three other areas was made and the exchange was in favour of the State forests; because whilst the settlers received comparatively small areas of lightly timbered land, they surrendered to the State forests a considerable area of heavily timbered country.

By and large I commend the resolution, and I again express appreciation for the fact that the Forests Department, despite what people in certain areas say—namely, that it is easier to get blood out of a stone than an acre of land from the Conservator of Forests—will, if the case is good, recommend partial revocation.

Question put and passed and a message accordingly returned to the Assembly.

BILL—BILLS OF SALE ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had disagreed to the Council's amendments now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

No. 1.

Schedule, Item 1—To delete all words from and including the word "passage" in line 3 down to and including the word "prescribed" in line 6 and substitute the word "words."

The CHAIRMAN: The Assembly's reason for disagreeing to all the amendments is—

> The fees involved are small and it is considered cumbersome to have to introduce legislation every time to amend fees.

The MINISTER FOR RAILWAYS: The purpose of the Bill is to increase the fees. Under the Act it is necessary to bring amending legislation here on each occasion. When the Bill was before this Chamber we did not disagree with the increased fees

but with that portion of the measure which sought to amend the Act and to obviate the necessity to bring down a Bill on each occasion. The Legislative Council, on the motion of Mr. Watson, deleted those provisions from the measure. This leaves the Act as it now stands so that for any future increases it will be necessary to bring a Bill before Parliament.

I agree—and I hope the Committee will, too—with the reasons that the Assembly has submitted for disagreeing with the amendments made by this Chamber. The increases obviously will be small.

Hon. Sir Charles Latham: They may be big.

The MINISTER FOR RAILWAYS: If they are, they can be disallowed, because they will have to be amended by regulation; and that is a much simpler method to deal with small matters of this nature than by introducing legislation. I move—

That the amendment be not insisted on.

Hon. H. K. WATSON: The Minister has fairly and squarely stated the issue. It is simply whether the increased fees, about which we have not argued the point, are to be set forth in the Act, or whether we are going to depart from a principle that has existed for 50 years, and amend the fees by regulation. I ask the Committee to insist on our amendments. It is probably more than 25 years since the fees have been increased, and it will probably be another 25 years more before it will be necessary to increase them again.

Hon. Sir Charles Latham: Will they ever be reduced?

Hon. H. K. WATSON: I am afraid not. Whether the fees are to be reduced or increased, I think Parliament should have a say on each occasion. All the amendments involve the same principle, and I hope the Committee will insist on them.

The MINISTER FOR RAILWAYS: I only want to point out that Parliament will always have a say whenever the fees are increased, if the Bill as printed is agreed to, because it will have to be done by regulation, and the regulations would need to be tabled.

Hon. Sir CHARLES LATHAM: I only want to point out that immediately Parliament went into recess the fees could be increased by regulation; and by the time we met in six months, the public would have become so accustomed to them that it might be dangerous to disallow them.

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

Ayes	12
Noes	15
Majority against	3

Ayes.

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan *(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	*(Teller.)*

Question thus negatived; the Council's amendment insisted on.

No. 2.

Schedule, Item 2—Delete all words from and including the word "prescribed" in line 7 down to and including the word "rate" in line 10.

The MINISTER FOR RAILWAYS: Despite the Committee's decision, I move—

That the amendment be not insisted on.

Question put and negatived; the Council's amendment insisted on.

The MINISTER FOR RAILWAYS: The other amendments to which the Assembly disagreed are as follows:—

No. 3.

Schedule, Item 2—Delete all words from and including the word "the" in line 17 down to and including the word "prescribed" in line 20.

No. 4.

Schedule, Item 3—Delete all words from and including the word "prescribed" in line 4 down to and including the word "fee" in line 6.

No. 5.

Schedule, Item 4—Delete all words from and including the word "as" in line 5 down to and including the word "prescribed" in line 7.

No. 6.

Schedule, Item 5—Delete all words from and including the word "prescribed" in lines 4 and 5 down to and including the word "fee" in line 7.

No. 7.

Schedule, Item 6—Delete.

The MINISTER FOR RAILWAYS: I move—

That the foregoing amendments be not insisted on.

Question put and negatived; the Council's amendments insisted on.

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

House adjourned at 8.25 p.m.