Mr. COURT: He has always been traditionally opposed to the commercial stations. There would only be the A.B.C. if he had his way, and he would vet its news, if he could.

Mr. Graham: I think that is the position in the home of conservatism in Great Britain, is it not?

Mr. COURT: The Minister is a bit behind! Commercial stations have been started under a Conservative Government.

Mr. Graham: Have they?

The SPEAKER: I do not think that is relevant to this Bill. This Bill covers insurance.

Mr. COURT: This Bill is just a further move in the Government's implementation, or its attempts to implement its policy of the socialisation of all means of production, distribution, and exchange. The Minister acknowledges that with a nod of his head.

The Bill is not necessary because the public is already well serviced on a highly competitive basis. Forgetting the life assurance field altogether, we have the tariff companies, the non-tariff companies, the so-called co-operative types of insurance companies and the mutual types. Not only do they compete within their own groups, but each group also competes one with the other; and if that is not full competition, I do not know what is.

Mr. Potter: It is still better to have another competitor in the field.

Mr. COURT: I repeat our proposition to the Minister regarding school children's insurance: We are prepared to support an amendment to the State Government Insurance Office Act, to permit the Government office to extend its policy to cover school children 24 hours of the day for seven days of the week, provided that the Government ensures in that amendment that there is equal opportunity for the private companies in competition with the State office. I oppose the Bill.

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

House adjourned at 6.1 p.m.

Legislative Council

Tuesday, the 9th September, 1958.

CONTENTS

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

QUESTIONS ON NOTICE.

MANJIMUP TIMBER-DRYING KILN.

Expenditure, Total Cost, Etc.

1. The Hon. F. D. WILLMOTT asked the Minister for Railways:

Will he inform the House—

(1) The cost of preparing the site of the timber-drying kiln at Manjimup?

(2) The total expenditure on the project to date?

(3) The estimated total cost of same?

(4) Is it the Government's intention to transport all timber to the kiln from Pemberton and Shannon River by rail?

The MINISTER replied:

(1) £14,844.

(2) £67,834 to August the 15th.

(3) Estimated cost was £85,000 to the stage of commercial operation but this will be exceeded.

(4) No, but consideration is being given to rail transport.

GERALDTON HOUSING.

Government Policy.

2. The Hon. L. A. LOGAN asked the Minister for Railways:

In view of the reply to my question on the 3rd September, regarding housing in Geraldton, wherein it was stated that the wastage of applications was approximately 50 per cent. and rental homes are vacated at the rate of 40 per year—

(1) Why has the Government policy or Housing Commission policy been altered to allow for the erection of 17 Commonwealth-State rental homes and no purchase homes?

(2) As the provision of additional purchase homes is urgently required in Geraldton, will the Government reconsider its policy in this regard?

The MINISTER replied:

(1) Because 30 per cent. of Commonwealth-State funds are now channelled through building societies for purchase homes the commission is utilising the balance for rental homes a substantial proportion of which will be erected in country areas. These homes may be purchased by the tenant in accordance with the agreement.

(2) It is anticipated that 20 purchase homes will be completed in 1958-1959 as against 35 rental homes. This is considered reasonable in proportion to pending applications. War service applications to build through the commission may be assisted without delay.

MANJIMUP HIGH SCHOOL.

Sports Oval and Further Improvements.

3. The Hon. G. C. MacKINNON asked the Minister for Railways:

(1) In view of the fact that the policy of the Education Department is to provide sports ovals at schools where sufficient area is available, when can it reasonably be expected that work will commence on such a project at the Manjimup High School?

(2) Is he able to state when further improvements at Manjimup High School will take place in respect of paving, grassing, water-supply, earthworks, tree and shrub planting etc.?

The MINISTER replied:

(1) Sports ovals at new high schools are usually provided during the third stage of erection.

(2) No. Stage 2 is to be constructed this year, but it is not certain when stage 3 will be required.

QUESTION WITHOUT NOTICE.

UNIFORM GENERAL BUILDING BY-LAWS.

Further Consideration by Crown Law Department.

The Hon. A. F. GRIFFITH asked the Minister for Railways:

Further to a question I directed to the Minister last week, asking him whether he would request the Government to refer to the Crown Law Department the matter of the uniform general building by-laws, in view of Mr. Gifford's comments on those by-laws, and to which he replied by saying he would refer the question to the appropriate Minister, would he tell me whether he has done so and, if so, whether any action has been taken or, if he has not done so, will he please do so?

The MINISTER replied:

The subject has been referred to the appropriate Minister, but I have not yet been advised further.

ABATTOIRS ACT.

Disallowance of Regulations Nos. 2A and 2B.

THE HON. L. A. LOGAN (Midland) [4.38]: I move—

> That Regulations Nos. 2A and 2B made under the Abattoirs Act, 1909-1954, as published in the "Government Gazette" on the 15th August, 1958, and laid on the Table of the House on the 19th August, 1958, be and are hereby disallowed.

To enable members to know what the regulations are I will read them out. They are as follows:—

> 2A. The Fund shall be kept at the Treasury and all moneys belonging to the Fund shall be placed to the credit of an account at the Treasury to be called the Midland Junction Abattoir Fund.
>
> 2B. The Fund shall be operated in the same manner as money in the Public Account.

I think it is as well to refer back a few years, to the setting up of the Midland Junction Abattoirs Board, in order to appreciate the reason why these regulations were tabled, and, in my opinion, the reason why they should be disallowed. Up until 1953 the Midland Junction abattoir came under the direct control of the Director of Agriculture and was purely a function of the Department of Agriculture. I think

it is safe to say that, during that period, the abattoir was run at a loss. In 1952, however, it became obvious that some reorganisation was necessary if the abattoir and yards were to function successfully, and it was considered that the time was then appropriate to set up a board. That board was set up on the 31st March, 1953.

The Hon. H. C. Strickland: The last act of the McLarty-Watts Government!

The Hon. L. A. LOGAN: Section 14 of the Act provides—

> The Board shall be a body corporate with perpetual succession and a common seal and may sue and be sued and compromise claims and actions.

Also, subsection (2) of Section 15 provides—

> Subject to the Minister the Board is authorised—
>
> (a) to maintain and manage the Midland Junction abattoir;
>
> (b) for the purposes of maintaining and managing the Midland Junction abattoir—
>
> (i) to employ and engage persons as Board employees;
>
> (ii) to enter into contracts;
>
> (iii) to establish and maintain reserve funds;
>
> (iv) to acquire and dispose of property;
>
> (v) to borrow money and obtain credit;
>
> (vi) to erect, equip, furnish, alter, demolish, replace and maintain buildings and plant; and
>
> (viii) to do such other things as are necessary for the purposes of maintaining and managing that abattoir, but shall not, without the written approval of the Minister enter into a contract involving a sum of more than one thousand pounds to acquire or to dispose of land, buildings, plant or equipment.

I think it is safe to say that the intention of the Act in those two sections is that the board should be automonous and that it should manage and control the Midland Junction abattoir in its own right, subject only to the Minister. If he thought that the board was getting off the track and was not doing its duty he had authority to step in and take over control. I know that it is Government policy for all funds handled by such boards to be paid into the Treasury and for the Treasurer to take charge of them and dole money out to the boards in dribs and drabs as he thinks fit. However, in my opinion, that is not the way to manage a business concern successfully.

If these men are placed in a position of trust such as this, and they have been selected as being men of high repute, surely they should be permitted to manage their own affairs! The Act states that the chairman must be a public accountant and one does not select a man of that standing unless he is of high repute and has the business knowledge and training to carry out that duty. So I am certain that when Parliament passed this Act, it was with the intention that the board should function as an autonomous body. It is obvious that the board has given this matter some thought in the past. Why the originally constituted board did not endeavour to break away from this policy of the Government, I do not know, but apparently that was considered.

However, when Mr. Hayes became the chairman and looked through the Act to ascertain what his real duties were, he became of the opinion that it was not being interpreted correctly and therefore considered he should do something about it. So, in its wisdom, the board decided to obtain legal advice and the advice that was given was that Sections 14 to 18 would give members that power which was intended when this board was set up. The legal opinion in regard to Section 15 was to the effect that the board was an autonomous body controlling its property and funds as a trading corporation; and there is nothing in the Act to suggest that any outside person shall have any right to interfere with the funds on which the board operates.

The opinion obtained also went on to say that it followed that neither the State Treasurer nor anybody else has any right to appropriate part of the funds, whether such part represents profits, reserves, or any other item. That was the legal opinion given to the Midland Junction Abattoirs Board and it was for this reason that the board endeavoured to take up a stand on the matter. It is obvious, too, that the Government also obtained legal advice and that the advice it obtained was similar to that given to the board; otherwise these regulations would never have been tabled.

So the Government, to extricate itself from an impasse after finding it was in the wrong, has tabled these regulations, so as to revert to the old system of paying everything into the Treasury.

The Hon. A. L. Loton: Has the board, under the existing system, made a profit?

The Hon. L. A. LOGAN: Since the board came into operation in 1954, in its first year it suffered an operating loss of £4,808 —that was in the year 1954-55. In the year 1955-56 it turned that into a profit of £33,103, and in 1956-57 it showed a profit of £2,395, but a considerable sum was placed in reserve. I believe that the Treasurer has also grabbed this reserve and placed the money into Treasury funds.

Unfortunately, although this is September, 1958, the statement of accounts for 1956-57 has not yet been tabled. I do not know why, because the Treasurer, in his financial statement, has given the details of the profits of the Abattoirs Board.

The Hon. H. C. Strickland: Has the board got it ready yet?

The Hon. L. A. LOGAN: It should be ready.

The Hon. H. C. Strickland: Has the board forwarded it for tabling?

The Hon. L. A. LOGAN: I should imagine so. The Minister should have seen it, anyway. It has been passed by the Auditor-General, because he mentioned it in his annual report. One point I want to make is that over the years the amount of loan money granted to the board has been increasing from year to year. It started off with an amount of £479,229. That was the money granted to the board to enable it to take over the operations of the Midland Junction abattoir. In 1952-53 the amount provided from General Loan Fund, including Public Works Department charges, was £29,545; in 1953-54 it was £137,433; in 1954-55 it was £139,275 and in 1955-56 it was £140,472, making a total, up to the 30th June, 1956, of £925,954; less sinking fund contribution amounting to £10,601, making the Loan capital liability at the 30th June, 1956, the net total of £915,353. If that is not in the annual statement for the following year, it is pretty difficult to work out what is going on. However, according to the Auditor-General's report, the capital in Loan Fund to the 30th June, 1957, is £967,670. It appears as if another £61,000 has been provided from Loan funds for the board to carry out further improvements. I have mentioned the profit for the three years; it is shown in the financial statement of the Treasurer as £74,921 net earnings. What happened to this amount? It has been paid into the Treasury. Although the board was borrowing money from Loan funds, the amount of its profit has not been deducted from the Loan advances. The advance from Loan moneys has been built up year by year, and the interest on that Loan money is booked against the board, as will be observed from the following figures. In 1955-56, the interest on Loan capital was £33,722, and the figure for 1956-57 was £41,589.

Although the board is making a profit, it is not being utilised to reduce the Loan capital on which the board has to pay interest. Surely that is not a right state of affairs? The position being as it is, that is what I think is happening to its profits. If this board is to control the Midland Junction abattoir as efficiently as it is required to do, then in my opinion it should have the right to control its own affairs.

It might be asked: Why pay in only the profits? Why should the Treasurer pay out the losses of the board from Loan funds and retain the profits? I maintain that a board which is efficient and which has proved its ability to make quite a large profit over the years since it has been in operation, is quite capable of managing its own concern. If the amount of profit the board makes is to be swallowed up by the Treasury, then I am afraid it will not try very hard in future, and instead of being an autonomous body, as it should be, it seems that the board is to be swallowed up as part and parcel of the Treasury.

I am perfectly certain these men will not try as hard to do an efficient job in the future if this sort of thing is to happen. The board endeavoured to force the issue by opening up an account with the Midland Junction branch of the Commonwealth Bank. The board paid some credits into that account; at the same time the board wrote to the Minister for Agriculture informing him that it intended taking that step. If the Minister controlling this department had any objection at all, one would have thought that he would be the first to ask the board to discuss the matter with him. The first intimation the board had that all was not well, was when the accountant of that branch of the Commonwealth Bank rang the manager of the Abattoirs Board and told him he had to close the boards' account and that all moneys had to be paid through ordinary channels. When the accountant was asked for that instruction in writing he referred the matter to the general manager of the Commonwealth Bank, who then informed the board that the Under Treasurer had requested that that action be taken—not a request from the Minister controlling the department, but from some outsider.

The Hon. H. L. Roche: The funds are paid into the Treasury.

The Hon. L. A LOGAN: The funds have to be paid into the Treasury, and the instruction was that they have to go through ordinary channels. It is quite wrong that when the board wrote to the Minister informing him of what action it had taken, which was in compliance with the letter of the Act, the Minister did not discuss the matter with the board. The request had to come from the manager of a bank through the Under-Treasurer. I believe the Minister will see the board at a future date, but he should have seen its representative then if he was dissatisfied with what they were doing. The board had to close that account with the Commonwealth Bank on the instruction of the Under-Treasurer and it had to pay all funds into the Treasury.

There is one other aspect to which I wish to refer. Quite a number of improvements have been effected at the Midland Junction abattoir over the last last four or five years, but every penny spent on such improvements has gone to the Public Works Department. All the work has been

done by that department, irrespective of cost. Although this board is supposed to be autonomous, it has no right to call tenders for any job. The board has to approach the Public Works Department and say that some improvement is required. The board has no opportunity of checking the costs of the Public Works Department against the costs of private tenderers, if they were able to tender, with a view to finding out the difference between the two costs. I have no objection to the Public Works Department tendering for these jobs if tenders are called openly and if the department can do the job efficiently; in my opinion there is no great objection to that being done. The board, at least, should have the right to call tenders.

The amount of profit which this board has made over the years leads me to believe—if the board carries on as efficiently in the future as it has in the past—that the time is not far distant when there could be a reduction in the killing charges at Midland Junction abattoir. Such a reduction would in turn mean a reduction in the price of meat to the consumer. That is an object towards which we should all strive.

The Hon. H. C. Strickland: We hope!

The Hon. L. A. LOGAN: Of course we hope that will come about. We must all try to find some means of reducing costs to the consumers of any commodity, if that is possible, even though in this case the commodity is meat, which is a big item in the consumer's budget. There could quite easily be a reduction in the killing charges with a consequential reduction in the price of meat.

There is one other important point to which I intend to refer. Since this board has been making quite large profits—

The Hon. H. K. Watson: That is a profit after the interest charges and everything else has been met. It is a surplus over and above all those charges?

The Hon. L. A. LOGAN: Yes. Let me make a comparison between the figures of the Midland Junction abattoir, which is conducted by the board in question, and the figures for Robbs Jetty, the South Fremantle abattoir, which is still under the old regime.

The Hon. F. J. S. Wise: I am afraid you have been quoting excessive profits. If you were to look at the Treasurer's financial return you would find a different story.

The Hon. L. A. LOGAN: He has set out the net earnings. A perusal of the returns from the other abattoirs which are still being run under the old regime shows a loss. Those abattoirs, of course, are still paying their moneys to the Treasury; they are still part and parcel of the Treasury.

The Hon. F. J. S. Wise: Kalgoorlie abattoir is still showing a profit.

The Hon. L. A. LOGAN: Yet with an efficient board set up, and with its affairs conducted by an efficient manager—I do not know the man but he appears to be doing a good job—no exception is made. It seems to me there could be some little animosity against that board creeping into the picture. The Government may not like this board to make a profit while the other abattoirs are showing a loss. That aspect might not come into the question; I do not know, but all I want to know is this: Why is it necessary, when there is an Act, when there is an efficient board performing a particularly good job and serving the community well; when it has been making a profit year by year, to turn round and make that board part and parcel of the Treasury Department?

As I said earlier, this particular legislation was passed with the intention of enabling a board to be established with autonomous powers. That is proved by the legal advice that has been given to that board.

The Hon. H. C. Strickland: Was that the intention?

The Hon. L. A. LOGAN: I am certain it was, and that has been proved by the legal opinion given. The Government apparently has been given the same opinion, because it is now introducing the regulations under discussion in order to overcome the difficulty. I hope the House will give serious thought to the proposition I have put forward. I am not attempting to make out that I am fully versed on all aspects of abattoir running, or of anything else. But I do not see any need whatever to get away from the original intention of the Act, and I ask the House to support my motion for the disallowance of these regulations.

On motion by the Hon. H. C. Strickland (the Minister for Railways), debate adjourned.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL.

Read a third time and passed.

CONSTITUTION ACTS AMENDMENT BILL.

Third Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [5.4]: I move—

That the Bill be now read a third time.

Question put.

The PRESIDENT: I have assured myself that there is more than a constitutional majority of members present and voting in favour of the motion. I therefore declare the question carried in the affirmative.

Question thus passed.

Bill read a third time and passed.

PLANT DISEASES ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 4th September.

THE HON. J. M. THOMSON (South) [5.5]: The purpose to which this Bill is directed will, when it becomes effective, be to afford far greater convenience to those people wishing to register their fruit trees and also to the Department of Agriculture, than has hitherto been the case. I consider it will be of greater advantage to the people concerned to be able to pay their license fee five years in advance than as at present, for one year. Of course the Bill leaves it optional; one can still pay the yearly registration fee, but I am sure that the longer period will be far more convenient.

The Department of Agriculture, no doubt, will appreciate the fact that there will be a saving in time, postage, stationery, and advertising costs, etc. I also consider it will be the means of a larger source of income for fruit-fly eradication, for which purpose the trust fund was created from the registration fees some few years ago.

Recent experience of the fruit-fly infestation has already demonstrated, of course, the need for a more stringent control, particularly over backyard orchards; and I would like to see some reference made in the Bill to notification of the approaching expiration of the five-year period to be forwarded to the people who are registered for that time, just as local governments forward notices in regard to licensing of vehicles. We are notified by them that the time is approaching when we must renew our license and it is indeed a good reminder.

The penalty for neglecting to register is a fairly severe one. The Act sets out the fixed amount of penalty per day for orchards or trees that are not registered, and I think that it is necessary to have included in the Bill some provision to cover that situation.

I feel that more control over the backyard orchards is absolutely essential and more frequent inspections are necessary. I venture to say, at this stage, that many of them are not inspected at all. I quite appreciate the fact that the Department of Agriculture would not find this a simple matter to overcome, because of the additional work necessary to be carried out by the departmental inspectors. I feel confident that there are people, living in the various centres, quite competent to be engaged temporarily to carry out the work of inspecting backyard orchards and to tender advice where necessary. I am sure that there are many people who grow a fruit tree or two and who have not the faintest idea that their trees are infested with this pest; and therefore I consider that an effective way of dealing with this situation would be to have somebody who is competent to advise them. The departmental inspectors would be fully engaged with the larger commercial orchards, which is a full-time job at this time of the year.

I would like to see the principal Act amended, so that it may be of more use to the people in the fruitgrowing industry who are, and could be, seriously affected by this pest. However I hope that the Government, this session, will take the necessary steps to ensure further action in the reduction of the pest, to alleviate the problems of the growers. In the meantime I will content myself with supporting the measure before this House.

THE HON. J. G. HISLOP (Metropolitan) [5.10]: I had hoped that this measure, when it was introduced into this Chamber, would have incorporated some of the suggestions which were made by the hon. Mr. Willmott in this House earlier in the session. It appears to me that hon. members of this Chamber regard the infestation of fruit-fly much more seriously than does the department. I do not know whether we are right in our concern, or whether the department is correct and this is just a periodic condition which can be kept under control.

I have looked back through Hansard and I am unable to find the exact date—but it must be more than seven or eight years ago—when I gave a long dissertation in this House on fruit-fly and its eradication. I received compliments from the department in regard to that speech. From what I can remember of it fruit-fly was having a considerable effect on the fruit in Perth and surrounding districts. However, no serious attempt seems to have been made to control fruit-fly since then except, of course, that from time to time we are told that there is a necessity for more spraying to be carried out, etc. etc.

But a lot more has been learned of the ravages of the insect, and of its life history, since then, and it seems that a much more active campaign than we have ever conducted in the past should now be instituted in the hope that we can control the pest before it really gets out of hand. We in the city, who eat the fruit which is sent to us from the fruitgrowing areas, know quite well—we see it quite frequently in the shops—that after fruit has been exhibited for sale in the shops for one or two days it shows evidence of fruit-fly. We know, too, that it has spread to parts of the State where it has never been seen before. I think we all hoped that the reasonable suggestion which was put forward by the hon. Mr. Willmott would have been accepted and certain amendments incorporated in this legislation.

I had a look at the hon. Mr. Willmott's suggestion and I found that it would be almost impossible for us to incorporate

it in this legislation by way of an amendment to the Bill now before us. We could alter the fee by taking out the words "prescribed fee" in the original Act and inserting in lieu the words, "a fixed fee"; but we could not direct the manner in which the money collected by way of the fees would be spent, because by doing so it would be a charge upon the public purse. As hon. members in this Chamber, we would have no idea whether the sum of money received by way of fees would be sufficient to cover the cost of a campaign for the spraying of all trees, such as the hon. Mr. Willmott envisaged.

I know that if such a campaign were instituted it would save those people who do own two or three trees, and who spray them, a good deal of money annually, and the work would be carried out efficiently for a cost of £1 per person, or garden. I know that I cannot do this work for £1 a year.

The Hon. A. F. Griffith: And neither can anyone else.

The Hon. J. G. HISLOP: Whether the department could do it for that figure I would not know. We cannot cover the whole plan by an amendment to this Act, but there should be no reason why we as a House should not ask that the prescribed fee be increased; or we could include in the Bill a fixed fee and then send a request to the other House to incorporate in the measure amendments to cover the remainder of the hon. Mr. Willmott's suggestion.

It seems to me that as a Parliament we have a duty, even though our suggestions are not acceptable departmentally, to pursue them in the belief that something constructive will be done because this insect should be eradicated, and a campaign directed towards that end should be instituted. The hon. Mr. Thomson also raised a very good point when he said that after five years, unless an individual is notified, he will have long since forgotten the matter of re-registering his orchard. I have looked through the legislation as far back as 1943 and I find—and I do not remember the Act having been altered much since then—that the penalty for a person who fails or neglects to register his orchard after one month, is a fine of £20, with a pursuing penalty of £1 for each extra day.

The Hon. L. A. Logan: Look at the revenue they are missing!

The Hon. J. G. HISLOP: Yes. To my knowledge the penalty of £20 for failing to register one or two fruit trees in one's backyard has never been implemented, and I do not see that such a provision has any real value. I would suggest to the Minister that, before this legislation is further proceeded with, he have a look at that aspect of it and that this clause be deleted or a further provision inserted to enable those people who pay once every five years to be notified at least one month before their next payment is due. Under this Act the onus is entirely upon the person to remember, and if he fails to do so he incurs a fine of £20 after one month. When one realises that in 1943 the fine was £20 for failure or neglect to notify a small backyard orchard, one realises that the Government of that day must have regarded it as a heinous offence, because £20 in 1943 was a considerable sum of money.

The Hon. A. F. Griffith: Measure it in terms of money today.

The Hon. J. G. HISLOP: Yes, and it becomes more like £50 or £100. Therefore the principal Act must have been regarded as a serious measure in those days. This Bill, although small, should not be regarded as such in importance because there are important phases of this matter which should be and which are not included in this measure. I ask the Minister to give further thought to these points, and I ask hon. members to give thought to increasing the fee and then requesting the Government to pursue the eradication of this insect more thoroughly than has been done in the past. Apart from that, I support the measure.

On motion by the Hon. F. R. H. Lavery, debate adjourned.

ELECTORAL ACT AMENDMENT BILL.

Second Reading.

THE HON. A. F. GRIFFITH (Suburban) [5.19] in moving the second reading said: Last year Parliament amended the Electoral Act to provide for a different method of recording what are commonly known as postal votes or sick votes. During the last Legislative Council biennial election we had an opportunity of seeing how these amendments worked. At the outset I would like to say that this small Bill, which I am introducing to amend the principal Act, does not answer all the problems or questions which occurred during the last election; and no doubt it will not prove to be the answer to all the problems that will crop up during future elections, which will be held under the sections provided in the Act for postal voting. The House might also remember that, as it was introduced, the Bill was not enacted entirely with my personal support. Quite to the contrary. I fought some sections of the measure as hard as I knew how, in the hope that the Government would take notice of some of the amendments I introduced. Unfortunately, however, at that time, the Government decided it was going on with its Bill in exactly the manner in which it was introduced. That was the form in which the measure eventually become law.

This Bill seeks to make two very small alterations. It provides an amendment to Section 94 of the principal Act, in respect

of a person who is qualified to act as a witness in the case of an elector making application for a postal vote, where that elector is outside the State of Western Australia. Under the legislation as it stands at the moment, if a man goes to Albany with his wife, and he happens to be a resident of Perth, or one of the suburbs, and there is no election in Albany and, because of the distance from the nearest polling booth he has to make an application for a postal vote, he can acquire the appropriate form, fill it in, and ask his wife to witness his application. And the wife could also ask her husband to witness her application.

In other words, it is an exchange of signatures on the two papers. This is permissible because the husband and wife qualify under the Act as electors on the roll for a district. But if the same people were to go to Adelaide, or to some other part of Australia, we find a rather absurd situation, in that the two people concerned could not exchange applications for signature. They must seek out some other person, as laid down in Section 94 of the Act, to be a witness to the applications. To my mind that proved to be an inconvenience to those who were in the Eastern States. I can see no difference whatever between two people being in Albany where there is no election in the district; and the two people in Adelaide, where there would be no election for that district.

The Hon. G. C. MacKinnon: They have the signature at the Electoral Office to check.

The Hon. A. F. GRIFFITH: That is so. They have the signature of the witness in the Electoral Office, where a person is an elector on the roll for the district, but they would not have the signature of the witness where the witness was a person other than an elector on the roll for the district; so that the person who witnessed an application for a postal vote in another State would have to name his qualifications.

Exactly the same sort of thing could apply where two, or more people were travelling from Western Australia to one of the other States. If two men go on a fishing expedition where there is no election in the district they are visiting, they can witness each other's application for postal votes. But if the two men go to Adelaide on business, it is not permissible under the Act, for each of them to witness the other's application. Clause 2 of the present Bill will amend Section 94 by adding to subsection (1) the words "any person who is enrolled as an elector on a roll for a district."

The meaning will then be much more simple. Two people going away together will be able to witness each other's application; and if a person is on his own he can seek, as a witness, somebody else that is provided for in the particular section of the Act. The other provision which my measure seeks to amend, is that portion of the Act which deals with postal voting; where the elector is an inmate of a hospital. Some hon. members may recall that I fought this provision as I thought at the time, very bitterly; I fought against the introduction of this provision.

I pointed out that I thought it was an absurd state of affairs that a man whose wife was in hospital, or a man who had a member of his family in hospital, could do everything for that member of his family up to the point of getting an application for a postal vote signed. At that stage it became taboo. In effect, the Act provides that no person being an inmate of a hospital shall have any dealings with anybody other than an officer of the electoral office, or a person to be authorised by him.

It may be remembered that I put forward the argument that in the case of an illness a man can do all the things required to be done. He can see that his relative makes a will; that he signs a transfer of land; that he executes some agreement; or that he makes a decision of great monetary moment. But when it comes to a question of applying for postal voting then that person has no right to deal with any member of his family, but only with somebody from the Electoral Office, or somebody authorised by the Chief Electoral Officer. In actual practice, in the last Legislative Council election, there were people who were inmates of hospitals and who, because of the provision in this Act, were defranchised and not permitted to vote.

It came about simply because a person in one of the hospitals in a district, in a neighbouring province to mine, asked the matron in charge of that hospital whether she would arrange for her to have a postal vote. The matron said, "I know nothing of it; I do not know how to attend to this matter." The husband of this lady communicated with me, and said that his wife was in hospital and wanted to vote in the election, but on making inquiries she was told that the matron had no knowledge of what had to be done to obtain a postal vote. He asked me what I could do about it.

I communicated with the Chief Electoral Officer, told him the circumstances and, after quite a lot of fuss and bother, he was able to get somebody in that hospital to accept the responsibility of taking the application forms to the various inmates of the hospital, and getting them to sign and deliver them to the Chief Electoral Officer. It was discovered, at this particular hospital, that there was a letter addressed to the matron, or to the owner of the hospital, which contained necessary documents and authorisations for her to become a responsible person.

But this lady was out of town and nobody opened her mail, with the result that no one in the hospital was the authorised person. I am informed that when it came to St. John of God Hospital nobody there—I can be subject to correction if I am wrong—wanted to accept the responsibility of this job; and the Electoral Office, after a good deal of trouble, had to send people to that hospital to see that the patients received their applications for postal votes.

To my mind, there is an injustice of a dual nature existing under this Act as it now stands on our statute book. The two injustices are these: It places upon some person, sometimes somebody not terribly willing to do it, the responsibility of seeing that people in a hospital complete applications for postal votes in compulsory elections, or in voluntary elections, if they desire to vote; and it takes away from a man the right to look after the needs of his family in this respect. I think that is a basic wrong.

This Bill will delete the appropriate section of the Act; and there will be no bar to a man resorting to the practice that is employed under Commonwealth parliamentary procedure in regard to postal votes. That is, if a member of my family happened to be in hospital, I could go along with the application, get the necessary signature and do everything that is required to be done. At the moment this is done by someone else. Quite a number of people, whom I represent, had difficulty in voting in the last election, because of that particular section.

This is trial legislation, but the legislation introduced into this Chamber last year was intended to be an improvement. In some respects, I think it was, but in others it was far from an improvement. I think that during the Address-in-reply debate the hon. Mr. Logan—there may have been others also—took exception to the fact that polling booths were taken away from people in certain districts, making it more difficult for them to vote. He said that the mail services were less frequent because of the discontinuance of certain railways and that this made it harder for certain people to receive their mail. I believe that to be very true.

Under the regulations, the Act provides that the Government may declare certain remote areas and, in actual fact, it did. When the hon. Mr. Logan was speaking, it appeared significant to me that if an area were so classed and there were insufficient people in a district to vote, the policy was that no polling booth was required. In the case of a remote area it is the duty of the Electoral Office, without waiting to be asked, to send a ballot paper to those people in connection with an impending election. Had the Electoral Office done that, people in the country would have been more justly dealt with, and I hope that in future something of that nature will be done.

I repeat that this Bill is not the answer to all problems which exist, and I hope that country members, who have had experience of the operation of the parent Act, will make some contribution to this debate and tell us in greater detail what the position is from a country point of view. They will be in a better position to do this, as I have been involved in the metropolitan area. As a result of what they tell us, I hope in the interests of justice, that the Government will put right the things which were wrong in practice on the occasion of the last Legislative Council election.

The Hon. H. C. Strickland: Nobody is barred from voting. All people are permitted to vote.

The Hon. A. F. GRIFFITH: I agree that everybody whose name is on the roll is permitted to vote, but it is obvious to me that the Minister was not aware of what has taken place. Let us look at a remote area —

The PRESIDENT: The second reading of the Bill deals with Sections 94 and 95.

The Hon. A. F. GRIFFITH: Sir, in some of the remote areas, of which I am speaking, there were hospitals, and the people in those hospitals had to make application for postal votes in accordance with the provisions of the parent Act. If I connect up the hospitals with the remoteness of the districts concerned, I feel you will allow me to go on in these terms.

Some areas were so remote and the mail service so bad that it took a long while for an application for a postal vote to be received by the Chief Electoral Officer; and the person concerned did not get a ballot paper in time. If he did happen to receive it in time he was not able to return it to the Electoral Office in accordance with the provisions of the Act.

Another point on which I wish to speak is the envelope containing the postal votes. In some cases, because the envelope which contains the ballot paper has all the particulars on the outside—the name, address, occupation and qualification of the elector—when it is folded, instead of going to the Chief Electoral Officer, 81 St. George's Terrace, Perth, Western Australia, it goes back to the addressee, because the postman takes notice of what is on one side of the envelope, instead of that which is on the other side. I suggest that the Government should examine this question and have the printing reversed, so that when the envelope is folded only the address of the Chief Electoral Officer will be in evidence, and then the envelope will not be returned to the person making the application, as did happen in some instances during the last election. I hope the House will approve of the measure, because I believe it will make a slight improvement to the legislation as it now exists. I move—

That the Bill be now read a second time.

THE HON. A. R. JONES (Midland) [5.41]: I do not intend to oppose the Bill, because I believe the hon. Mr. Griffith is making an honest endeavour to improve the existing position which, in my opinion, needs a lot of improvement. In fact, when the amending measure was before the House last year, I argued that the old system was the better of the two and, after the experience of the last Legislative Council election, I am confirmed in that opinion, particularly as regards the country areas.

The two small amendments contained in this Bill will, if agreed to, make the position easier for some people; but there are several anomalies that will still exist and I feel it is asking too much for a person who is enrolled to have to go to all the trouble that the application calls for, when applying for a postal vote. In the first place, it is not always possible to get a witness, and let alone one who is on the roll for the same district—

The Hon. A. F. Griffith: That is not necessary.

The Hon. A. R. JONES: It is not always possible to get, as a witness, someone who is enrolled. I came up against this position forcibly during the last election, when people living on stations had no opportunity to have a vote under the present system, because very little publicity, if any, was given to the alterations that had been made. The position was that the election came too soon after the change had been made and these people lived a long way from any postal services—I refer to people who have only one postal service a fortnight. Even if they had known exactly what the position was, they would still have been absolutely disfranchised at the last election, and I believe that any system which disfranchises people or does not give them a reasonable chance to vote, requires a thorough overhaul.

Although the old system of voting had disadvantages, it was much better for many people in country areas than is the present system. I do not know whether the Government has received many requests to have the present system changed or amended, but I suggest that there is plenty of room for action in that regard. Why is it necessary for a person to have a witness at all? When one goes to a polling place to vote one gives one's name and the returning officer examines the roll, and on finding that the name is there he draws a line through it and issues the slip on which the vote is made.

The Hon. G. C. MacKinnon: I have heard stories about some areas where that had to be checked up on.

The Hon. A. R. JONES: If it is sufficient for me, on going to a polling place, to say that I am the person concerned, and for the returning officer to accept my word, why is it necessary, when applying for a postal vote, to have a witness? The applicant's name on the master roll and his signature can be checked, so why is all this necessary. If any-one studies the form concerned, I believe he must come to the same conclusions as I have reached; that no person would worry about a postal vote under the present circumstances unless he was extremely conscientious or urgently desired to register a vote.

During the last election I called at Kookynie, where for 40 years there had been a polling place; but on the Sunday prior to the election those people did not know that they were no longer to have a polling place. They had not been informed to that effect and their only chance of knowing would have been to read it in the paper, which they would not receive until the following Tuesday, by which time it would be impossible for them to make application for a postal vote, receive the form and return it to any returning officer. Members may recall that it was not until the Friday prior to the election that the Electoral Office eased the conditions, by allowing postal votes to be delivered to any returning officer at any polling place before 8 p.m. on the Saturday. Prior to that announcement, which was received in Kalgoorlie on the Friday, a postal vote had to be returned to Perth by 6 p.m. on the Friday preceding the election.

When one considers all the difficulties which were placed in the way of persons wishing to make postal votes, it is no wonder so many people were disfranchised. I feel that if the Government or the Electoral Office has no plans to amend the Act as it stands, urgent action in that regard should be taken. A further point involving postal votes arises; why was it necessary for the Government to cut out so many of the polling places? Surely, if it had been right for the people of Kookynie to have a polling place for 40 years, it would have been right for them to have it at the last election, because they are about 40 miles from the next polling place, which I think is at Menzies! When I asked the electoral officer the reason for it, he said it had been done to keep down expense; but that reason was not upheld, because while the people of Kookynie were denied the right to have a polling place and were absolutely disfranchised, owing to the circumstances I have mentioned, there were—if my memory serves me rightly, 12 or more polling places in Kalgoorlie, within two square miles, which meant that no-one had to travel more than a quarter of a mile to a polling place.

There was no attempt at saving person nel or expense at Kalgoorlie, because at some polling places as many as six returning officers and assistants operated, while at the smaller polling places there may have been only two. During polling day one had opportunity of seeing, in some instances, at least four of the personnel

sitting out in the sun and doing nothing for a considerable part of the day, leaving the remaining two to do the work.

The PRESIDENT: I am afraid the hon. member is getting away from the Bill.

The Hon. A. R. JONES: I am afraid I am. I mentioned those points in an endeavour to emphasise to members the fact that the Act still leaves much to be desired. If booths were properly manned and made available for the people, the position would be entirely different. Surely, after the explanation I have made, the Minister will take cognisance of my remarks and perhaps take the matter up with the electoral officers, to ascertain whether an alteration can be made to improve postal voting facilities. Even those two amendments will ease the position slightly. In view of the fact that we will have a more comprehensive Bill brought before us at a later stage, I will have something further to say then. I support the second reading.

On motion by the Hon. H. C. Strickland (the Minister for Railways), debate adjourned.

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 4th September.

THE HON. G. C. MacKINNON (South-West) [5.51]: This small Bill is a measure that has been introduced by agreement between all interested parties. It deals with several different aspects of the Legal Practitioners' Act and I will make brief comment on some of them. In regard to the law library, the move to rationalise the control of that library seems perfectly reasonable. However, I would ask the hon. member who introduced this measure one question; namely, is Clause 2 of the Bill intended to empower the Barristers' Board to regulate the persons permitted at present to use the library?

I would point out that the library is available, at the moment, not only to legal practitioners, but also to members of Parliament, judges, magistrates and officers of the Crown Law Department. If the Barristers' Board passes a by-law nominating the people who can use the library, I hope it will bear in mind those who, traditionally, have been able to avail themselves of the books there in the past and will not impose any restriction on them in the future. That is a simple enough request and I feel quite sure it will be agreed to.

With regard to the rest of the Bill, there is one clause, dealing with law students, which is a perfectly logical move. It is designed to permit the university to run a full-scale graduation and not be obliged to give the law students permission and, also, to award their degrees at a special time. The abandoning of the 30 guineas admission fee is considered by quite a number of barristers to be a good idea, but they asked what chance there is of having that provision post-dated. I pointed out that that would be a little too difficult to implement.

The provision relating to a member of the legal profession who has been struck off the roll, is a very humane one. It does not, of course, affect a member of the legal profession who has been disbarred. There are, from time to time, lawyers who have been struck off the roll for one reason or another and who have made a come-back and have rehabilitated themselves to a degree where they could quite reasonably be employed in or about a legal office. This Bill will make it possible for them to take that employment for which they are fully trained. An adequate safeguard is, that they have to obtain the permission of the Barristers' Board.

The final clause deals with the increase from £20 to £50 in the penalty imposed for an infringement of this Act. I have spoken to several members of the legal fraternity about it and they seem to think that on present-day values it probably represents a realistic approach to the question. With those few comments, I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

The Hon. W. R. Hall in the Chair; the Hon. E. M. Heenan in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 6 amended:

The Hon. J. G. HISLOP: Will the sponsor of the Bill explain the relationship of the law school to this library? Whilst this is altering the control of the library to some extent, I am wondering how the training of the students is associated with the library? I asked that question because recently we altered the medical library. This used to be the British Medical Association library but it was taken over and sponsored by the university. Eventually the British Medical Association, which subscribed heavily to it, may increase or decrease its subscription. However, the university will probably become fully responsible for its control because of its being the medical library in this State.

The Hon. E. M. HEENAN: This library existed long before a Faculty of Law was established at the University of Western Australia. I understand that the university has its own separate library and the students have access to it. They also have access to the library at the Supreme Court, which is the one under discussion. It is quite a common sight to see young

law students browsing through the books in that library and when they become articled they pay frequent visits to it.

I emphasise that the library at the Supreme Court is something separate from that at the university, but it is, of course, available to anyone associated with the Faculty of Law. It would be a more adequate and complete library than the one at the university. It is financed principally by the Barristers' Board and by contributions made to the Barristers Board by the legal practitioners of the State. I hope that clears up the point raised by the hon. Dr. Hislop.

The Hon. J. G. HISLOP: It seems to me there is a possible duplication with a library at the university and another at the Supreme Court. I wonder if it would not be wise to do in this case, as we have done in the medical profession, by incorporating all the literature that is necessary and available to the study of law in one library.

Clause put and passed.

Clauses 3 to 7, Title—agreed to.

Bill reported without amendment and the report adopted.

BILLS (4)—FIRST READING.

1, Noxious Weeds Act Amendment.

2, Argentine Ant Act Amendment (Continuance).

3, Rural and Industries Bank Act Amendment.

4, Land Act Amendment.

Received from the Assembly.

JUNIOR FARMERS' MOVEMENT ACT AMENDMENT BILL.

Second Reading.

THE HON. F. R. H. LAVERY (West) [6.6] in moving the second reading said: This Bill seeks to amend the Junior Farmers' Movement Act. Hon. members will recollect that among several amendments made to the principal Act last session was one to permit the staff of the council for the advancement of the junior farmers' movement to contribute to and enjoy benefits under the superannuation fund established under the Superannuation and Family Benefits Act, 1938. At the time, however, it was overlooked that Section 7 of the Junior Farmers' Movement Act specifically states that the council is not a Crown agency or instrumentality.

As hon. members will realise, this provision prohibits any of the staff of the council from contributing to the superannuation fund, as the Superannuation and Family Benefits Act provides that a contributor must be an employee of a Government department or Crown instrumentality, etc.

To overcome this, the Bill proposes that if the Junior Farmers' Movement Council so wishes, it may apply to be regarded as a department for the sole purpose of obtaining superannuation privileges for its staff.

The Bill states specifically that this procedure will in no way create the council a Government department or Crown instrumentality for any other purpose than obtaining superannuation privileges. Nor will any employee be compelled to join the superannuation fund. I move—

That the Bill be now read a second time.

On motion by the hon. L. A. Logan, debate adjourned.

BROKEN HILL PROPRIETARY STEEL INDUSTRY AGREEMENT ACT AMENDMENT BILL.

Second Reading.

THE HON. F. J. S. WISE (North) [6.8] in moving the second reading said: This Bill seeks to amend the Broken Hill Proprietary Steel Industry Agreement Act. The parent Act was an Act to ratify a confirmed agreement relating to the establishment and working of steel rolling mills and other works; to grant certain mineral leases and other rights; and for other purposes.

The parent Act has an extremely wide ambit, but this Bill seeks to amend two particulars only. The principal Act, the operations of which this Bill aims to amend, provides that no more than 50,000 tons of iron ore shall be taken in any one year from the deposits at Koolyanobbing, which is situated approximately 30 miles northwards from Southern Cross. It also provides that this provision shall be continued for a period of 10 years—that is, from the passing of the Act in 1952—and in Section 5 gives to Parliament the right specifically to amend other conditions which were outside the agreement. Indeed, the two provisions with which this Bill deals are not mentioned in the agreement itself.

Section 5 deals with certain leases which are named in the Schedule of the Act. At Koolyanobbing, which is now the source of supply for Wundowie, almost the complete quantity of iron ore being used at Wundowie coming from this source, there is a very considerable and valuable deposit of iron ore. The quantities have been mentioned recently in this Chamber by the hon. Mr. Mattiske, and many comments were made upon that question on a debate last session.

The board of management of the charcoal iron works at Wundowie has already drawn from this source a greater quantity of iron ore in one year than that provided in the 1952 Act. This Bill is not merely to ratify, or remedy, or authorise that action, but also to give to the board of

management at Wundowie the right to take from those deposits the quantity necessary for them to continue in their already expanded and continually expanding production.

It was mentioned, when this Bill was introduced in another place by the Hon. the Premier, that should an expansion of the charcoal iron industry be made in the near or distant future, and additional works established in another part of the State, a proposition for the taking of greater quantities of iron ore from Koolyanobbing would be presented to Parliament. It seems strange that any Act of Parliament, containing a specific agreement, should also contain provision which requires Parliament to decide whether the State shall have the right to use its own reserves and assets.

It is strange, too, that provision should appear in an Act, which dealt particularly with the establishment of steel rolling mills in this State, for conceding the right to a firm to have the sole right to use one of the greatest iron ore deposits of the world. But this Bill is to remedy the situation which I have previously mentioned and, to give authority to use more than 50,000 tons of iron ore at Wundowie; and the Bill specifically mentions "the producing of charcoal iron and steel at the works established at Wundowie."

The Hon. L. A. Logan: What would be the position if they started a charcoal iron industry in the South-West?

The Hon. F. J. S. WISE: The Bill mentions that, for the specified period of 10 years, only that quantity can be taken from Koolyanobbing.

Sitting suspended from 6.15 to 7.30 p.m.

The Hon. F. J. S. WISE: I had mentioned that the parent Act states that for a 10-year period, from 1952, the total tonnage which the State may use from the Koolyanobbing deposits is 50,000 tons per annum; because of the expansion at Wundowie more than 50,000 tons have been used in one year, and as it is anticipated that 80,000 tons will be needed to keep the industry going at that centre, the provisions prescribed in this amending Bill are required, and they are required rather urgently, not only to give to the industry at Wundowie the requisite amount of iron ore—although it is from the State's own deposits—but also to ratify what has already been done outside of the parent Act.

The Hon. H. L. Roche: Do you mean the State has been exceeding what has been set out in the Act?

The Hon. F. J. S. WISE: The State has been so limited that 50,000 tons per annum, as prescribed in Section 3 of the parent Act, is all that it may legally take from Koolyanobbing.

The Hon. H. K. Watson: And in contravention of the agreement as well as the Act?

The Hon. F. J. S. WISE: No. It is strange that both the provisions dealt with in this Bill, are within the parent Act, but the agreement does not mention the restriction placed on Koolyanobbing. The agreement is the First Schedule to the Act of 1952, and, although many things are included in it, there is no mention of the restriction placed on Koolyanobbing. Koolyanobbing is mentioned as mining reserve No. 1258H. It appears in the Second Schedule to the Act and it is described therein but it does not appear in any other part of the agreement itself.

The Hon. H. L. Roche: So it would not contravene the agreement if mention of Koolyanobbing was taken out of the Act?

The Hon. F. J. S. WISE: Not a scrap, and that is within the scope of Parliament. However, in this case the Government desires, and I am sure Parliament desires, that the expanded industry at Wundowie shall receive all the iron ore necessary for it to continue to expand. The Premier made it quite clear in another place that he had no objection to circumscribing this Bill to deal with Wundowie only; and if there is a need for an industry to be established in another part of the State he will without doubt consult Parliament if the 10-year period has not expired. The 10-year period is prescribed in Section 3 of the parent Act, and until that period has elapsed it is thought necessary that Parliament should amend the tonnage mentioned to enable the industry to use all the iron ore that is required for its own purposes.

The only aspect of the parent Act before the Chamber, through the introduction of this Bill, is to increase the tonnage and to limit the use of the increased tonnage to the Wundowie enterprise; although, as I said earlier, it appears to me to be ridiculous that the State should require the authority of Parliament to enable it to use its own resources for its own purposes. However, it is necessary that this Bill be passed, and I commend it to the House. I move—

That the Bill be now read a second time.

On motion by the Hon. R. C. Mattiske, debate adjourned.

LOCAL COURTS ACT AMENDMENT BILL.

Second Reading.

THE HON. E. M. HEENAN (North-East) [7.35] in moving the second reading said: This Bill proposes to amend Sections 121 and 126 of the Local Courts Act of 1904-1957. Both of the sections are con-

tained in Part 8 of the Act which deals with the enforcement of judgments. Section 121 reads as follows:—

> In any case in which a judgment is entered up or given for the payment of money the clerk on the application of the party in whose favour the judgment was entered up or given may issue a warrant of execution, which shall be directed to the bailiff of the court.

Section 126 reads as follows:—

> A bailiff under a warrant of execution by which he is directed to levy a sum of money, may seize and take, and cause to be sold any goods which the person named in the warrant is or may be possessed of or entitled to, or which he has power to assign or dispose of: Provided that the following goods shall be protected from seizure:—
>
> > Wearing apparel of such person to the value of £5, and of his wife to the value of £5 and of his family to the value of £2 for each member thereof dependent on him; bedding to the value of £10, household furniture to the value of £10, implements of trade to the value of £15; family photographs and portraits.

What happens in effect is that when a warrant of execution is issued the bailiff goes to the home of the defendant and makes a seizure of sufficient articles belonging to the defendant to satisfy the amount of judgment plus whatever additional costs may be incurred. It will be noted, however, that at present he is precluded from seizing the articles specified in the proviso to Section 126. For the benefit of hon. members I will re-read the articles that are at present precluded. They are: Wearing apparel of such person to the value of £5; of his wife to the value of £5, and of his family to the value of £2 for each member thereof dependent on him. Bedding to the value of £10; household furniture to the value of £10; implements of trade to the value of £15, and family photographs and portraits. Having seized the various articles, the bailiff holds them for a certain period—I think he must hold them for at least five days—and unless the judgment is satisfied in the meantime he advertises them for sale.

The articles are then sold and the proceeds applied in satisfaction of the judgment and costs involved. Any surplus is refunded to the defendant. Land can also be seized and sold under a warrant of execution in a somewhat similar manner. Once the bailiff has seized goods or land, there is nothing the unfortunate defendant can do but pay up; or go through the heartbreaking experience of seeing his name published in the newspapers, and his goods or land subsequently sold.

In fairness to the majority of bailiffs I should mention that they usually try to help out if at all possible and, quite frequently, a sale takes place only as a last resort. However, the bailiff must do his job, and if the plaintiff insists that he goes through with it, he must do so. The amendment proposed to Section 121 provides that when a seizure has been made under a warrant of execution, the person named in the warrant may, within five clear days of the seizure, apply to the local court for a stay of execution. A magistrate may then, if he deems it expedient or advisable, stay the execution for such period, and upon such terms and conditions, as he may deem reasonable.

Of course, he may also refuse altogether to stay the execution. Only recently I heard of a case where an old couple, both pensioners, had a warrant of execution issued against them for an amount of about £60. Their refrigerator and certain other articles were seized by the bailiff; and although they offered to pay the judgment at the rate of 30s. per week—which was the utmost they could possibly afford—the plaintiff would not withdraw the warrant, and directed that the bailiff proceed with the sale. This is an actual case which has come under my notice.

The Hon. H. K. Watson: How did the debt arise?

The Hon. E. M. HEENAN: The debt was quite properly owing and the plaintiff was entitled to his money.

The Hon. A. F. Griffith: It must have been the subject of a judgment.

The Hon. E. M. HEENAN: Yes. The plaintiff had obtained a judgment under quite proper circumstances. It was a judgment of the court, and I make no question about that. Also the plaintiff, as the law now stands, was entitled to issue the warrant of execution. The bailiff, in pursuance thereof, did his job in seizing the refrigerator and other articles which were sufficient to cover the amount named in the warrant. These articles did not come under the heading of the exceptions which I have already read out.

However, it seems to me that the unfortunate old couple did their best in the circumstances, by offering to pay off the debt at 30s. per week; and the question arises whether, in all fairness and equity, we should not give a magistrate the discretion of saying "I think that is fair in the circumstances and I am not going to let this warrant of execution proceed, while this old couple pays 30s. per week." As I was saying, this is an actual case, but similar circumstances can readily be visualised. That is why I think an appeal to a magistrate should be provided. After dealing with the facts of each case, a magistrate should be in a position to make a fair determination, and to lay down terms and conditions that are equitable. If the defendant is not deserving of any consideration, it is unlikely that he will receive any.

That is the rather important amendment which this Bill proposes making to Section 121. It will give any person whose goods or land are seized by a bailiff, pursuant to a warrant of execution, the right to go to a magistrate and apply for the warrant to be stayed. There might be circumstances of sickness; time might be required to raise the money, or other circumstances could crop up.

The Hon. A. F. Griffith: If the warrant is stayed by the magistrate does it still operate over the goods seized?

The Hon. E. M. HEENAN: Yes. In the particular case such as that of the old couple who owed £60, if this amendment had operated they could have applied to the magistrate within five days of the seizure. I should imagine they would have put up their case somewhat like this: They would tell the magistrate they were old; that they were both in receipt of a pension; that they had no money in the bank and that it was impossible for them to pay £60 in a lump sum; that the best they could offer was 30s. per week. Also they would undertake to continue to pay 30s. per week. In the circumstances, and if I were a magistrate, I think I would make an order that so long as they paid 30s. a week the warrant was to be stayed.

The Hon. H. K. Watson: Would that enable the two pensioners to dispose of the refrigerator, or give it away and the creditor lose the security he would otherwise have?

The Hon. E. M. HEENAN: No. I think the magistrate would have that in mind and stay the warrant for such a period and upon such terms and conditions as he might deem reasonable.

The Hon. H. K. Watson: Don't you think that should be covered in the Bill?

The Hon. E. M. HEENAN: There has already been a seizure.

The Hon. W. F. Willesee: The articles are proclaimed already.

The Hon. A. F. Griffith: Your Bill does not say the magistrate can make an order to pay.

The Hon. E. M. HEENAN: It says—

> the Magistrate may, in any case where for any reason it appears to him expedient or advisable, order that such execution be stayed—

The Hon. H. K. Watson: It could be stayed indefinitely.

The Hon. E. M. HEENAN:

> —for such period and upon such terms and conditions as he may deem reasonable.

I am not asking that the warrant be withdrawn or struck out; it is stayed.

The Hon. A. F. Griffith: Do you think he could make a penalty the same as under a judgment summons?

The Hon. E. M. HEENAN: There are already penalties provided under the Act for attempting to dispose of articles once they have been seized by the bailiff. In that there is ample protection.

The Hon. A. F. Griffith: I mean in default of the payment of 30s. a week.

The Hon. E. M. HEENAN: If I were the magistrate in the circumstances outlined, I would make an order calling on the bailiff to stay his execution—not withdraw it. The bailiff would remain in possession. Normally it is a nominal possession. The articles remain in the house. The bailiff can remove them if he so desires, but in the majority of cases he makes a seizure and leaves the articles in the house—at least for the time being.

A magistrate therefore would probably order that the warrant be stayed for such time as the defendant paid the 30s. every week and until the whole amount was satisfied; in default of any payment the bailiff would proceed. I am sure our magistrates are capable of handling such situations—they fully realise that the person to whom the money is owing is probably in need of it and also deserves consideration.

The next amendment deals with Section 126. I have twice read out the list of articles which are at present protected, and I am sure most members are satisfied that the amounts are totally inadequate these days. Wearing apparel of such persons to the value of £5—

The Hon. J. M. A. Cunningham: The price of a shirt!

The Hon. E. M. HEENAN: —and of his family to the value of £2 for each member dependent on him; bedding to the value of £10; furniture to the value of £10; implements of trade to the value of £15, and family photographs and portraits. This Bill will delete the whole of those items and substitute the following:—

> Wearing apparel of such person to the value of fifty pounds and of his wife to the value of fifty pounds and of his family to the value of twenty-five pounds for each member thereof dependent on him; household furniture and effects (other than beds and bedding), radio sets and refrigerators to a value not exceeding in the aggregate three hundred pounds; —

The Hon. H. K. Watson: As against £10 at present.

The Hon. E. M. HEENAN: Yes. Continuing—

> implements of trade to the value of one hundred pounds; all beds and bedding; family photographs and portraits.

The Hon. J. M. A. Cunningham: Isn't it contradictory? There it says "other than beds and bedding" and later it includes them.

The Hon. E. M. HEENAN: They are excluded. It says "Household effects other than beds and bedding." I think it has been put in for greater clarity and to emphasise the fact that beds and bedding are no longer to be seized. These days we have reached a stage where we do not want a person's bed and bedding to be seized.

Wearing apparel to the value of £50 is not very much these days. The £25 each for the dependent members of the family would amount to an overcoat and a couple of pairs of shoes.

The Hon. H. K. Watson: You do not mention television sets, but you mention radios and refrigerators.

The Hon. E. M. HEENAN: Household furniture and effects includes radio sets and refrigerators to a value not exceeding in the aggregate £300. They are to be protected. I do not think that is going too far these days, because it has to be remembered that the warrant of execution is not the only means of enforcing the judgment. There are several other ways of enforcing payment; and when a warrant is issued against anyone, I do not think it is being too generous and too humane to exempt furniture to an extent of £300: The average member of the community has furniture and effects to a far greater value than £300. Indeed, it would be a very poor individual whose furniture and effects were valued at that amount. In conclusion I would point out that there has been no amendment to Section 126 of the Act since 1938; a period of 20 years, in which the value of the pound has diminished greatly. I believe that during that 20 years we have come to take a more humane and generous view of matters such as this. The Bill will not prevent people from collecting money due to them, but will preclude a bailiff from selling furniture and household articles belonging to poor people, in the circumstances I have outlined. I am sure the Bill will receive generous consideration from members and I will be pleased to hear their views on it. I move—

That the Bill be now read a second time.

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

LICENSED SURVEYORS ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 4th September.

THE HON. L. A. LOGAN (Midland) [8.3]: This Bill needs little debate. Its sole purpose is to achieve reciprocity, and I therefore support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 4th September.

THE HON. J. M. THOMSON (South) [8.4]: I support the Bill, because I appreciate the necessity for maintenance orders to be enforced against persons who may leave this country in order to avoid their obligations to their wives and families. The measure will ensure the enforcement of maintenance orders in countries which were previously British Dominions, but which now, through a change in status, are part of the British Commonwealth; as well as other countries. If the law is to function properly there must be reciprocity in this regard, so that people cannot dodge their responsibilities as they have hitherto been able to. I support the second reading.

THE HON. R. F. HUTCHISON (Suburban—in reply) [8.6]: I thank members for their contributions to the debate. This is a simple measure and I believe all members will agree that it is a fair and necessary one, as it will do away with a lot of the worry experienced by wives who have been deserted. When I was in Singapore some years ago I saw one person there who was quite satisfied with himself because he was beyond the jurisdiction of the courts of this State, and I do not think people such as that should be allowed to escape their obligations so easily.

Question put and passed.

Bill read a second time.

In Committee.

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

STATE HOUSING ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the 4th September.

THE HON. H. K. WATSON (Metropolitan) [8.10]: This Bill is designed to clear up one or two ambiguities in Section 60 of the State Housing Act. Members may recall that in 1954 it was decided that, in the case of a worker within the meaning of the Act, who desired to acquire a new home of a value of £3,000—that is the house, plus the value of the land—the State Housing Commission

should be enabled to grant to that person a loan on second mortgage, if he was unable to arrange the whole of the finance himself.

There is more than one way in which a person can acquire a new house. He can have his own block of land and build the house himself, either with or without the assistance of sub-contractors, by what is generally referred to as the self-help method. He can let the contract to a builder and have the house built for him, or he can approach a builder who has just completed a dwelling and buy it and the land from that builder. Whilst it was intended, in the Act of 1954, that a person doing any of those three things could obtain a loan on second mortgage from the State Housing Commission, it has been found that the last case is not covered by the Act. That is to say, the person buying a new ready-built house rather than building one himself is not covered.

The Bill is designed to include that class of person among those who may be assisted. As to whether, on the precise wording of the Bill, that objective would be achieved, there is room for difference of opinion, but that aspect can be dealt with during the Committee stage. The only other point is that the Act at the moment provides that a man can build a house, but it makes no provision for a person living in a partially built house, as so many do today, and then enlarging or completing it. The Bill will provide that financial assistance can be granted also to a person in that category. In the main, the Bill does little more than tidy up some drafting weakness in the parent Act of 1954. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 60A amended:

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

> Page 2, in line 22—Delete the words "built at a cost" and substitute the words "of a value."

The amendment relates to the final paragraph—paragraph (c) on page 2—and the words "built at a cost" there can only mean, built at a cost to the builder who ultimately sells it to the person who will occupy it, and who is the person who wishes to receive the loan. It seems to me that the cost to the builder is not the true criterion. The true criterion, in my opinion, is the value of the property for which the purchaser is paying. Only this afternoon we passed the third reading of a Bill which cleared up an ambiguity in another Act, so I think we should make the position quite clear in this legislation and ensure that there is no room for doubt in the existing wording.

The Hon. G. E. JEFFERY: I agree with the amendment. As the hon. Mr. Watson has said, it is an attempt to clarify the wording in the Bill and there is no intention to change its tenor.

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

Title—agreed to.

Bill reported with an amendment.

House adjourned at 8.18 p.m.

Legislative Assembly

Tuesday, the 9th September, 1958.

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