Legislative Assembly

Thursday, 10th September, 1953.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

HEALTH.

(a) As to Adequacy of Bridgetown Water Supply.

Mr. HEARMAN asked the Minister for Health:

(1) Is he aware that storage in the Bridgetown Dam today stands at 11,500,000 gallons as opposed to 20,000,000 at this time last year?

(2) Is he aware that in Bridgetown there are dependent on the town water supply scheme septic tanks installed as follows:—

One hundred and fifty in private homes and shops;
one hospital;
four hotels;
three boarding-houses, housing some 60 people as well as staff;
one road board hall and offices;
one convent school, with 120 pupils;
one club;
two bank offices and quarters;
one railway barracks accommodating 20 to 40 men;
one apple-packing shed?

(3) Is he aware that there are at present under construction—

Twenty dwellings;
Six flats;
One junior high school,

all envisaging the installation of septic tanks, as well as a proposal to equip another fruit-packing shed (Westralian Farmers Ltd.) with a septic tank?

(4) Does he consider that sufficient water will be available in all parts of Bridgetown next summer to service these septic systems satisfactorily?

(5) If not, has his department considered tendering any advice to the Bridgetown Road Board in connection with this matter?

The MINISTER replied:

(1) Yes.

(2) There is a relatively large number of septic tanks installed at Bridgetown.

(3) No.

(4) Yes, but severe restrictions probably will be necessary in other directions to enable this to be done.

(5) All local authorities were advised in the February issue of the Public Health Department Bulletin to investigate the adequacy of local water supplies before making the installation of septic tanks compulsory.

(b) As to Satisfactory Service.

Mr. HEARMAN (without notice) asked the Minister for Health:

The Minister has stated that he thinks a satisfactory service will be available. Is he aware that throughout the day, during certain months, no water at all is available in the higher portions of Bridgetown, and does he consider that to be a satisfactory service?

The MINISTER replied:

I will undertake to have the matter investigated.

PRESIDING OFFICERS, MINISTERS AND JUDICIARY.

As to Precedence, Federal and State.

Hon. C. F. J. NORTH asked the Premier:

(1) Has information reached his department that the President of the Senate and Speaker of the House of Representatives now take precedence immediately after the Prime Minister, and consequently before other Cabinet Ministers and the Federal judiciary?

(2) Since the facts as stated (if correct) would seem to imply supremacy of the legislature over the Executive and judiciary in the Federal sphere, will an anomaly be created if the present State position continues?

(3) Is the order of precedence here a matter for the State Government when Federal dignitaries are not present?

(4) Would any change in the State order of precedence be announced by Her Majesty in London following advice from the State Government?

The PREMIER replied:

(1) Yes. The Prime Minister's Department forwarded an extract from the Commonwealth Government Gazette indicating this information.

(2) and (3) The order of precedence in this State is a matter for consideration by the State Government.

(4) No.

HOUSING.

As to Flats Approved by Previous Administration.

Mr. JOHNSON asked the Minister for Housing:

(1) Were any flats built by the McLarty-Watts Government?

(2) If so, how many?

(3) Of what material were such flats built?

(4) Are these flats still owned by the State?

(5) Is there any record of the member for Subiaco or the then Minister for Housing protesting against their erection?

(6) Are any children in residence in these flats, and if so, how many?

(7) Is there any evidence of—

(a) break-up of family life; or

(b) lowering of health standard;

of the occupants of these premises?

The MINISTER replied:

(1) Yes.

(2) Five hundred and seventy-six.

(3) Fourteen are of brick; 562 timber and asbestos.

(4) Yes.

(5) Not to my knowledge.

(6) Approximately 1,400 children are in residence in these flats. The exact number could only be ascertained by a door to door census.

(7) (a) No.

(b) No.

BASIC WAGE, FEDERAL.

As to Counsel's Statement and Effect of Increase.

Hon. Sir ROSS McLARTY asked the Premier:

(1) Does he disagree with the statement of counsel for the Australian Council of Trade Unions, as reported in Wednesday's issue of "The West Australian," that the inflationary spiral has levelled out, and that the basic wage increase did not have a perpetual repercussion on prices and indeed would have no repercussion at all?

(2) As these statements were made in support of an application for an increase of £1 3s. in the basic wage, will he inform the House what amount such an increase would directly cost the Railway Department per annum?

(3) What amount would it directly cost other Government departments per annum?

(4) What estimated additional indirect cost would be caused in each case?

(5) How would the Government propose to finance such increases?

(6) Would not the effect of such an increase be similar on private industry, and would not the combined result restart the inflationary spiral?

The PREMIER replied:

(1) to (6) inclusive. The counsel in question was mainly concerned with putting forward a case to defeat applications made to the Commonwealth Arbitration Court by organisations of employers for the abolition of periodical cost of living adjustments to the Commonwealth basic wage, an increase of the recognised working week from 40 hours to 44 hours, a reduction of the existing Commonwealth male basic wage by £3 per week and a reduction of the female basic wage from the existing figure of 75 per cent. of the male basic wage to 60 per cent. of that wage.

Very few workers employed by the State Government are covered by awards of the Commonwealth Arbitration Court.

As the employers' organisations concerned in the present approach to the Commonwealth Court are primarily and totally responsible for the situation now existing in the court, it is thought those now worried about the counter-claim of the trade unions through the Australian Council of Trade Unions should use their influence for the purpose of trying to prevail upon the employers to withdraw or abandon their provocative applications.

TRANSPORT.

As to Midland Railway Coy's Road Vehicles, etc.

Hon. C. F. J. NORTH asked the Minister for Transport:

Will he advise the House the number of road vehicles, owned by the Midland Railway Coy., running between Perth and Geraldton—

(1) Passenger vehicles—(a) petrol, (b) diesel;

(2) Goods vehicles—(a) petrol, (b) diesel;

(3) Amount of license fees paid on passenger vehicles—(a) licenses, (b) Transport Board fees;

(4) Amount of fees paid on goods vehicles—(a) licenses, (b) Transport Board fees;

(5) Weight of goods transported durin the 12 months ended the 30th June, 1953?

The MINISTER replied:

(1) (a) Nil.
(b) Seven.
(2) (a) One.
(b) Five.
(3) (a) £609 14s. 5d. per annum.
(b) £1,983 17s. 9d. for the year 1952-53
(4) (a) £656 11s 6d. per annum.
(b) £58 8s. 8d. for the year 1952-53.
(5) 3,275 tons.

TRAFFIC.

As to Penalty for Car Stealing.

Hon. L. THORN asked the Minister for Justice:

(1) Has he noticed reports in the "Daily News" of the 2nd and the 3rd September—

(a) of a man whose behaviour was attributed to liquor by the magistrate and who was given one month's gaol for stealing a car valued at £900 and doing £400 worth of damage thereto;

(b) of a woman who shoplifted goods to the value of £6 13s. 6d. and was given one month's gaol?

(2) Does he not think the first-mentioned case is a travesty of justice?

(3) Is he prepared to direct that an appeal be lodged to a higher court seeking punishment more commensurate with the man's offence?

(4) If not, why not?

The MINISTER replied:

(1) Yes.

(2) No. The court, when imposing sentence, properly took into consideration the youth and previous conduct of the offender, the fact that he had already been remanded on the charge for one month to Heathcote Mental Home, and that the charge being laid under the Traffic Act, Section 60, the maximum penalty for the offence was three months.

In the other case mentioned the woman offender had a long record, including several convictions for stealing.

(3) No.

(4) No appeal is warranted and, if made, would probably not succeed.

GUILDFORD ROAD.

As to Rehabilitation.

Mr. OLDFIELD asked the Minister for Works:

Is it the intention of the Government to proceed with the rehabilitation of Guildford-rd. in accordance with the agreement entered into between the Government, the Perth, Bayswater and Bassendean Road Boards?

The MINISTER replied:

Yes.

NORTHERN DEVELOPMENT AND MINING COMPANY.

As to Capital and Shareholders.

Hon. A. F. WATTS asked the Premier:

(1) What is the capital of the Northern Development and Mining Coy. Pty. Ltd.—

(a) nominal;

(b) subscribed?

(2) What portion of the subscribed capital is held by Donald W. McLeod?

(3) Was his portion subscribed in cash or otherwise?

(4) How many other shareholders are there?

(5) Are any of the shareholders natives?

The PREMIER replied:

(1) (a) £10,000.
(b) £3,006.
(2) £3,001.
(3) In cash, £1; otherwise, £3,000.
(4) Five.
(5) No. But approximately 500 are depending for sustenance on the company's operations.

COAL INDUSTRY.

As to Wage Increase to Miners.

Hon. A. V. R. ABBOTT (without notice) asked the Premier:

Does he not consider that before agreeing to the increase of 12s. per week to the Collie miners, he should have given consideration to other additional charges that might be entailed by workers and other users of (a) electricity, and (b) railways?

The PREMIER replied:

While consideration was not given to the question of increasing any of the charges mentioned, it was thought at the time that no such additional charges would be necessary.

BILL—ROYAL STYLE AND TITLES ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILLS (2)—REPORTS.

1, Bee Industry Compensation.
2, Firearms and Guns Act Amendment.
Adopted.

BILL—CRIMINAL CODE AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [2.27] in moving the second reading said: This is a small non-contentious Bill, containing a number of

amendments which have been suggested by His Honour the Chief Justice and the Crown Prosecutor for the better working of the Code, and to facilitate carrying out the present practice. In addition, provision has been made for minor amendments to correct printing errors, clarify some sections and, in certain respects, bring the law up to date.

The term "Attorney General" is used through the Code and, to make it clear that the Minister for Justice has the same power as the Attorney General, an interpretation to this effect is proposed. This would not apply, however, where the Attorney General was entitled to appear in court.

The object of another amendment is to provide that the sentence of imprisonment imposed upon conviction on indictment shall take effect from the date of the commencement of the offender's custody under sentence. This is the practice when a sentence of imprisonment is imposed upon a summary conviction, and it is desired to have uniformity.

The Code now makes it mandatory for the court to inflict the punishment of whipping in certain cases. In practice, the court has exercised its discretion, and we now propose to insert this discretionary power in the relevant section.

In the sections of the Code dealing with breaking into buildings and committing a crime, the description of "buildings" is very limited and apparently has not been altered since being incorporated in the original Code in 1902. The proposal is to extend the description of "buildings" along the lines set out in the Larceny Act of the United Kingdom.

Another amendment seeks to clarify the law in relation to the stealing of money in certain cases. A recent English decision has given rise to doubt whether the reference to "taking" money would include fraudulent conversion. In practice, the subsection involved is availed of mainly in cases of a general deficiency of a servant or agent where the stealing consists not of "unlawful taking" but of "unlawful conversion." A reference to "conversion" is contained in the Bill.

It is proposed to delete from the Jury Act a section dealing with jurors that is in conflict with a similar section in the Code. That section concerns the separation of jurors on indictable offences. As the section in the Code is later in time than, and preferable to, the section in the Jury Act, it has been decided to repeal the relevant section in the Jury Act. Normally a Bill to amend the Jury Act would need to be brought in separately, but it is possible to cover this particular matter in the Bill now under consideration as the matter is inter-related and the long title of this measure allows that to be done.

In the Code there is a provision that on the summary conviction of an aboriginal native for any indictable offence, the justices shall transmit to the Attorney General a report of such conviction, together with an abstract of the information and of the evidence for and against the convicted person. It is thought that the Minister for Native Affairs is the more appropriate person in this instance and an amendment to this effect is contained in the measure.

As I have said, this is only a small Bill and its purpose is to adjust anomalies and correct errors in the Code prior to its being reprinted. I move—

That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—ASSOCIATIONS INCORPORATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [2.33] in moving the second reading said: This is another small non-contentious Bill. Its primary objects are:—

(1) To save expense to associations wishing to incorporate under the Act;

(2) to effect an improvement in procedure on incorporation; and

(3) to make the Registrar of Companies the registering authority in lieu of the Master of the Supreme Court.

Small associations seeking incorporation are finding the cost of advertising their intention, in accordance with the provisions of the Act, quite a strain on their funds. Hitherto, trustees of an association desiring incorporation have, in order to comply with the Act, given public notice of their intention to apply for such incorporation by publication in the "Government Gazette" and a local newspaper, in the form prescribed by the Act. The form provides for the inclusion of much detail in the public notice and it is partly this which brings about the heavy expenditure.

As an example, the cost of advertising in one newspaper recently involved the association concerned in a sum amounting to £28, with a further £2 for advertising in the "Gazette". It will be agreed that £30 is a large amount for small associations to find and, in many cases, the preliminary expense has deterred deserving bodies from seeking incorporation. In order to reduce this expense, it is proposed to abbreviate the form of notice. The shortened notice, however, will contain all necessary information. It will

inform any interested person that a memorial giving further particulars of the association, and a copy of the association's rules, can be inspected at the Companies Office. The notice is to be published twice, at an interval of seven days, in a Perth daily morning newspaper. The advertisement in the "Gazette" will be dispensed with.

In the event of the suggested amendments being accepted, the registration office procedure will be altered. At present the rules are not filed until some time after incorporation, which is patently unsatisfactory. In future, the authorised person will commence by filing at the Companies Office a memorial in the prescribed form and a verified copy of the rules of the association. Advertisement would follow the lodgement of these papers. At the expiration of one month from the date of publication of the last notice, the authorised person, on proving due advertisement, will be entitled to apply to the Registrar for a certificate of incorporation.

It will be noticed that I have used the word "Registrar." At present the Act provides that the Master of the Supreme Court shall be the registering authority but, for the sake of convenience, the Act has been administered through the Companies Office for many years past. To put matters in order, it is now proposed to substitute the Registrar of Companies for the Master of the Supreme Court as the Registrar under the Act.

A new section is also being inserted to give the Registrar power to refuse incorporation to an association whose name, in the opinion of the Registrar, is offensive, or likely to mislead or is otherwise undesirable. A similar power is to be given to the Registrar when a registered association changes its name. Inability to deal with such cases in the past has proved embarrassing. There is a similar provision in the Companies Act and in the Business Names Act.

The schedules in the Act will be deleted by the Bill and the necessary forms and fees prescribed by regulation. This amendment follows the modern trend in legislation. Contained in the Bill are a few minor amendments to simplify and modernise the language of the Act. Finally, the Bill, if passed, will come into operation on a date to be fixed by proclamation. This is being done in order to permit the new procedure to become known and the necessary forms and regulations to be gazetted before the date of operation. I move—

That the Bill be now read a second time.

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

BILL—COMPANIES ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [2.38] in moving the second reading said: This measure is introduced as the result of experience in the working of the Act. It seeks to resolve difficulties experienced in the operation of the Act with certain sections and to correct anomalies that have been found

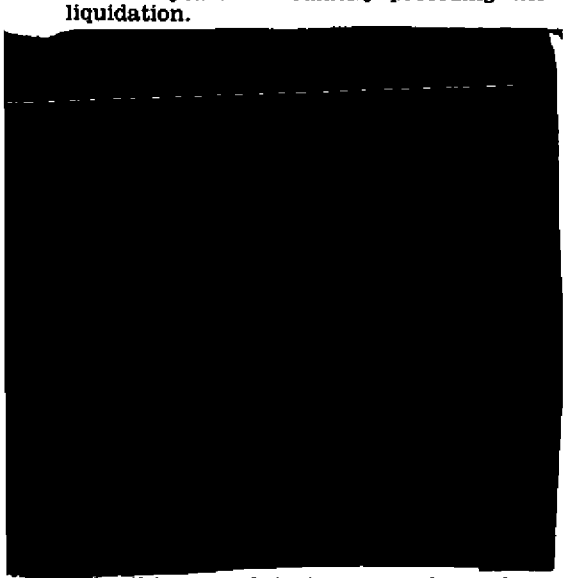
[redacted]

prospectuses. In some instances in the special statutory information microscopic type is used, which is not satisfactory. The proposal is to require the same type as that which is used in the news items in "The West Australian."

Another alteration concerns auditors and notices of meetings. By the alteration auditors are to be given the right to receive notices of meetings of the companies for which they act, and the right to attend and be heard on business which concerns them as auditors. This amendment follows the recommendation made in England by the Cohen committee, which considered the company law of England some time ago. Its recommendation in this regard has been enacted in that country. The Act as it stands precludes certain persons, i.e., directors, officers, employees, etc., from being appointed as liquidator in the event of the winding up of the company.

The principle of the independence of a liquidator in the winding up of a company is universally acknowledged to be sound. However, it has frequently happened that a director, or a person holding one of the offices aforementioned, has resigned his office with the company and then accepted appointment as liquidator. In fact, instances have been noted where a director has tendered his resignation in the early part of a meeting and later at

the same meeting has accepted appointment as liquidator. By doing so he has in no way contravened the provisions of the Act. I think members will agree that that procedure is far from desirable. To overcome this state of affairs and to preserve the principle of independence of a liquidator, it is intended to prohibit the appointment of a person who held one of the relevant offices at any time within the two years immediately preceding the liquidation.



In this regard it is proposed to place a foreign company which holds more than three-quarters of the issued capital of the mining company in relatively the same position as the creditor-wife of a bankrupt. Members probably know that the wife of a bankrupt, being a creditor in the bankruptcy, has her claim deferred until the claims of the other creditors have been satisfied. A foreign company having a controlling interest in the mining company well knows when the point of liquidation is looming up. The proposed amendment has been considered by the officers of the Mines Department and they approve of it inasmuch as it would afford greater protection to persons and companies giving credit to the mining company.

Dealing with another matter, members may know that a liquidator who has held money for more than six months is, strictly speaking, required to pay that money to the Registrar. Few liquidations are completed within a period of six months. Therefore, if the provisions of the Act were strictly observed, in almost every liquidation the Registrar's office would have to receive and disburse the moneys passing through the hands of the liquidator. This would create many unnecessary difficulties. This situation has already been referred to in this Chamber in the report of the Auditor General.

The Bill seeks to adjust this matter and to confer on the Registrar a discretion in any particular case, allowing him to extend the time within which moneys held by a liquidator must be paid to the company's liquidation account, which is an account maintained by the Registrar. The amendment further provides that money in respect of which the time is extended, may be distributed in the ordinary course of the winding up by the liquidator and it is then unnecessary for that money to be paid in. English companies keeping branch registers in this State have encountered difficulties where they have been dealing with shares which, by English law, have not been required to have distinguishing numbers. The local law requires that the distinguishing numbers be given of shares entered in the Western Australian register. The amendment will do away with this requirement in proper cases.

Another amendment concerns investment companies, which are not allowed by the Act to invest in shares or debentures of other investment companies, or of any company of a like nature registered elsewhere in the Commonwealth or New Zealand. It is considered desirable that, in addition, an investment company should be prohibited from investing its funds in a proprietary or private company, since the financial affairs of such a company, i.e., proprietary or private, can be kept to a very small circle of people. Provision is made for this addition. The Bill, which is a small one, will clear up several anomalies, and any consideration given to it by the House will be helpful because it will facilitate matters greatly, not only from the point of view of the companies themselves, but also from that of the Company's Office. I move—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILL—LOCAL COURTS ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [2.48] in moving the second reading said: This is a short amending Bill which has two objects; firstly, to eliminate unnecessary work for Executive Council and, secondly, to bring certain sections in the Local Courts Act more into line with present-day values.

Dealing with the first subject, I would point out that under the present Act every appointment of a clerk or assistant clerk

of the court is made by the Governor in Executive Council. Some are appointments made under the Public Service Act and are of a permanent and full-time nature. In other instances, owing to the small amount of work done by a court that is situated in a sparsely populated district, the appointment of a person under the Public Service Act is not warranted, and these positions are usually held by the local police officer.

In the latter case changes are frequent and Executive Council is involved in a lot of work which it is considered could quite appropriately be carried out by the Minister for Justice. Therefore, the Bill proposes to give the Minister power to appoint a clerk or assistant clerk or, during the absence or temporary incapacity of a clerk or an assistant clerk, to appoint a substitute to discharge the duties of the clerk or assistant clerk. The Minister for Justice already possesses this power in connection with the appointment of substitute electoral registrars and returning officers under the Electoral Act. I hasten to make it clear here that appointments made under the Public Service Act are still to be left to the Governor in Executive Council.

I shall deal now with the second matter. A local court has jurisdiction in certain matters—such as actions for recovery of possession of land—where the rental does not exceed £100 per annum. With regard to anything beyond that figure, action must be taken in the Supreme Court. The amounts mentioned in the sections with which this Bill is concerned were fixed in the early part of the present century and values have changed and increased considerably since then.

To quote an example, if a person wishes to apply for repossession of premises, application can be made to a local court only if the annual rental is under £100. Where the annual rental exceeds that amount, he must take action in the Supreme Court. In the latter event he incurs much greater expense. On present-day values it will readily be agreed that the majority of litigants find themselves faced with the necessity of taking proceedings in the more expensive court.

The Bill seeks to increase the jurisdiction of the local court in respect of those sections in the principal Act which deal with recovery of land or premises, either at the expiration of the term of the tenancy or for non-payment of rent, as the case may be. It is proposed to achieve this object by raising the rental figures mentioned therein from £100 to £500. Consequent upon this proposal, it is desirable to widen the scope of a local court where a plaintiff, in addition to applying for repossession of land or premises, adds a claim for rent or mesne profits, or both. This will obviate his having to take action in two courts, e.g. in the local court for repossession and in the Supreme Court for a claim for rent, etc. The proposal in this instance is to increase the amount from £100 to £250 which is the limit of the local court's present jurisdiction.

Another section in the principal Act limits the proceedings of the local court where it is desired to recover land which is held by a person without right, title or license. Here again, the value of the land must not exceed £100 per annum. In a case such as this, the applicant may also enter a claim for damages, but the local court's jurisdiction is restricted. The Bill proposes to increase the amounts mentioned in the foregoing examples to bring the rental values, etc. more in line with today's levels. Very few plaintiffs would today come within the provisions of the Act as it now stands and, by the introduction of this amending Bill, an endeavour is being made to provide for the class of person originally intended to be covered by the Act. I move—

> That the Bill be now read a second time.

On motion by Hon. A. V. R. Abbott, debate adjourned.

BILL—HOSPITALS ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR HEALTH (Hon. E Nulsen—Eyre) [2.55] in moving the second reading said: A financial problem has arisen relating to the completion of the Royal Perth Hospital buildings. The second section—the west wing—is now under construction. Under present conditions, the Government is only able to allocate from loan funds the amount of £250,000 per annum to the hospital building project. Hospital accommodation in the metropolitan area is most inadequate and the Government is very anxious to see the Royal Perth Hospital completed as quickly as possible.

It is contended by the Principal Architect that spending at the rate of £250,000 a year does not enable him to function economically on the Royal Perth Hospital building programme. If an additional sum of £150,000 per annum could be found from other sources, the hospital work could proceed upon a basis of £400,000 per annum expenditure, which is an economical and desirable figure. For instance, with the amount of £250,000 per annum only available, the number of employees engaged on the work is limited. Key men must be kept on the staff of the Principal Architect, but the services of others are dispensed with. This leaves an unbalanced team.

With a sum of £400,000 per annum available for the next two years, the whole proposition would be much more economical and it would expedite the work at the hospital, which is a vital factor to be taken into consideration. To meet the circumstances, and with the approval of the former Government, the Royal Perth Hospital Board approached the Commonwealth Bank to see whether the bank would grant a loan of £300,000, spread over two years, the loan to be repaid in 10 years, on the security of the hospital and with a guarantee by the Government. Since then a change of Government has taken place and the present Government has approved of the proposal.

The bank has expressed its willingness to grant the loan, subject to the Treasurer's agreeing to guarantee the overdraft account. This the Treasurer is prepared to do, but it has now been found that he has no legal authority to guarantee the loan. The only way to overcome the difficulty is to amend the Hospitals Act; hence the introduction of this Bill. The bank will provide the money when the Act is amended. Under the provisions of the principal Act a hospital board has power to borrow money but no power is given for the Treasurer of the State to guarantee the repayment of moneys borrowed.

The amendment proposes to give the Treasurer this power in order that finance can be arranged without it being supplied direct from Consolidated Revenue. Consequent upon the acceptance of this amendment, provision is made for the Government of the State to guarantee the payment of all moneys which have been guaranteed by the Treasurer of the State. Provision is also made for an appropriation out of Consolidated Revenue in the event of any money being required to fulfil such guarantee.

Included in the measure is a new section concerning the liability of shipping companies to pay for hospital treatment of seamen. Hospital treatment of seamen from ships is governed by the provisions of the Navigation Act, 1912. It is stated in the Act that the expense of providing the necessary surgical and medical advice, attendance and medicine, and also the expense of the maintenance of the master, seaman or apprentice until he is cured, or dies, shall be defrayed by the owner of the ship, without any deduction therefor from his wages.

For many years it has been the practice to make the charge direct to the ship, and the ship—or its agent—has paid the account without question. The nature of the charge has been the actual calculated cost of maintaining the bed. Over the period of rising costs, naturally the expense of maintaining a bed has risen and is now in the region of £3 2s. 5d. per day at the Fremantle Hospital. Some of the agents have now objected to the charge which, as I have just explained, represents the actual cost, and they claim that the charge should not exceed that which is made to citizens of the State, who are charged 35s. a day, which is approximately half of the cost of treatment.

A great many of the seamen are foreigners, in the sense that they are not Australian citizens, and therefore do not contribute to the Australian Government revenue. I am of opinion that such people should pay the daily cost. The shipping companies are now threatening to discharge their obligation by paying seamen concerned a sum calculated at 45s. per day and forcing the hospitals to collect from the seamen. This is far from satisfactory and does not meet our requirements. The State has no obligation to support foreign seamen from its revenue and it is felt that the whole question should be resolved by an amendment to the principal Act, putting the liability on the shipping companies to pay the prescribed fees. Care has been taken to see that certain provisions which already govern compensation cases are not disturbed.

This is a measure of great importance because there is no doubt that hospital beds are required and the sooner we can get the Royal Perth Hospital completed the better it will be. As regards seamen, the owners of shipping lines have an obligation and there is no reason why the people of this country, by taxation payments, should have to meet half the cost of beds used for sick seamen. The Bill will make sure that the owners of shipping lines pay for the cost of hospital beds used by sick or injured seamen.

We were not quite sure of the legal position because the companies said that they were prepared to pay only 35s. and if we wanted the balance we would have to obtain it from the patient concerned. I think members should agree to this measure because it is an important one. The Royal Perth Hospital should be completed as soon as possible because, as I said, we are short of hospital beds. My predecessor, the member for Subiaco, realises the seriousness of the position, and I am sure she and her colleagues will support this measure. I move—

That the Bill be now read a second time.

On motion by Hon. Dame Florence Cardell-Oliver, debate adjourned.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. H. Styants—Kalgoorlie) [3.5] in moving the second reading said: The Bill contains only two proposed amendments, the first, being introduced to correct an

anomaly brought about by the working of this legislation. The provision has been asked for principally by the Tramway Employees' Union. The second amendment is made at the almost universal request of Government employees. The original intention of the Act was to give any Government employee the right to approach an appeal board, if, in his opinion, he had superior qualifications to a succesful applicant for a higher position.

Those of us who were in Parliament prior to the passing of the principal Act in 1945 will recollect that we were frequently approached by Government employees complaining of alleged favouritism in appointments to higher positions. So that cases could be judged on their merits, the Government of the day decided to institute a Government Employees Promotions Appeal Board and, generally speaking, I think that board has given satisfaction. If, say, half a dozen men apply for a higher position, any one or all of the five unsuccessful applicants may appeal. The board has an independent chairman, a representative of the appellant and a representative of the department concerned, and that over the years, has worked satisfactorily.

However, there is a flaw in the setup because the system has operated unfairly so far as the Tramway Employees' Union is concerned and I believe the originators of the Act did not have any idea that the measure would have that effect. I propose to instance two positions to illustrate my point. The first concerns a wages position and the other a salaried staff position. If a driver or conductor applies for a position of ticket inspector, which is a salaried job, he is not permitted to appeal against the successful applicant, no matter how glaring the inconsistencies of the appointment may be. This is brought about by Section 5, Subsection (1) (b) of the Act which reads—

> (b) where the terms and conditions of employment appertaining to such vacancy or new office are or will be regulated by the provisions of an award or industrial agreement in force under the Industrial Arbitration Act, 1912-1941, only those employee applicants who, when they make application for appointment to or employment in such vacancy or new office, are members of an industrial union which is a party to such award or industrial agreement shall have the right of appeal under this section.

In effect, it means that if the higher position is governed by the terms of an industrial award under the Arbitration Act, that fact prevents a wages man from appealing against a successful applicant who has been appointed to the position. The Railway Officers' Union has not an award under the Industrial Arbitration Act. The industrial conditions of its members are governed by a special classification board. Therefore in the railway service it is possible for a wages man to appeal against the appointment of another wages man to a salaried position.

To quote an instance, let us say that there is a vacancy for a footplate inspector, which is a salaried officer's position, and half-a-dozen men apply for it. It would be permissible for all the five unsuccessful applicants to appeal to the Promotions Appeal Board against the appointment of the successful applicant. However, that procedure does not operate in the Tramway Department, because the Tramway Employees' Union has an award under the Arbitration Act. The officers of that union complain very bitterly that there are glaring instances of favouritism shown in the appointments of ticket inspectors, and on a number of occasions they have approached me in an endeavour to have the anomaly removed.

The only union that may be affected remotely by the amendment would be the Tramway Officers' Union. Bearing that in mind, I had an interview with its officials and explained the difficulties which they knew existed in regard to the wages staff of the Tramway Employees' Union, and they have no objection to the amendment. They agree that it might be only once in 20 years that it would affect the members of their union, and I have provided against any ill effects that might be suffered by them by granting, under the provisions of the Bill, power to the Governor to exempt this union from the operation of paragraph (b) of Subsection (1) of Section 5.

I propose to amend that subsection by adding after the word "section", which is the last word in the paragraph, the words "unless the Governor declares upon special grounds that this paragraph does not apply in respect of the vacancy or new office." In the event of the promotion of a man on the wages staff to the position of a ticket inspector in the tramways office, that provision will permit the Governor to declare that in such an instance paragraph (b) of Subsection (1) of Section 5 shall not apply. That would allow the wages employee in the Tramway Department to have exactly the same right as the wages employees have in the Railway and other Government departments of appealing to the Promotions Appeal Board against an appointment. That, of course, was the original intention when the Act was framed.

Over the years, the tramwaymen have complained, but evidently no action has been taken to grant them the right that it was originally intended they should have. A similar provision granting the Governor power to exercise discretion in these matters was embodied in the Act by an amendment brought forward in 1946. That provided that the Governor, at the request of an organisation, should have the right to exclude that body from the provisions of the Act. I know of one

organisation, the Water Supply Employees' Union, which did that, because in recent months, when I was Acting Minister for Water Supply, the members of that union requested that they be declared to be outside the provisions of the Promotions Appeal Board and that the Minister should appoint a special board, consisting of a chairman, a representative of the appellant and a representative of the successful applicant. Such a provision already exists in the Act. Representatives of that union approached me to do this as a result of a dispute that had taken place in the Water Supply Department garage. I eventually appointed the board, which duly sat and heard the case, and everyone was quite happy about the result.

The members of the Tramway Employees' Union are seething with discontent over this anomaly. As my predecessor is probably aware, there has been quite a deal of trouble over the appointment of drivers to positions as ticket inspectors. Perhaps another way of satisfying the Tramway Employees' Union would have been to adopt the system of having a selection board constituted on lines similar to those already operating in Government departments, and of having an examination set for the applicants to the vacant position. After the examination had been held, the selection board would recommend the successful applicants to the management.

Of course, the management always has the right of veto if it is considered necessary to exercise it. The manager of the Tramway Department was not agreeable to the appointment of a selection board on those lines, and consequently this amendment to the Act is brought down to correct the anomaly. If agreed to, it will restore content among the wages men of the Tramway Employees' Union, and place them on the same footing as employees in other Government departments as far as promotions are concerned.

The object of the second amendment is to amend Subsection (3) of Section 14, which reads—

> For the purposes of Subsection (2) of this section, "efficiency" means special qualifications and aptitude for the discharge of the duties of the office to be filled, together with merit, diligence and good conduct.

After the word "conduct" it is proposed to insert the words—

> but in considering efficiency the recommending authority and the Board shall disregard service in an acting capacity by applicants for the office to be filled, whether the service in an acting capacity has been in that or another office.

The reason for this is that complaints have been received from Government employees that it has been the practice of the various managements—sometimes they claim quite unfairly—to appoint a man with less efficiency and a shorter period of service in an acting capacity because for some reason he appears favourably in the eyes of the management or the foreman as the case may be.

These men are kept in an acting capacity, and it must be remembered that there is no appeal under the Government Employees (Promotions Appeal Board) Act respecting an appointment made in an acting capacity. It is claimed generally by Government employees that this practice operates. The man appointed in an acting capacity is kept in the position for six months, or perhaps longer, after which he is appointed to the permanent position. It then becomes permissible for the other employees to lodge appeals against his appointment.

The case is then heard before the appeal board and the management, in an endeavour to justify the appointment of this particular person, makes reference before the board to the fact that the man concerned has been given a trial for six, nine or 12 months, as the case may be, and has given complete satisfaction. I feel sure members will agree that that in itself would influence the board in assessing the degree of efficiency of the man as against another employee who, perhaps, had more efficiency and longer service at the actual time when the successful applicant was placed in the acting position.

It is proposed by means of the amendment to give a direction to the board that in deciding efficiency in any appeal it shall not take into consideration the time which has been served in an acting capacity in that position, or any other similar position, by the successful applicant. I hope the House will agree to this. There may be some theoretical drawbacks to it, but I believe any such drawbacks will be overcome by a practical application of the amendment and the fact that it will restore contentment among Government employees. I move—

> That the Bill be now read a second time.

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

BILL—KALGOORLIE AND BOULDER RACING CLUBS ACT AMENDMENT (PRIVATE).

Second Reading.

HON. H. H. STYANTS (Kalgoorlie) [3.25] in moving the second reading said: As indicated when I gave notice of this Bill, I am not moving it as a Minister of the Crown or as a member of the Cabinet, but purely in my private capacity as member for Kalgoorlie and at the request of the Kalgoorlie and Boulder Racing Clubs. The simple purpose of the Bill is to amalgamate the Kalgoorlie and Boulder Racing Clubs as one composite body.

Most members will know—certainly all those who have been to the Goldfields will know—that for many years there was a Kalgoorlie Racing Club and a Boulder Racing Club. Although they operated under one Act, they were two entirely separate bodies with separate managements and separate financial accounts. The first provision in the Bill is purely a machinery one and proposes to substitute in the new Act the name of the Kalgoorlie-Boulder Racing Club for the Kalgoorlie Racing Club and the Boulder Racing Club wherever they appear.

Provision is made for an amendment of the definitions of "club" and "committee" as contained in the parent Act to make them applicable to the new club. It is proposed to eliminate the provision which limits the borrowing powers of the racing club to £10,000 because there is no similar limitation in the West Australian Turf Club Act. This is to be done by an amendment to Section 26 of the principal Act.

Another reason for doing this is that the amount of £10,000 which was inserted possibly 40 years ago would, with the constricted purchasing power of the £, be totally inadequate in these days. Rather than make provision for a sum of £30,000 which would probably bring it up to current day monetary values, it is proposed in the Bill to eliminate that particular section as far as the limitation to £10,000 of the borrowing power of the club is concerned.

A further amendment is provided to make the time of the formation of the new club retrospective to March last. After a number of conferences the clubs decided to amalgamate and, except for the passing of the necessary legislation, the amalgamation actually took place in March last. This amendment is to make retrospective to that date the provisions of the Act as they concern any acts performed by the club since that particular date. This would mean that the leases of the two racecourses would be merged in the new club, which would be given power over the whole of the assets such as the furniture, racecourses, plant and other property owned by the two clubs.

A provision which may arouse the curiosity of some members stipulates that the stamp duty on this transaction shall be such as the Treasurer requires. To charge the usual stamp duty of 5s. per £100 might be considered an imposition that was unjustified, and the proposal follows the course adopted in relation to one or two social clubs for which special Acts have been passed during recent times. This provision will not in any way bind the Treasurer to charge less than the usual amount of stamp duty, but will give him discretionary power to say that it shall be something less than would normally be charged on such a transaction. Upon the vesting of the property of the two clubs in the new club, the two clubs shall, pursuant to Clause 7, be deemed to be dissolved and wound up. This is quite an orthodox matter and it has been agreed to by the committees and members of the two clubs, and so I do not expect that any objection will be raised to the proposal. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Moir in the Chair; Hon. H. H. Styants in charge of the Bill.

Clauses 1 to 7—agreed to.

Clause 8—Power of sale, lease, mortgaging, etc., of real and personal property:

Hon. H. H. STYANTS: I move an amendment—

That in line 10 the word "five" be struck out and the word "seven" inserted in lieu.

This will rectify an error made by the legal firm that is handling the matter for the clubs.

Amendment put and passed.

Hon. A. V. R. ABBOTT: Was the real estate granted to the clubs upon a certain trust such as for the use of racing, and does the hon. member consider that the Bill might free the land from any trust and allow the committee of the new club to utilise or dispose of it as thought fit?

Hon. H. H. STYANTS: The select committee made some inquiries of the legal representative who gave evidence and I understand that the property is vested in each of the clubs at a peppercorn rental. I believe that it is the intention of the Boulder Municipal Council to apply for the freeing of the land held by the Boulder Club and to utilise it for municipal purposes.

Clause, as amended, agreed to.

Clause 9, Preamble, Title—agreed to.

Bill reported with an amendment.

House adjourned at 3.40 p.m.