

"Independent." I would have liked a provision that the person who had no endorsement should be able to carry no designation if he so desired. The member for Harvey was completely at a loss in suggesting that there were provisions to prevent anyone standing who did not carry party endorsement—

Mr. I. W. Manning: It makes it difficult for such candidates.

Mr. JOHNSON: No, it only means that people must be accurate in their designation of themselves. If a person is not endorsed by a party, he has to make clear to his electors what he stands for and I do not think there is any grave injustice or added difficulty involved for the Independent. We know that in practice a true Independent has practically no chance of being elected these days and that those who are elected as Independents are in nearly every case persons whose politics lie close to one or other of the recognised parties and that frequently they have been a member of one of those parties but have quarrelled over some well-known points and are well known in their own electorates. I can recall no case of a true Independent without party contacts being elected straight out. As far as I can see, everyone entering politics needs some party designation—

Hon. A. F. Watts: Not the former member for Victoria Park.

Mr. JOHNSON: I took part in his expulsion from one of the parties because of something he did.

Hon. A. F. Watts: He stood as an Independent throughout.

Mr. JOHNSON: I know he called himself an Independent but prior to entering Parliament his politics were well known to many people and I believe he had a following for that reason. Even so, his first standing for politics is now back in history and conditions appear to have made such happenings even less likely. I feel that the measure is a clear and real attempt to obtain a greater degree of uniformity between the State and the Commonwealth and to achieve greater accuracy in presenting the candidate to the elector, thus removing much of the confusion that exists for the elector who is not particularly interested in politics.

While there may be a number of useful amendments that could be made to the party designation provisions of the measure, I trust that members opposite will attempt to make it work and not simply throw it out without further consideration. I repeat that the measure is designed to help reflect the opinions of electors more accurately than is possible now. I support the Bill.

On motion by Mr. Bovell, debate adjourned.

*House adjourned at 9.57 p.m.*

## Legislative Council

Wednesday, 14th August, 1957.

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

### STANDING ORDERS.

#### *Announcement by President.*

The PRESIDENT: I draw members' attention to Standing Orders Nos. 373, 374, 376 and 377, and ask that they be adhered to more strictly.

### MOTION—EDUCATION ACT.

#### *To Disallow Transport Grant Regulation.*

HON. J. McI. THOMSON (South) [4.36]: I move—

That new Regulation No. 160 made under the Education Act, 1928-1956, as published in the "Government Gazette" on the 22nd February, 1957, and laid on the Table of the House on the 9th July, 1957, be and is hereby disallowed.

This regulation and the one which it is meant to supersede deal with allowances paid to school children for travelling to school each day. The children to which this regulation applies live beyond the compulsory radius laid down under the Act, and it would entitle them to a financial grant per day while attending school. In 1949 the allowance was 6d. per child per day. That was later altered to 1s., and then to 1s. 6d. and was subsequently increased to 2s. 6d. per day per child. The country people readily admit that they are indebted to the previous Government for its spontaneous recognition from time to time of rising costs

and this necessitated an increase from 6d. to 2s. 6d. per day per child. The regulation which I seek to have disallowed reduces that sum.

It will be noted that under subregulation No. (2) the allowance could be paid for every child between the ages of six and 16 living beyond the compulsory radius, which is two miles for children up to the age of nine, and three miles for a child over the age of nine. Also, under subregulation No. (3) an allowance could be paid to a parent whose child was driven into town once a week to be boarded so that it could attend school. An allowance was provided to cover the cost of conveying that child once a week to and from school. It is necessary to continue that allowance rather than to reduce it as is proposed by this regulation.

To give strength to my argument, I would like to quote from Regulation No. 160 as gazetted on the 12th February, 1957. Subregulation No. (1) (a) reads as follows:—

The Minister may make a grant to a parent or guardian of a child who is transported to a primary school nearest the place of residence of that child or to a secondary school approved by the Minister provided that the child is punctual in its attendance and shall attend for a full day.

The point I wish to raise and the objection I wish to make is that hitherto the choice of the secondary school has been left to the parent or guardian. Under this regulation, however, we find that the secondary school which the child would attend must be subject to the approval of the Minister. That is entirely wrong. The choice should still lie with the parent or guardian, and the provision setting out the necessity for the Minister's approval should be removed from the regulation.

The grant payable under subregulation No. (7) of the original regulation was 2s. 6d. a day for a child between the ages of six and 16. As I said earlier, this grant has been reduced to 1s. 6d. I find it difficult to understand why this has been done, particularly at a time when costs are rising throughout the State. Under subregulation No. (16) an allowance was also provided for children who found it necessary to use a bicycle when no other means of conveyance was available. Today, as a result of the curtailment of school bus routes and spurs, it is necessary for those children to use their bicycles more and to ride greater distances than they did previously.

I was most surprised, therefore, after having read the regulation, to find that the allowance hitherto provided for bicycles has now been cut out altogether. To my mind this is quite wrong and requires review in the circumstances that apply in the country areas, as the result of the curtailment of school bus routes.

Hon. G. Bennetts: Don't they get a rebate from the Taxation Department for the use of their bicycles? I mean by way of mileage.

Hon. J. McI. THOMSON: I do not think so.

Hon. G. Bennetts: I thought they would get a rebate by way of travelling expenses.

Hon. Sir Charles Latham: Not the school children.

Hon. G. Bennetts: I mean their parents of course.

Hon. J. McI. THOMSON: I do not think that applies in this instance. The regulations as submitted to us reduce the benefits to the parents; and in view of the unsatisfactory state of affairs that exists in the country districts at present as a result of the curtailment of bus routes, it is most necessary that these regulations should not be given effect to.

Another matter to which I wish to refer is that previously, when a grant was applied for and approved, the approval was given retrospective to the date on which the application for the grant was made. Today, under these regulations, it will apply only from the time the Minister eventually approves the grant. I see no reason why the existing regulations covering this aspect of grants should not continue, and I cannot for the life of me see why the grant should not be made retrospective to the date on which the application was lodged. I trust the House will support my motion to disallow this regulation, and I would invite members to peruse the regulation and those preceding.

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

#### **BILL—LICENSING ACT AMENDMENT (No. 2).**

Introduced by Hon. N. E. Baxter and read a first time.

#### **BILLS (3)—THIRD READING.**

- 1, Nurses Registration Act Amendment. Transmitted to the Assembly.
- 2, Justices Act Amendment.
- 3, Local Courts Act Amendment.

*Passed.*

#### **BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS ACT CONTINUANCE.**

*Second Reading.*

Debate resumed from the previous day.

HON. H. K. WATSON (Metropolitan) [451]: This Bill will continue the rents and tenancies Act for another year. I think there was one outstanding characteristic in the manner in which the Bill was introduced on this occasion. It was

introduced by Mr. Wise very soberly and without the theatricals which have been the wonted custom of the Chief Secretary when introducing similar Bills in recent years.

Members will recall that from 1939 to 1948 all property and property-owners were in a strait jacket throughout the length and breadth of Western Australia. It was in 1948 that Parliament—and principally this House of Parliament—commenced unwinding the very repressive restrictions which had existed for so many years until then in respect of business premises and houses. From 1948 and each year thereafter the restrictions were gradually eased and released, so that in 1954 Parliament felt that the time had arrived to take a really notable step towards releasing the remainder of the controls, and took action accordingly. A majority in this House was confident that the release of the controls with respect to rents and tenancies would be for the ultimate benefit of this State and its people. We were convinced that the controls which had existed until then had really defeated their own purpose.

It so happened that the Chief Secretary and other members of the Chamber were fearful of the results that might accrue from the lifting of the controls; and, therefore, to allay these fears of those who professed and claimed that rents would skyrocket and thousands of people would be thrown out on the streets—

Hon. R. F. Hutchison: Weren't they?

Hon. H. K. WATSON: —Parliament put into the Bill to release these controls certain restrictions on landlords to cover the transitional period. It is interesting to review the progress of events during the three years since 1954. Let us take business premises. Today we find that during the past three years new buildings right throughout the heart of the city have been constructed; and in addition to that, there has been a very extensive development along Adelaide Terrace at the eastern end of the city and at the western end in the vicinity of Parliament House. All these developments have taken place because owners were able to deal with their own properties.

Take, for example, the case of the 12-storey building in the Terrace, which is now on the verge of completion. My mind goes back to the days of 1954 when Parliament was dealing with a similar Bill, and when it was proposing to release restrictions to give owners some control over their own property. The manager of that particular insurance company which owned the site on which was then a dilapidated building in which there were a couple of tenants, was negotiating with his architect for the erection of the building which is now almost complete; yet the very decision as to whether the building would be gone on with or not depended

upon what Parliament did in 1954. That is just one illustration of the development which has taken place in regard to office and business accommodation which has been provided as a result of what we did in 1954.

Today the position is this: Tenants have no difficulty in finding office or business accommodation; but on the other hand, the owners of city premises—in "city," I embrace the area from West Perth to East Perth, including the city proper—are having difficulty in finding tenants for the whole of the space which is available. They are actually advertising and scouting for tenants for premises. That applies with respect to shops, offices and factories.

Hon. G. Bennetts: In the heart of the city?

Hon. H. K. WATSON: Yes, in the centre of the city. If anything, today there is an over-supply of business accommodation, be it shop, office or factory; and when we have that condition, we find rents are governed by the law of supply and demand. In respect of houses and flats, I would say that the legislation passed in 1954 has indirectly increased the revenue of "The West Australian," because in that year it had in its classified advertisements no such thing as a "To Let" column. Now, in "The West Australian," under the heading "To Let," we can each day see anything from two to three columns of houses and flats advertised to let.

Hon. R. F. Hutchison: Yes, because a Labour Minister is in the Housing Commission.

Hon. H. K. WATSON: If time permitted, we might have a fruitful discussion as to why. This afternoon, however, I merely want to emphasise that it is a fact. The reason why is immaterial for the purpose of my argument.

Hon. R. F. Hutchison: A ruthless fact.

Hon. H. K. WATSON: Due, as Mrs. Hutchison said a minute ago, to the Minister for Housing.

Hon. R. F. Hutchison: Not at all.

The PRESIDENT: Order!

Hon. H. K. WATSON: Then, too, we find that the Minister announced some little time ago that applicants for State rental homes were choosy and would not take the first one offered; and that difficulty—perhaps not great difficulty—was being experienced in letting all the State rental homes.

Therefore I feel that the position with respect to both business premises and residential premises has been restored to normal and that this is directly as a result of the 1954 removal of the controls. In 1954, when the controls were removed, one of the precautions taken to obviate

and prevent the racketeering that the Government suggested would result, was the establishment of a fair rents court. Up to that time there had been no such thing as a fair rents court; but in 1954, the legislation which removed the controls also established the Fair Rents Court. Not only did it do that, but it made provision for the establishment of several fair rents courts if and when the necessity arose; and we were assured that the necessity would arise.

What has happened? Has the Fair Rents Court been overworked? In this connection I would like to read from my speech on the continuance Bill of 1955. On the 13th September of that year—15 months after the controls were lifted—I investigated the position, and I said—

Out of over 34,000 tenants, how many failed to agree with their landlords as to what was a fair rent? How many of them went to the Fair Rents Court for a reduction of their rent? I suppose 4,000 out of 34,000 would not have been a surprising number. But there were not 4,000. There were not 1,000; there were not 100. The report of the Fair Rents Court, as tabled in this House, shows that it received only 95 applications up to the 30th June, 1955. Out of 34,000 tenants, only 95 applied to the Fair Rents Court for a review of their rent.

What is the position today? I find that from the report of the Fair Rents Court for the quarter ended the 30th June, 1957, the number of applications received by the court during that quarter was four, and during the previous quarter it was eight. A reduction was granted in all cases. I would like to read the report; it is so small that it will not take a minute. It shows that there were four cases during the whole of the quarter. In one case the rent appealed from was £4 5s., and it was reduced to £3; in another case the rent was £4 4s., and it was reduced to £3 3s.; in another case the rent was £4 10s., and it was reduced to £3 17s.; and in the last case it was £5 5s., reduced to £3 4s.

Hon. G. Bennetts: A lot of people would not go to the court; they would be too frightened of being put out of their homes.

Hon. H. K. WATSON: We can see that we are retaining the Fair Rents Court for a negligible number of cases. Out of about 40,000 tenants, we find that about four each quarter go to the court. The reductions granted by the court were, as I have said, from £4 4s. to £3 4s. and so on; yet it was even suggested that if the court had not been established the lack of it might have had an inflationary influence on the economy of Western Australia.

I feel that is not a correct statement of the position. I consider that if there is any inflationary effect in this State it is due to one major factor which I would describe as the "Neville nudge." I refer to the quarterly increase in the basic wage which His Honour Mr. Justice Neville has ordered each quarter since his accession to the Arbitration Court. I do feel that his action, much more than the few shillings increase in rents, seriously affects the inflationary position in Western Australia.

Another argument which has been advanced in support of the measure, and its continuance, is that in any event there is nothing wrong with the principle of the right of approach of either party to a court so that they may air a grievance in respect of rent. Well, I feel that there is everything wrong with such a principle, because, I submit, the whole matter is essentially one for settlement between the landlord and the tenant. If I am seeking office accommodation, I inquire from the landlord what the rent will be. If, in my opinion, it is too high, I thank him and politely tell him to jump in the lake; and then I look elsewhere—and there are many other places today where I can look—until I do secure the accommodation I require.

So it is with houses and flats. I think this is also due to the general economic condition of the country now. Back in 1954, and earlier years, there was overfull employment. People had plenty of money, and they were prepared to take anything to get what they wanted, particularly when houses were then so short. But today, due—I freely admit this—in no small measure to the activity of the Minister for Housing and the provision of thousands of rental homes which have been erected, and also due to other causes, many more houses are available. Conditions of employment are not what they were, and people simply have not money to pay exorbitant rents, any more than they have money to waste on luxuries.

It may be said that even although the Fair Rents Court deals with only four applicants each quarter, there is still nothing wrong with the principle of retaining the court for those people to approach. If the court were available to receive applications, say, from persons who had been sacked because they did not belong to a union, and who felt that they had a grievance, as well as dealing with applications in connection with rent, there might be something in the suggestion. However, the court does not deal with those things, but confines its activities to applications for reductions of rent.

Looking at the position today, I feel, so far as the Fair Rents Court is concerned, that it is not unfair to say that we had no fair rents court up to 1954. In that year it was introduced really as

a political stunt, and it has not served any useful purpose. I feel it has not served and is not serving any useful purpose.

Hon. Sir Charles Latham: There was a control before 1954, wasn't there?

Hon. H. K. WATSON: Rents were controlled by Act of Parliament. A couple of years ago the Chief Secretary, when introducing a Bill to continue this measure, expressed the hope that it would be the last time there would be any necessity for the introduction of such legislation as every few months took us nearer to the day when this type of legislation would no longer be needed. It seems to me that we have reached the day when this legislation is no longer needed.

I regret that the Government has not seen fit to allow the existing Act to expire on the due date but has brought down this Bill in an effort to continue it for another 12 months. If the Government is unable to face up to the facts and to make up its own mind whether an Act should expire, Parliament should make the decision for it. The time has arrived when we should decline to pass a Bill for the continuance of this legislation.

If the House does decline to pass this measure—and assuming that we subsequently find that we have made a mistake and an emergency arises in the future—I for one would be quite prepared to support any new legislation that was brought down to control a position that required control. I believe that with the passage of three years since Parliament made the major decision, and with the transitional period right behind us, we should get back to the basis of normal relationship between landlord and tenant.

If this Bill were not passed, the position would be that the Fair Rents Court would go out of existence. There would be no necessity for it to consider four applications a quarter. In fact, if it were to continue operations, it might not even have to consider four applications a quarter, because they are on a descending scale all the time. There were eight applications two quarters ago, and four for the last quarter, and they could dwindle to zero.

So far as tenancies exceeding three years are concerned, there would be no alteration, because, for the last three years the Act has not applied to those tenancies, and they constitute a substantial portion of the tenancies in existence. So, in short, there would be no Fair Rents Court; no alteration whatsoever in respect to tenancies over three years; and in regard to tenancies under three years, and so far as repossession of the premises is concerned, the position would be that the tenant would be entitled to receive either

seven days' notice or whatever notice was provided in his tenancy agreement if that covered a greater period.

However, that does not mean that he would have to vacate the premises within seven days. The owner would still have to go to the court for an eviction order; and under the Local Courts Act the magistrate has the power to fix the day on which the eviction shall take place. During one brief period when that position did obtain, it was found that the magistrate, in giving eviction orders under the Local Courts Act, was fixing the date one, two, three and four months ahead. So the tenant would suffer no serious disability if this legislation ceased to exist.

Over the week-end I heard of an interesting experience. A friend of mine who had been renting a house was given seven days' notice on a Friday, and by the following Tuesday he had obtained another house. There was no question of his being evicted or anything of that nature. In fact, he mentioned to me he was rather keen to obtain a State rental home. I explained to him that had he—as so many do—remained in the house a little longer and obtained an eviction order against himself, he might have had a much better chance of obtaining a State rental home. However, there was no question of his being evicted or of taking the full count of seven days. He was able to find another home within three days.

Hon. F. R. H. Lavery: What position would he be in?

Hon. H. K. WATSON: He is a truck driver in the £4 to £5 rental group. The house that he was occupying was in Victoria Park, as a matter of fact.

In introducing this Bill, Mr. Wise described it as a relic, and I think his description was extremely apt. It is a relic; it is the bare remains. Further, it is a relic that does not call for much commendation. We retain some relics in memory of something that was noble; but rent control legislation has been a nightmare from its inception; and I think it is a relic that could well be discharged completely from the statute book of Western Australia. I would like to hear members debate this Bill. For my part I intend to oppose the second reading.

On motion by Hon. N. E. Baxter, debate adjourned.

#### **BILL—NOLLAMARA LAND VESTING.**

Received from the Assembly and read a first time.

#### **BILL—WESTERN AUSTRALIAN MARINE ACT AMENDMENT.**

Returned from the Assembly without amendment.

**BILL—LEGAL PRACTITIONERS ACT  
AMENDMENT (No. 1).**

*Second Reading.*

Debate resumed from the previous day.

**HON. C. H. SIMPSON** (Midland) [5.25]: This very small Bill is one that can be accepted by members without much question. Its application will be on only a very limited scale, and it will serve to correct an anomaly which was not thought of when the original Act was passed. It really provides for facilities for articulated clerks who happen to be employed by the Deputy Commonwealth Crown Solicitor in Western Australia.

In the ordinary way, a clerk who enters into articles with any private legal practitioner does so under certain terms and conditions which are set out in his articles. He serves his articles and, subject to the payment of certain fees and the passing of certain examinations, he is finally admitted to the bar. That is what usually happens.

If he is employed by the State Crown Solicitor he must also hold a Bachelor of Laws degree under the provisions of the Act. Such qualification, of course, is not required when a clerk serves his articles with a private legal practitioner. The difficulty encountered by any clerk in entering into articles with the Deputy Commonwealth Crown Solicitor is that that officer is appointed from State to State at intervals; and before he can enter into practice in Western Australia—if he is appointed here—he has to have a six months' term to qualify.

A further restriction against him is that he cannot enter into terms with a clerk until he has been in practice in this State for two years, despite the fact that he might have been practising in another State and, in all respects, is duly qualified. That is all the restriction actually means: He has to be practising long enough as a legal practitioner in this State to take on an articulated clerk. In view of the fact that there are changes in the personnel holding the office of Deputy Commonwealth Crown Solicitor in this State from time to time it would be difficult, first of all, for a clerk to enter into terms with that officer, and that might have the effect of preventing members of his staff who might desire to make progress in the legal field from proceeding along their way.

This Bill will correct that anomaly. It has been requested by the Prime Minister. It has also been approved by the president of the Law Society in Western Australia, and by Mr. Hale, who is the President of the Barristers' Board. I commend the Bill to the House for its acceptance.

**HON. SIR CHARLES LATHAM** (Central) [5.28]: I would like the hon. member who introduced this Bill to give me some information. Firstly, is there a reciprocal arrangement between States concerning legal practitioners? Are those who

come from, say, Victoria to this State, permitted to practise? Or do they have to qualify in Western Australia irrespective of the qualifications they have obtained in other States? I know that a solicitor who has been admitted to the bar in London can practise in this State. I do not know whether he has to apply to the Barristers' Board before doing so, but it has been the custom for such a solicitor to practise in this State.

As I read the Bill, the people concerned are more or less public servants, who belong to the legal fraternity. In this instance, the Deputy Commonwealth Crown Solicitor desires one of the members of his staff to acquire some legal knowledge. If he obtains that knowledge, he can make application for the clerk to be articulated to him. That is what I understand the Bill to mean. I would like the hon. member to give me some information on that point.

After having been articulated to the Deputy Commonwealth Crown Solicitor, and after qualifying, does he have to pass any final examinations? Furthermore, if he passes the final examinations and leaves the Commonwealth Public Service, can he practise in this State? Most of the young men who so qualify as lawyers remain in the Commonwealth Crown Law Department and do not enter private practice because, I presume, they work under better conditions and receive greater remuneration than they would in private practice. I might be wrong in this regard, and solicitors in private practice might earn more than those employed by the Commonwealth. If I am given the information which I seek, I shall be able to decide whether or not to support the Bill.

**HON. E. M. HEENAN** (North-East—in reply) [5.31]: I am grateful to Mr. Simpson for the additional information which he so capably gave to the House, and which will assist members in understanding this somewhat technical—although small—Bill.

In answer to Sir Charles Latham, I would point out that each State, before admitting a legal practitioner to serve in that State, requires him to pass an examination, over and above whatever degree he might hold. For instance, I might be a Bachelor of Arts, and hold an LL.B. or an LL.D. degree from Western Australia. As can be imagined, if I decided to transfer to Victoria I would be confronted with a new Companies Act, a new Divorce Act, a new Traffic Act and a new system of land transactions, etc., and I would have a lot to learn.

Hon. Sir Charles Latham: You would have a lot to learn with any new Act that is introduced in this State.

Hon. E. M. HEENAN: That is so. What is known as common law—that is, the fundamental principles of law—is the same everywhere; but the statute law, like the

ones we are dealing with in this House, are different in every State. We have read recently in the newspapers that it has been advocated there should be a uniform divorce law for the whole of Australia. Possibly that might be a good thing. Each State has the right, power and jurisdiction to formulate its own divorce laws, traffic laws, transfer of land laws, bills of sale laws, and all those multifarious Acts which are on the statute book.

If, for instance, I want to practise in Melbourne, Hobart or Brisbane, I would have to spend some time studying the statute law which exists in those respective States. That is only right, because it would not be fair for me to hold myself out to the public as being competent to give advice on those phases of the law, without undertaking the required study.

So each State requires that a lawyer who proposes to practise therein must pass certain examinations, much the same as applies to doctors practising here. A doctor who comes here from Germany or Italy is subjected to the Medical Practitioners Act of this State, under which he is required to qualify or attain the standards of Western Australia.

Hon. Sir Charles Latham: That is not correct.

Hon. E. M. HEENAN: I was under that impression.

Hon. Sir Charles Latham: I think that exemptions are made in the case of doctors who qualify in either Italy or China.

Hon. E. M. HEENAN: Getting back to the measure before us: As I explained last night, once a lawyer has been admitted for two years he is deemed to have had sufficient practice and experience to enable him to take on an articulated clerk. A lawyer who is admitted today cannot, for example, take on an articulated clerk tomorrow. He cannot do so for two years.

Hon. Sir Charles Latham: Presumably during that period he himself has to learn.

Hon. E. M. HEENAN: Yes. He has a lot to learn. He has to undergo some time in his practice. In the case of Deputy Commonwealth Crown Solicitors, before they rise to that high office, they have to be properly qualified lawyers for a start.

Hon. Sir Charles Latham: And they must possess a knowledge of Commonwealth law.

Hon. E. M. HEENAN: Invariably such an officer has been admitted in some State or other for longer than two years. So, when he is transferred to Western Australia he is already a matured lawyer. This Bill takes the view that it is unnecessary to impose on him the further two years of practice in this State, plus a residential qualification of six months. As Sir Charles Latham has stated, the Commonwealth has a legal department. Young men enter

that department. They attend a university and attain degrees in law; then they have to be articulated. It is right and proper for them to be articulated to the heads of their department, namely, to the Deputy Commonwealth Crown Solicitors in the respective States where they hold office.

This measure is designed to enable such young men to be articulated to the Deputy Commonwealth Crown Solicitor who happens to be appointed to Western Australia, say, this year; and he will not be debarred for a period of two years, plus a residential qualification of six months, from taking on an articulated clerk. The exception is made because he has already been admitted for two years in some State or other and is a mature and highly qualified practitioner.

Hon. Sir Charles Latham: Of course he would have a special knowledge of Commonwealth law for a start.

Hon. E. M. HEENAN: Yes.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

Clause 1—agreed to.

Clause 2—Section 10 amended.

Hon. Sir CHARLES LATHAM: I thank Mr. Heenan for the information he has given. He has certainly clarified exactly what is happening.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

### **BILL—BILLS OF SALE ACT AMENDMENT.**

#### *Second Reading.*

Debate resumed from the previous day.

HON. H. K. WATSON (Metropolitan) [5.43]: This is a Bill to amend the Bills of Sale Act, but only in one respect; that is, to increase the fees payable under the Act. My understanding of the Bills of Sale Act is that the fees are not the only items which require to be brought up to date. I have in mind particularly the section in the Bills of Sale Act which voids bills of sale entered into within a certain period before bankruptcy. That provision was inserted into the Act when bankruptcy laws were administered by the State. Since 1928 that has become a Federal matter.

I understand that a number of other provisions in the Bills of Sale Act require to be brought up to date. I regret that the whole Act is not being reviewed and that this Bill is confined simply to increasing the fees which are payable. We have been informed by the Minister that

the fees have not been increased since 1914, and I can find nothing to criticise in the proposed increases. We have to face the fact that we are living in 1957 and not 1914; and that fees—no less than rents and other things—have to be based on 1957 values. Therefore, so far as the increases are concerned, I have no criticism to offer. But I would submit one point for consideration.

The Bill proposes to go further than to alter the fees. It provides that any further alteration may be made by regulation and not by Parliament. I am inclined to think that it would be a good idea to continue the existing practice of having these fees set forth in the schedule to the Act, and having them altered by Parliament as required. It is not as though John Citizen can go to a fair fees court or anything like that; and I feel that no harm would be done by confining the amendment to the increase in fees, and adhering to the principle that, if the fees are to be increased in the future, an amending Bill must be brought down for that purpose. Subject to those reservations, I support the second reading.

**THE MINISTER FOR RAILWAYS** (Hon. H. C. Strickland—North—in reply) [5.47]. The remarks of Mr. Watson concerning the need for attention to be given to other sections of the Act will be brought to the notice of the Minister for Justice. I am pleased to hear that Mr. Watson has no argument against the proposed increase in fees. He recognises—and no doubt other members will also recognise—that it is time the fees were reviewed. On the question of bringing a Bill to Parliament on each occasion on which fees require to be reviewed, it appears to me that that would be a waste of a considerable amount of time.

Hon. F. D. Willmott: What, once in every 43 years?

The MINISTER FOR RAILWAYS: One never knows. If an inflationary spiral occurred, as has taken place in the last five or six years, it might be necessary to bring down another Bill. I disagree with Mr. Watson that John Citizen has no means of appeal; that there is no fair fees tribunal. Under the existing legislation the regulations must be brought before Parliament and can be disallowed by Parliament. So Parliament itself becomes a court of review in regard to any increase in fees.

Hon. Sir Charles Latham: Fees could be in existence for six months before being disallowed, and that would be very unfair.

The MINISTER FOR RAILWAYS: They could be. But surely the hon. member will agree that unless there were power to make regulations, no Parliament would be

able to deal with all the legislation that would be necessary; it would be impossible.

Hon. Sir Charles Latham: This is imposing taxation, you know. It is totally different from ordinary legislation.

The MINISTER FOR RAILWAYS: Here are fees which have not been increased since 1914. Surely it is not proposed that the Minister should not have power to make regulations providing for increases. All harbour dues are prescribed by regulation, and the regulations are tabled from time to time.

Hon. Sir Charles Latham: That does not make it any better.

The MINISTER FOR RAILWAYS: On very rare occasions there may be some objection. But there have been no objections since I have been a member of Parliament to harbour dues prescribed by regulation. No doubt there are many other regulations to which no objection is raised; and surely the schedule in the Bills of Sale Act should be dealt with in the same manner. I hope the Bill will be passed as printed, and that it will not be necessary for similar Bills to be printed in the future and argued about if an increase in fees is required.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clause 1—Short Title and Citation.

Hon. Sir CHARLES LATHAM: May I ask the Minister to report progress and give us a chance to have a look at the parent Act?

The MINISTER FOR RAILWAYS: I do not know what point is worrying the hon. member; but if he wishes to obtain some information, I am prepared to move that progress be reported.

Hon. Sir Charles Latham: It may facilitate the passing of the measure tomorrow. Progress reported.

## **BILL—LEGAL PRACTITIONERS ACT AMENDMENT (No. 2).**

*Second Reading.*

Debate resumed from the 6th August.

HON. H. K. WATSON (Metropolitan) [5.54]: This Bill is to vary the conditions of service of articulated clerks serving in the offices of solicitors. It proposes to repeal Section 13 of the principal Act and to substitute the new Section 13 contained in the Bill. The relevant section in the principal Act reads as follows:—

No articulated clerk shall without the written consent of the board during his term of service under articles hold

any office or engage in any employment other than as a bona fide articulated clerk to the practitioner to whom he is for the time being articulated.

As I understand it, that provision was inserted in the Act because, if a person seeks to become a solicitor or a barrister, that objective requires two things—a considerable experience in practical work and very extensive study. Section 13 was placed in the Act as a wise precaution against letting loose on the general public persons professing to be qualified as legal practitioners but in fact susceptible of many shortcomings, so that when it came to a question of advising clients it could well be a matter of the blind leading the blind. It is necessary that a person shall be wholly trained and skilled in law and in the knowledge of law, and it is for that reason that Section 13 appears in the Act.

I understand there are two methods by which a person may become a solicitor or a barrister. He may serve five years as an articulated clerk in a solicitor's office; and provided he has so served, and has also passed the examinations required by the Barristers' Board, he is entitled to be admitted to practise at the Bar. The other method is for a person to study at the university; take his LL.B degree, which involves a study of three or four years; serve two years' articles with a solicitor; and then pass a modified examination required by the board.

As I understand the proposals in the Bill, as explained by Mr. Teahan, they are intended to assist a person who is not particularly well off, and who finds it necessary to do some work to keep body and soul together while practising and studying to become a solicitor. I think nothing should be done to prevent anyone who desires to become a solicitor from achieving that objective through lack of adequate financial resources; but at the same time I do not see that the proposal contained in the Bill is the correct way to go about it. It seems to me that if a person finds it necessary to take up outside work in such circumstances, the proper course for him to follow would be that open to him under the Act at the moment. He should study at the university for three or four years and then merely serve two years' articles in a solicitor's office; and I understand that the lectures at the university run from 9.30 a.m. till 10.30 or 11 a.m., and from 6 p.m. to 7 p.m., or something like that.

Hours such as that would permit the person concerned to engage in such outside or spare-time work as might be available to him. Whatever work he did it would have, of necessity, to be part-time and catch-as-catch-can. While studying at the university, he would have that

time in which to do outside work, and at the end of two years he could become articulated—

Hon. G. Bennetts: What about the chap in the country?

Hon. H. K. WATSON: —for his two years' articles. If he were serving five years' articles in a solicitor's office I feel that his time during that period would be occupied with the day-to-day routine of the office, and it would be essential for him to study at night. He would not have time to do his work at the solicitor's office and work elsewhere. I believe the proposal contained in the measure is one that the House ought to view seriously before approving it. I do not think it is the correct solution of the problem which Mr. Teahan seeks to solve and which I would like to see him solve.

It seems to me that the more logical solution of the problem would be for the articulated clerk to receive a more adequate salary from the solicitor to whom he is articulated than he receives today. In that connection it would be interesting to know whether articulated clerks in either the Commonwealth or the State Crown Law Department receive little or no salary while they are articulated. I would be astonished to learn that they received a salary of less than the basic wage.

Hon. E. M. Heenan: They are entitled to it.

Hon. H. K. WATSON: Under the present archaic system, the ordinary articulated clerk receives a very small salary—a matter of £2, £3 or £4 a week.

Hon. G. Bennetts: Then he would not be getting what the typist in the office got.

Hon. H. K. WATSON: No. While running messages to the Titles Office or the Bills of Sale office, he would still not receive as much salary as a telegraph messenger.

Hon. E. M. Heenan: What you say may have been true 20 years ago, but it is absolutely false at the present time.

Hon. H. K. WATSON: In reply to that statement, I know of one case where the amount paid was £4 per week—and a pretty close case, too.

Hon. E. M. Heenan: That was not the figure you used.

Hon. H. K. WATSON: I said "from £2 to £4 per week."

Hon. G. Bennetts: If they joined a union they would have to get more.

Hon. E. M. Heenan: What do young men studying medicine receive from the hospitals where they serve?

Hon. H. K. WATSON: I cannot answer that question. If Mr. Heenan cares to assert that it is the general practice to pay

articled clerks the basic wage I am prepared to be corrected; but I have yet to learn that that is the position, and my clear understanding is that it is not so. The second proposal contained in the Bill is a concession to parliamentarians—that the time spent by a parliamentarian in serving in the House or in travelling to and from the House should be treated as time served under his articles. In the case of a Federal parliamentarian I think we could find—

Hon. Sir Charles Latham: He need not do any other study.

Hon. H. K. WATSON: —that an undue proportion of his time would be taken up in travelling to and from the House and serving in the House. It might be practicable in the case of a resident of Perth serving in the Western Australian Parliament, but I can visualise a Federal member having little time for anything apart from service in the House or travelling to and from it.

Hon. A. F. Griffith: Is there anything retrospective about the provision?

Hon. H. K. WATSON: No. I feel that the Bill would not achieve the objective it seeks to achieve. I understand that the Barristers' Board is opposed to the contents of the measure. The attitude of that body, as I understand it—and I make this statement also at the risk of being told by Mr. Heenan that it is false—is that the proposals contained in the measure are unwise and that the existing Section 13 ought to remain because it gives the board discretion to give consent. It is not a complete prohibition but implies that the articled clerk may obtain outside work with the written consent of the board. For those reasons I oppose the second reading.

HON. G. BENNETTS (South-East) [6.13]: I will support the Bill because I am thinking of persons in remote areas who wish to become articled clerks. Mr. Watson said that the person wishing to become an articled clerk should attend the university at night and work as a full-time articled clerk in the day-time; and that might be all right in the metropolitan area, where the university is available. What would be the position of a young man who, through illness in the family or through having to support his parents and keep the home going, would not have enough money to allow him to attend the university? Such a lad would be debarred from becoming a lawyer or barrister.

Hon. C. H. Simpson: Would not that apply to any apprentice to a trade?

Hon. G. BENNETTS: I do not think so. I have in mind a lad who might enter his articles in some country or goldfields centre.

Hon. E. M. Heenan: Did you ever hear of Tom Sargent?

Hon. G. BENNETTS: No.

Hon. E. M. Heenan: He did his articles in Kalgoorlie, with me.

Hon. G. BENNETTS: I understand there was a select committee appointed from another place to make inquiries; and in its report, it recommended that the provisions contained in this measure should be inserted in the Act. I feel that this House should support that intention in order to give the ordinary lad a chance of entering the profession of law. I support the measure.

On motion by Hon. E. M. Heenan, debate adjourned.

*Sitting suspended from 6.15 to 7.30 p.m.*

### BILL—BANK HOLIDAYS ACT AMENDMENT.

#### *Second Reading.*

HON. G. E. JEFFERY (Suburban) [7.30] in moving the second reading said: This is the second occasion on which I have had the pleasure of introducing a Bill to amend the Bank Holidays Act. The intention of this measure is to confer on bank officers employed in this State the benefits of a five-day working week, instead of the six-day week which applies at present. Members may question this course of action, and claim that this matter comes within the jurisdiction of the arbitration court. But I think it can be clearly established that a five-day week for bank officers can be achieved only by legal action, either by an amendment in the Federal sphere to Section 98 of the Bills of Exchange Act, or in the State sphere by an amendment to Section 1 of the Bank Holidays Act, 1884.

This was amply illustrated in Victoria by the remarks of J. H. Portus, Commonwealth Conciliation Commissioner who, when delivering his judgment, stated *inter alia*—

Early in the hearing it became clear that, under the Bills of Exchange Act, banks were required to be open on Saturday mornings to discharge their obligations with regard to bills of exchange. It also became clear that to discharge this obligation at least the great majority of the staffs of the banks would have to be in attendance. Consequently one is faced with the fact that if a five-day week is prescribed, the banks would not have the two alternatives of closing on Saturday mornings or remaining open and paying overtime on Saturday. While the banks are in this position, I do not consider it fair to impose on them a five-day week with costly overtime. It is sufficient to state that if an industry is such that it must by law

carry on during 5½ days of the week it is not appropriate that an industrial authority should limit ordinary working hours to five days per week. It appears to me that if a five-day week is to be prescribed for the banking industry, it should be prescribed by Parliament, as Tasmania has done by closing banks on Saturdays.

Conclusive evidence that recourse to Parliament itself was the only avenue open to bank officers can be found in the evidence tendered before the State Arbitration Court during the hearing of a claim for a five-day week by the Bank Officers' Association of Western Australia in 1955. Mr. Adams, appearing for the associated banks, and opposing the officers' claims, said—

I submit that this court has no jurisdiction or, if it considers it has, it would be improper for it to accept and exercise jurisdiction on the point. My submission is based on Section 98 of the Bills of Exchange Act (Federal) and Section 1 of the Bank Holidays Act, 1884 (State).

Mr. Adams, for the banks, stated further—

I submit therefore that you have no jurisdiction; if you have jurisdiction you should not exercise it, and it would be improper for this court to make an order which in effect would close banks on Saturday unless and until the Bank Holidays Act is amended.

The President said—

Before you finish, your contention is, of course, that Section 98 of the Bills of Exchange Act impliedly, if not expressly, sets out the days upon which banks should be open.

To which Mr. Adams replied "That is so." Finally the President, in summing up, said—

Well, we are all of a clear opinion on this point. I do not think there is any doubt that this court has jurisdiction to fix the hours of employees in banks, even although under the Commonwealth it is, if not legally, practically necessary for banks to keep open on Saturday mornings, and it might be, as Mr. Adams suggests, legally necessary for them to do so. But where as here it seems certain that any award made by this court of a five-day week would only result in extra overtime being paid, in that the employers would be forced to keep their businesses open despite the court award, we are all agreed that the court, even although technically it may have jurisdiction, would not, except in very exceptional circumstances, make any such order. I think that is as far as I need go.

Summing up, it will be seen from those two judgments—one Federal and one State—that the Federal Conciliation Commissioner on the one hand, and the President of the State Arbitration Court on the other, were loth to inflict on the banks awards harnessing them with heavy overtime commitments, which would be inflicted on them by their being forced to employ staffs on Saturday morning to conform with the statutes of the country, and at the same time observe the provisions of the industrial award. Therefore the bank officers are placed in an anomalous position in that their hours of work are governed by the provisions of the Bills of Exchange Act, which was never intended or designed for that purpose.

Last year, an investigation was carried out by a select committee of the Legislative Assembly into the question of a five-day week for bank officers. The virtues of this Bill can best be assessed by a close dispassionate study of the evidence that was given before that select committee, and information that has been made available subsequently. The select committee took evidence in both the city and the country, and obtained an expression of the views of a representative cross-section of the business community, and of private citizens.

The evidence given can fairly be summed up by saying that there was no real effective opposition to amending the Act to make Saturdays bank holidays. The banks themselves did not express any definite opposition to closing their premises on Saturdays. It was admitted that it would have little or no effect on bank profits; that the bulk of bank business was conducted away from the tellers' windows, and most of it was done on week days.

Most of the objections to the proposed reform came from the retail trade, which considered that the closing of banks on Saturdays would have an important effect on retail business. This contention was based on the fact that withdrawal facilities at savings banks, and change, etc., would not be readily available. Members of the retail trade contended that this would have a consequent effect on their sales.

This argument does not stand up to a searching probe, however, when it is realised that until 1947 most of the shoppers who availed themselves of withdrawal and deposit facilities on Saturday mornings were engaged in their own employment on Saturday mornings and had, therefore, to make alternative arrangements.

It can be further argued that with the setting up of a large number of agencies in this State the worker now has, to quote Mr. R. G. A. Netterfield, chairman of the Associated Banks in Western Australia,

"the convenience of withdrawals at his front door, as it were." Twelve months ago the Commonwealth Bank had 570 agencies in this State, and private savings bank agencies are expanding at a rapid rate.

It is not disputed that the introduction of this reform would, initially, cause some inconvenience in retail circles. But in a very short while, and with little readjustment, business would resume its normal course. Fears were also expressed regarding the availability of change, and the carrying of large sums of money in safes over the week-end. Evidence was adduced that the armoured car service could maintain easily and efficiently a full service both in the supply of change and in the collection and safe-keeping of the proceeds, and the ultimate despositing of them in a bank. It is admitted that this service is available only in the metropolitan area; but it can also be claimed that over two-thirds of the total banking business is transacted in the metropolitan area.

In dealing with the objections to the scheme, it is well to remember that there has always been strong opposition to change in methods. Reductions in trading hours have been made from time to time, and these have never been popular at their inception. No one would seriously advance the theory that these reductions have had any overall effect on the volume of trade. It can be repeated with confidence that the retail trade would soon conform to the slight change in conditions which would occur if this Bill became operative. What was probably the most important conclusion of the committee was that not one of the persons who gave evidence before it claimed that he would be prevented from carrying out any of his normal Saturday duties, except that of banking.

Members are aware that there has been a gradual improvement in industrial conditions in this, the 20th century. These improvements include a reduction of working hours, and the tendency to eliminate week-end work in all industries in which week-end attendance to duties is not essential to the public, or to the industry itself. It must be admitted that modern conditions and changes have brought the banking industry to the position where Saturday work is no longer essential to the community. There can be no real reason why the bank officers cannot now be given the benefits of the five-day week.

I must make it clear, if it is not already clear to members, that there is to be no reduction in the hours worked during the week by bank officers. There has already been an exchange of letters between the banks and staffs that an agreement will be made for registration of the change

in the Arbitration Court, which change will provide for a 40-hour week to be worked in five days instead of six days.

The last feature of this request upon which I wish to comment is the position of the Commonwealth Bank if this Bill becomes law, and as to whether that bank would observe the altered provisions of the Act. The Commonwealth Bank Officers' Association was informed that one had only to point to what happened in Tasmania to assure the public that the Commonwealth Bank would follow suit in this regard. This statement was made by the deputy governor of the bank. While this assurance would, I think, satisfy most members, if the bank were not legally bound to observe the provisions of the Act, legal advice was sought to clear up the position.

To put members' minds at ease on this point, I shall quote a legal opinion which was expressed on the 1st August, 1957, by Messrs. Downing and Downing. It reads as follows:—

The proposed inclusion in the schedule of the Bank Holidays Act, 1884, of the words "each and every Saturday" will be to make it obligatory for all banks, including the Western Australian branches of the Commonwealth Bank, to close all day on each Saturday.

Another opinion was expressed by Mr. T. S. Louch, Q.C. He said:—

Prior to Federation there were two statutes in Western Australia which dealt with this matter, viz. the Bank Holidays Act, 1884, and the Bills of Exchange Act, 1884. These statutes had their counterparts throughout the British Commonwealth. In 1909 the Federal Parliament passed the Bills of Exchange Act. The first schedule to this Act shows that it overrides the whole of the W.A. Bills of Exchange Act 1884, but still leaves it open to the State to appoint bank holidays under the Bank Holidays Act 1884—see also section 55 A (3) of the Banking Act, 1945-1953 which preserves the State laws relating to bank holidays.

As matters stand at present, therefore, the State Government can determine what bank holidays there shall be in Western Australian, and pursuant to Section 98 (4) such holidays then become non-business days for the purpose of the Bills of Exchange Act.

This opinion states further—

In 1915 in *Heiner vs. Scott*, 19 C.L.R. Page 381 it was held by the High Court that the business of the Commonwealth Bank was not a governmental function; and if that was so in 1915 it would be a fortiori—

I am told that means "much more so."

Hon. H. K. Watson: I thought it meant this and the next.

Hon. G. E. JEFFERY: The opinion goes on—

—now in the case of the Commonwealth Trading Bank since it has been separated from the other activities of the Commonwealth Bank.

I therefore think that any such amendment to the State Bank Holidays Act would apply to the Commonwealth Trading Bank as well as to the other banks. I find support for this view in Section 55A of the Banking Act referred to above.

From those opinions, expressed by distinguished counsel, I think it can be seen that the provisions of this Bill will apply equally to all banks trading within the State.

Finally, I think members will agree that I have tried to convey a true picture of all the circumstances surrounding the introduction of this measure, and the need for it. I sincerely hope that on this occasion the House will take cognisance of altering conditions in this changing world and support this Bill. The measure seeks to give bank officers a degree of industrial justice which is withheld from them by the phraseology of a Federal statute which at the time of its becoming law could not have envisaged that most fields of human endeavour would, within the space of 40 years, enjoy the blessing of a five-day working week. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

## **BILL—OCCUPATIONAL THERAPISTS.**

### *Second Reading.*

Debate resumed from the previous day.

**HON. N. E. BAXTER** (Central) [7.46]: When I secured the adjournment of the debate I did so for a specific purpose. This was to place some amendments on the notice paper, and also to obtain a little more information on occupational therapy. One of the main reasons for my securing the adjournment of the debate, however, was that in 1950 we introduced a measure, similar to this Bill, which affected persons similarly placed. I refer to the Physiotherapists Act. There was an unfortunate occurrence, however, so far as the physiotherapists were concerned, in that no direction was given to the board in regard to standards under which physiotherapists should be trained.

The result of that omission today is that trainees who, mostly at their own expense, have gone through a course of physiotherapy, obtained a diploma, and been registered in this State, find that because they did not have a chartered society

teacher they are not recognised outside Western Australia. I very much fear that the same thing could happen in the future to occupational therapists trained in this State.

When Mr. Davies introduced this Bill on behalf of the Minister, his opening remarks implied to a certain degree that the measure was not a very important one. I do not want Mr. Davies to get me wrong, but I refer to the first three lines of his speech when moving the second reading of the Bill. He did go on, however, to create the impression that the Bill was quite a lot more important than his opening remarks led us to believe.

Hon. E. M. Davies: I told you what the purpose of the Bill was.

Hon. N. E. BAXTER: That is so. But the description given in the opening remarks the hon. member made when moving the second reading led me to think that it was not as important as it is. I have no doubt that the hon. member probably knows more about the subject than does the person who compiled the little document which he read to the House. I do not think the hon. member's speech left any impression in the minds of members as to what occupational therapy really is.

Hon. F. R. H. Lavery: Do you know?

Hon. N. E. BAXTER: Only a brief outline was given in Mr. Davies' introductory speech. In answer to Mr. Lavery, I would say that I certainly do know what occupational therapy is.

Hon. F. R. H. Lavery: All right; I only asked.

Hon. N. E. BAXTER: It covers the treatment of quite a large number of very unfortunate people; people who have been paralysed and have lost the use of their limbs; those who are affected mentally, and others in that category who are in the position that, unless they were treated by occupational therapists, they would have bodies with no minds to occupy them.

Hon. G. Bennetts: Goldfields members know a lot about that.

Hon. N. E. BAXTER: If we could put ourselves in the place of those unfortunate people we would appreciate that unless they had someone to guide and instruct them in some occupation, life would mean very little to them. The only reason for my speaking to this measure is to try to impress upon members how important it is, and how important its provisions can be. As a matter of fact, Mr. Logan and I went out to the Royal Perth Hospital annexe at Shenton Park where we saw some very fine work being done.

Hon. E. M. Davies: You want to go to the Commonwealth centre at Melville to see what is being done in this matter.

Hon. N. E. BAXTER: I am referring to what is called the I.D.B., where they have not got very good premises in which to work. They are perhaps not quite as fortunate as those people in Melville. They are, however, doing a wonderful job and are giving these people some hope of a future in life.

This Bill is not all that could be desired. It contains features that could be bettered considerably in the interests of occupational therapy, and in the interests of those who are likely to be treated. I would refer firstly to the composition of the board. It is to comprise the Commissioner of Public Health or his deputy, a medical practitioner nominated by the Minister, a nominee of the University Senate, and two persons approved by the Minister to represent the body known as the Australian Association of Occupational Therapists, W.A. Branch.

This recalls to my mind a similar provision in the Physiotherapists Act to which I have already referred. That Act provided for two physiotherapists appointed by the Governor. For some reason or other it has not been very advantageous to the association, as I have already explained; and the Physiotherapists Board, perhaps through lack of knowledge, or perhaps because its members found they had made a mistake and were not prepared to back down, has not played the game by the association or the trainees. That is a matter, however, which is in the course of being righted at the moment, and I hope the Minister for Health will take action to see that the position is put right.

That, however, does not get away from the fact that this Bill provides for two persons to be on the board. It is not even necessary for them to be occupational therapists; as long as they are approved by the Minister, they shall represent the association on that board. I think that is entirely wrong. On a board of this kind we want people who know something about occupational therapy; and the right people to be on the board, as representatives of the occupational therapists association, are occupational therapists.

I have placed an amendment on the notice paper to the effect that the two persons who represent the occupational therapists shall be nominated by the association. I do not think that is asking too much of members, and I hope they will accept the amendment.

There is another provision in the Bill which relates to the appointment of deputies on the board. It indicates that these deputies would be appointed in the absence of any elected or nominated member of the board. That provision is not contained in the Physiotherapists Act; and I see no reason why—where normally a quorum is three out of five—deputies

should be elected perhaps in the short absence of one or two members of the board. If a deputy were elected, he would know nothing of what had previously transpired on the board, and he would probably be like a fish out of water.

Hon. E. M. Davies: It is the usual practice.

Hon. N. E. BAXTER: It is not.

Hon. E. M. Davies: It is.

Hon. N. E. BAXTER: Not in regard to boards of this nature. I do not think the hon. member could quote me one instance in any of our statutes where deputies have been elected to boards of this nature. Another strange fact is that the Bill refers to a quorum, and says that the board, when elected, shall decide on a quorum. Surely we can say what a quorum should be. Perhaps we could set it out as being three out of five. Even in this Chamber we have a recognised figure as a quorum. Why should we leave it to the board to work out? This is another small matter that I hope to have amended in the Committee stage.

I find that the Bill rather doubles up in some respects. One subclause deals with procedural matters relating to the holding and conduct of meetings; and that is subject to the power conferred on the Governor. Further in the Bill we find that the board may, with the approval of the Governor, make rules regulating the meetings and proceedings. I propose to take out a certain portion of the Bill and tidy it up in that manner.

There are one or two other matters in this measure that rather intrigue me. The main point is that to which I have already referred concerning physiotherapists. There is no direction in this Bill in regard to the standards for training of students. I propose to try to amend the Bill in the Committee stage to set out that the training standards shall not be less than world minimum standards.

This is not a figment of my imagination, because I have here a journal dealing with the first world federation of occupational therapists, and the proceedings of the first international conference held on the 21st August, 1954. At that conference a world minimum standard was set down. In the United States there is provision for the registration of occupational therapists, who are trained to a standard. New Zealand operates in the same manner. In Australia there are training courses for occupational therapists at the universities of Brisbane, Sydney and Melbourne. But no State has done anything about the registration, and this is an opportunity for Western Australia to lead the other States in that respect.

Hon. E. M. Davies: Doesn't that show the importance the Government attaches to it?

Hon. N. E. BAXTER: It does; and I was not saying the Government did not attach importance to it. I merely said that the opening remarks of the hon. member, when introducing the second reading, implied that it was not very important. The question of a world minimum standard is a very important one, because unless the board were to work under some direction or standard under which students trained, a similar thing could happen, under this Act, to these trainees when they obtained their diploma from the university as happened to the physiotherapists.

We will find, as is the case in the Eastern States, and in England and other places, that when they have set up their registration they will most certainly have a standard to work to. Unless we work to a standard in this State our trainees will not be recognised outside Western Australia. We do not want that to happen, as it did in the case of the physiotherapists. That is the reason I propose to insert an amendment to make the power to prescribe a course of study, classes to be attended, time to be spent in training, and so on, operate on a world minimum standard.

I would like to quote from this journal, the title of which I have already referred to, in order to give an idea of what exists today and what can exist tomorrow by training under world standards. Under the heading "Therapeutic Activities," it states—

There would appear to be some differences ranging from:—

- (1) Specialist instructors who are not occupational therapists.
- (2) Occupational therapists plus specialist instructors.
- (3) Occupational therapists with special ability in specified crafts.
- (4) Occupational therapists holding occupational therapy teaching diplomas.

From the information available, it seems it is unusual to be able to have on one staff sufficient occupational therapists with specific knowledge to cover all crafts, and a combination of occupational therapists and specialised craft instructors where necessary would seem the ideal.

This Bill does, to quite a degree, deal with the matter of the registration of occupational therapists; and, in the latter part, it states that where a person cannot be registered under the Act, he can, if he is a teacher of handicrafts, is engaged in his usual occupation as a teacher, or is giving special instruction in the skills of his usual occupation, carry on with this occupation without infringing the Act. Therefore, it can be seen that, under the Bill, we can have occupational therapists

and craft-workers, together with other necessary workers, who are not trained in a training school to carry out this work in the occupational therapy establishments.

Under the heading of "Preliminary Report on Minimum Educational Standards, Liverpool, England, 1952," the article deals with world minimum standards; and I quote—

#### 1. Selection of Students.

Recognised Standard of Education. Naturally, it is necessary that they must have a standard of education to be a suitable type to be trained in occupational therapy.

Hon. G. Bennetts: What is the standard there?

Hon. N. E. BAXTER: No standard is set out at the present time. The article continues—

Entrance examination of specific school or working records.

Personal references.

It is left open to the board to set a standard where a person's education is sufficient to enable him to carry out this work. Continuing—

Personal interviews when geographically possible.

Age 18 years, minimum; 35, maximum, save in exceptional circumstances.

This would be in a case where the person who wanted to train had previous experience. To continue—

Health—Medical examination, including t.b. test. Done at school, if possible.

Probationary period—Minimum of two months.

In regard to the programme of training the duration suggested under the minimum educational standard is 2½ years, to include six months' clinical practice. The content of that in the article is as follows:—

Pre-medical subjects—Study of the normal mind and body.

One-third medical subjects—study of pathology and treatment of psychological and physical abnormalities.

One-third therapeutic activities.

One-third clinical practice.

It sets down quite a definite standard to enable the board to get to work and see we have training of world-wide cover. The medical subjects suggested are as follows:—

Anatomy and physiology.

Kinesiology.

Medical and surgical conditions.

Neurological conditions.

Orthopaedics.

Psychiatry and psychology.

Mental hygiene.

Psychopathology.  
Theory of occupational therapy and rehabilitation.  
Therapeutic activities.  
Manual arts.  
Fine arts.  
Recreation and education.

It will be seen that there is something definite in this document which sets out minimum standards on which the board can work. That is the reason I intend to move amendments to the Bill that I believe will be in the best interests of occupational therapists and of the unfortunate people who will require their services.

The Minister for Railways: Is there a maximum age for doctors of medicine?

Hon. N. E. BAXTER: Not as far as I know. This is in regard to training; it is not an occupational age. There is a minimum age of 18 years and a maximum of 35 years. However, in unusual circumstances, the board could decide that a person over 35 years could be trained in this work.

The Minister for Railways: Is there a maximum age for the training of doctors of medicine?

Hon. N. E. BAXTER: I could not tell the Minister that. This is an occupation which not only requires a lot of application, but also a terrific amount of patience. It is a job which is often very slow; and, when setting this age standard, it may have been considered that more patience in training would be shown between these ages, whereas people over 35 years may be like some of us in the House sometimes, and show a little impatience. I do not know the exact reason for it.

Hon. F. R. H. Lavery: It is only your opinion and not that of the department.

Hon. N. E. BAXTER: It is rather strange that in the other States there is no provision for registration. However, I understand they are moving along that way. I think that in the United States and England legislation for registration has been set up. It could be that England is moving at the present time on legislation for registration. However, I understand there are so many untrained people that it is going to be difficult for them, if they have legislation, to sort out those who can be registered and those who cannot.

I think we are being wise in this State in getting to the stage we have reached at the present time. That is all I wish to say now; the main work will be in Committee. However, I do impress on members that, although a mistake was made in regard to the Physiotherapists Act when it was previously before Parliament, we did not know what happened would happen, and we could not provide for such unforeseen circumstances. But we can be prepared when we handle similar legislation to do

the right thing by incorporating safeguards which will make the Act a good and workable one—one that we can be sure will give no trouble in the future. I support the second reading.

On motion by Hon. L. A. Logan, debate adjourned.

## BILL—LOCAL GOVERNMENT.

### *In Committee.*

Resumed from the previous day. Hon. W. R. Hall in the Chair; Hon. J. D. Teahan in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 70 had been agreed to.

Clause 71—When office of deputy-mayor and of deputy-president to be filled by election by council:

On motion by Hon. Sir Charles Latham, clause postponed.

Clauses 72 and 73—agreed to.

Clause 74—Elections in district and in wards:

Hon. L. A. LOGAN: I have an amendment on the notice paper; but as we have agreed that if, after a referendum is taken, municipalities or shires decide to elect their president by the whole of the shire, they may do so, I shall not at the moment proceed with the amendment.

Clause put and passed.

Clause 75—agreed to.

Clause 76—Number of votes:

Hon. Sir CHARLES LATHAM: I move an amendment—

That the words "or president" in line 27, page 65, be struck out.

This amendment is more or less consequential on amendments that we have already passed.

The Minister for Railways: Which one?

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

Clause 77—Election of mayor or president:

Hon. L. C. DIVER: I move an amendment—

That the words "or president" in line 35, page 65, be struck out.

Amendment put and passed.

Hon. L. C. DIVER: I move an amendment—

That after the word "municipality" in line 35, page 65, all words to the end of the clause be struck out and the following inserted in lieu:—

persons who are registered as electors of the municipality shall have a number of votes proportionate to the annual ratable value or the unimproved capital value (according to the system

of rating adopted by the council for the municipality or a ward thereof) of the land of which he is registered as the owner or occupier and as set against his name on the roll according to the following scales:—

Annual Ratable Value.	Number of Votes.
Not exceeding fifty pounds	1
Exceeding fifty pounds and not exceeding one hundred pounds	2
Exceeding one hundred pounds and not exceeding two hundred pounds	3
Exceeding two hundred pounds	4
Unimproved Capital Value.	Number of Votes.
Not exceeding one hundred and fifty pounds	1
Exceeding one hundred and fifty pounds and not exceeding three hundred pounds	2
Exceeding three hundred pounds and not exceeding six hundred pounds	3
Exceeding six hundred pounds	4

Hon. J. D. TEAHAN: I expected the mover of the amendment to give reasons for retaining plural voting, which is what this amounts to. The clause applies the principle of one man one vote. If there is anything iniquitous in the local government set-up it is the fact that plural voting applies. Why should one person have four votes for mayor, and another but one; or a person have two votes for councillor, and another but one? The shopping area can almost decide who will win an election before an election starts. Some 50 properties in the main street are equivalent to 200 further out. Plural voting should not be perpetuated. But there is something even more iniquitous, and that is that a person can have even more than four votes. I know of one person who registered 17 votes for the office of mayor, and I know of another person who had 67 votes. That is beyond reason.

Hon. H. K. Watson: How is that?

Hon. J. D. TEAHAN: A person could be the public officer of a company, and he also has his personal identity. In addition, he can represent an incorporated club. In this way he could have a multiplicity of votes. No member here should have 17 votes as against my one. I am

not speaking from a personal angle, because I have four votes for mayor and two for councillor, and so has my wife. So we control eight votes for mayor and four for councillor. But we cannot maintain that that should be perpetuated. I thought Mr. Diver would have good reasons for his amendment. I suggest that the clause as printed be accepted.

Hon. L. C. DIVER: The amendment in effect means plural voting. I ask Mr. Teahan to look at the notice paper; and he will see that if further amendments are agreed to, it will be impossible for one person to exercise such a multiplicity of votes as he has instanced. The amendment seeks to insert into the new Act a principle that has been accepted for many years. One part of the amendment is taken from the Road Districts Act, and the other from the Municipal Corporations Act. The principle of "he who pays the piper shall call the tune" was enunciated last night, and it emphasises the object of the amendment, the reasons for which are well known to all members. It is the policy of the Government to oppose the principle of this amendment, and it is the policy of those of us sitting on this side to support it.

Hon. Sir CHARLES LATHAM: I feel sure that Mr. Teahan has had no diffidence in exercising his four votes as mayor. There is no crime about it. The strength of the amendment is that the man who pays the most rates has the greatest representation. As a rule he does not divide his votes, although I suppose he could; he could give two to one and two to another. This principle has been successful. The public generally do not complain, but only the Labour Party who, after all—

The Minister for Railways: Represent the majority of the public.

Hon. Sir CHARLES LATHAM: The representatives of the Labour Party in this Chamber are often sent here by a very small number of electors.

Hon. E. M. Davies: We are not selected by a junta.

Hon. Sir CHARLES LATHAM: I do not call it a junta, but someone else might.

Hon. R. C. MATTISKE: I support the amendment, with one slight alteration. Although the amendment has been taken *holus bolus* from the Municipal Corporations Act, the amount of ratable value has, in the main, been stepped up to bring it more into line with present-day values, but only so far as the ratable value is concerned. There has been no bringing up to date, as it were, so far as the unimproved capital value is concerned.

I feel that if a municipality should elect to work on the basis of unimproved capital values it would reach the stage where practically every ratepayer would

have three or four votes. I venture to say that even in several of the country districts there are not many properties at present which are less than £300 in value. Failure to amend the unimproved capital values and the qualifications necessary for the various numbers of votes will mean, in the main, so many more votes to be cast, and the departure from the principle we are trying to establish; namely, of giving a greater proportion of votes to those people who have the higher valued properties.

I would therefore suggest to Mr. Diver that under the heading of "Unimproved Capital Value" in the amendment the words "not exceeding one hundred and fifty pounds" should be struck out and the words "not exceeding three hundred pounds" substituted. Then, in going down the list, the words "exceeding one hundred and fifty pounds and not exceeding three hundred pounds" should be struck out and the words "exceeding three hundred pounds and not exceeding six hundred pounds" substituted. Also, the words "exceeding three hundred pounds and not exceeding six hundred pounds" should be struck out and the words "exceeding six hundred pounds and not exceeding twelve hundred pounds" substituted. Finally, the words "exceeding six hundred pounds" should be struck out and the words "exceeding twelve hundred pounds" substituted. That would mean a more reasonable spreading of the voting power over the current values of the properties.

The MINISTER FOR RAILWAYS: I hope the Committee will not agree to the amendment. Although it is upholding the old custom, it is again departing from the principle of democracy and adopting the principle of "might is right" or, as the mover has said, "the man who pays the piper calls the tune." A man who inherited a valuable property would have more votes than the person who occupies it, despite the fact that the tenant is the one who pays the rates or pays the piper. I suggest that these old customs should be brought up to 1957 standards by leaving all reference to them out of a new piece of legislation. The most reasonable system of electing people to local governing authorities should be on the principle of one man one vote. I know of no good reason why a certain section of any municipality should have the power to outvote the other section. As has been explained by Mr. Teahan, a business block in the centre of a municipality would outvote the rest of the municipality.

Hon. J. M. A. Cunningham: That is drawing the long bow though, isn't it?

The MINISTER FOR RAILWAYS: That is a fact.

Hon. J. Murray: It is drawing a very long bow!

The MINISTER FOR RAILWAYS: Surely members will admit that the most valuable properties in any district are in the centre of the business section!

Hon. J. Murray: I know of districts where the absentee vote has controlled the election of the mayor.

The MINISTER FOR RAILWAYS: That could happen with the amendment. The occupier will have one vote, but the owner will have four votes.

Hon. L. A. LOGAN: Mr. Teahan has apparently come to the conclusion that because 50 business people in one street have four votes each, the total would equal the votes cast by people in the suburbs. Obviously he is assuming that business people will vote one way and the people in the suburbs will vote another, but that is an absolute improbability. In regard to the contention put forward by the Minister for Railways concerning democracy, I would point out that this method of voting was suggested in an endeavour to give some balance so that democracy could work. I might be the owner of seven or eight properties and I have four votes, but if I have four of my properties occupied by tenants I have four votes cast against me. It so happens that many landlords have owned several houses.

Hon. J. D. Teahan: You have equal voting power.

Hon. L. A. LOGAN: Therefore the amendment was introduced to give some balance to the voting. Fancy an owner being outvoted by his own occupiers! That has happened in the past. On those two points we have to be extremely careful to retain the status we have at the moment.

Hon. J. D. TEAHAN: Although, as Mr. Diver stated, a later amendment that is proposed by him may bring about what has obtained in the past, it will still mean that plural voting will remain in operation. Even in Legislative Council elections members are elected by an elector having one vote only. It is not plural voting. Therefore I do not think there should be any difference in the voting rights provided in this legislation. I hope the Committee will accept the clause as printed.

Hon. L. C. DIVER: I will adopt the suggestion put forward by Mr. Mattiske and ask leave to amend the figures relating to the unimproved capital values in due course. I take it, Mr. Chairman, that I had better move only for the deletion of the words at present in the clause.

The CHAIRMAN: Yes, that would be the best course to follow.

Amendment (to strike out words) put and a division taken with the following result:—

Ayes	.....	14
Noes	.....	9
Majority for	.....	5

Ayes.

Hon. N. E. Baxter	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray

(Teller.)

Noes.

Hon. G. Bennetts	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. E. M. Davies
Hon. H. C. Strickland	

(Teller.)

Fair.

Aye.	No.
Hon. H. L. Roche	Hon. G. Fraser

Amendment thus passed.

Hon. L. C. DIVER: I move an amendment—

That the following be inserted in lieu of the words struck out: "persons who are registered as electors of the municipality shall have a number of votes proportionate to the annual ratable value or the unimproved capital value (according to the system of rating adopted by the council for the municipality or a ward thereof) of the land of which he is registered as the owner or occupier and as set against his name on the roll according to the following scales:—

Annual Ratable Value.	Number of Votes.
Not exceeding fifty pounds ....	1
Exceeding fifty pounds and not exceeding one hundred pounds ....	2
Exceeding one hundred pounds and not exceeding two hundred pounds ....	3
Exceeding two hundred pounds ....	4
Unimproved Capital Value.	Number of Votes.
Not exceeding three hundred pounds ....	1
Exceeding three hundred pounds and not exceeding six hundred pounds ....	2
Exceeding six hundred pounds and not exceeding one thousand two hundred pounds ....	3
Exceeding one thousand two hundred pounds ....	4

Hon. J. D. TEAHAN: On the surface the words look quite innocent, but on closer examination one sees they would make the position more difficult for the small owner of land to have more than one vote. They will make it easier for the big land owner to have plural voting. To raise the unimproved capital values will tend to restrict the number of votes available to the smaller man.

Hon. L. C. DIVER: The hon. member is hard to please. When we extended the franchise he opposed it; now when we restrict the franchise, he will not have it.

Hon. J. D. Teahan: The amendment will restrict the votes of the smaller land owner. That is what I meant by restriction.

Hon. L. C. DIVER: No one can come to that conclusion. It is a figment of imagination to say that state of affairs would come about. The amendment even limits the votes of the so-called big land-owner because there is a maximum of four votes. The vast majority of land-owners will come within the four-votes category.

The MINISTER FOR RAILWAYS: The reason given by Mr. Mattiske for increasing the unimproved capital values was that the vast majority of occupiers would come within the "parcel of votes" category. By our increasing the unimproved capital value, a large number of people who would have been able to vote under the amendment originally proposed would be denied a vote. The unimproved capital value has been increased to deny them a vote which he was prepared to give them originally. This seems to follow the principle of might is right, and all to the few. As Mr. Diver has accused Mr. Teahan of opposing the broadening of the franchise and then opposing the restriction of the franchise, I would like to know where the franchise, as proposed in the Bill, has been broadened by the Committee. It has been restricted right through. These figures will mean a further restriction.

Hon. R. C. MATTISKE: I can appreciate the Minister's opposing this amendment. If he were to go the other way a little he would achieve what he set out to achieve; that is, to do away with plural voting. If the original figures were to stand, the bulk of the votes cast in metropolitan area elections would come within the two-votes category, because by far the major portion of land in the metropolitan area is valued between £300 and £600, which is the ordinary household block. So the average owner would have more than one vote, and those within the £600 to £1,200 category would have one additional vote. This would destroy the principle which has been upheld in this Chamber of permitting those who pay the piper to call the tune.

Let us compare the position today with that prewar. Under the Municipal Corporations Act and the Road Districts Act, local authorities gave a vote to ratepayers of property assessed at £150 unimproved capital value. Before the war that sum was a reasonable price for a suburban block. A block valued between £150 and £300 was a rather exclusive block, while one valued at between £300 and £600 was something out of the ordinary. A block valued at more than £600 was one of the cream blocks in the metropolitan area.

The amended figures are designed to meet the intention of Parliament when those two Acts were passed, because today a block valued at £300 on an unimproved capital basis is only a mediocre block; one valued between £300 to £600 is the average building block. There are plenty of blocks

between £600 and £1,200 in the metropolitan area; and one valued over £1,200 would be a cream block, comparable with one valued at £600 before the war. At the rate the values of land in the metropolitan area are increasing, it will not be long before every block will come within the £1,200 category and everyone will get four votes.

Hon. Sir CHARLES LATHAM: I agree with the comments of the Minister for Railways. If the figures were left as they were, everyone would have four votes. Now the maximum amount has been increased to £1,200, and blocks between £600 and £1,200 will have only three votes. I am inclined to leave the figures as they were.

Hon. L. A. LOGAN: That depends which side one takes. If one agrees with the Minister's point of view one should support Mr. Diver's amendment because it will take away certain votes from the middle categories of property-owners. In effect, it will do what Mr. Teahan desires: that is, provide for one man one vote. The amendment will increase the proportion of those having one vote. Under the original figures, if 30 people had land valued at £150, they would get one vote each; and if another 30 had land worth between £150 and £300, they would get two votes. Under the amended figures, the two votes given to the second category of 30 persons would be taken away, and they would only have one vote. So there would be 60 persons each with one vote, instead of 30 persons with one vote and 30 persons with two votes. The same position would apply in the next category, and so on. This amendment will bring nearer to realisation the stage of one man having one vote.

I would point out that under the amendment I myself would be deprived of one vote because I have a block valued at £700. Under the original figures I would be entitled to four votes, but under the amended figures I would be entitled to only three.

The MINISTER FOR RAILWAYS: I must show the Committee the effect of this amendment. Where originally the value of a block of land was over £150 but did not exceed £300, the person had two votes. Under the amendment that person is now reduced to one vote. Although I am opposed generally to plural voting, the original amendment was fairer than the amendment proposed now.

Hon. R. C. MATTISKE: There is one important basic principle which the Minister is overlooking. It is not that a person who previously had a block of land valued at so much would get a certain number of votes and now a different number of votes; but a person who owned a block of land in a particular area—which, on a comparable basis, is valued at a certain figure—would previously have had a certain voting power, and under the

amendment will retain that same proportion of voting power. The block of land previously valued at £150 and one now are two totally different things.

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

Ayes	.....	13
Noes	.....	10
Majority for		3

#### Ayes.

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

#### Noes.

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

#### Pairs.

Ayes.	Noes.
Hon. H. L. Roche	Hon. G. Fraser
Hon. A. R. Jones	Hon. J. J. Garrigan

Amendment thus passed; the clause, as amended, agreed to.

Clause 78—Election of councillor for a ward:

Hon. L. C. DIVER: I move an amendment—

That all words from and including the word "and" in line 7, page 66, down to and including the word "valid" in line 10, be struck out and the following inserted in lieu:—

the ward shall have at every election one or two votes proportionate to the annual ratable value or the unimproved capital value (according to the system of rating adopted by the council for the ward) of the land of which he is registered as the owner or occupier according to the following scale:—

Annual Ratable Value.	Number of Votes.
Not exceeding one hundred pounds	1
Exceeding one hundred pounds	2
Unimproved Capital Value.	Number of Votes
Not exceeding six hundred pounds	1
Exceeding six hundred pounds	2

Hon. R. F. HUTCHISON: I voice my protest about plural voting. I detest knowing that there is a majority on the other side of the Chamber that can base the value of a man on what he owns. He could be the greatest scoundrel on earth, but so long as he owns something in the

world worth a few hundred pounds he is valued more than a man with a high character. Members have a cheek to pass an amendment like this. I shall go abroad and let everyone know what has been done here tonight.

Hon. Sir Charles Latham: Vociferous cheers!

Hon. R. F. HUTCHISON: Last night I heard the words "brutal majority." I want to fix the brutal majority. It has been in this Chamber ever since Government became established in the State.

Hon. L. C. Diver: I personally give the lie to that.

Hon. R. F. HUTCHISON: We sit here and have to accept what a man is worth in his pocket and not what he is worth as a man. I am not proud to sit here and listen to that.

Hon. Sir Charles Latham: You do not have to sit here.

Hon. R. F. HUTCHISON: I am glad to say I was elected here.

The CHAIRMAN: Order! I ask the hon. member to confine her remarks to the subject matter before the Chair.

Hon. R. F. HUTCHISON: I am doing that. I am protesting about plural voting. It is a disgrace to a civilised country. I wish to speak about it here; and I can put up with all the sneers, sniggers and smiles. What is suggested here is undemocratic, and is in line with the franchise of this place, and that is something I have fought ever since I went out on a public platform. We hear plausible reasons as to why we should value a man by what is in his pocket. It is about time society was altered in this State, which is a young one with great potentialities. We are so backward that we should be ashamed to sit here. I oppose the provision, and I oppose the principle of plural voting in local government and in any other government.

Hon. J. D. TEAHAN: I urge members to reject the amendment principally on the ground that has been stated on the previous clause—that it is just perpetuating plural voting.

Hon. Sir CHARLES LATHAM: To listen to the hon. member one would think that local government has been badly managed in this State. Well, I am proud to know the work that has been done under the laws that have existed. No matter how the law is changed, we will not get better service in the future than we have today. It is all right for Mrs. Hutchison to blather the stuff that we can get on street corners; but let the Committee be sensible and look at the services that have been rendered in the past. The hon. member who is in charge of the Bill has practically all his life on the Goldfields had four

votes. He has done a good service, and he has been elected by his fellow-citizens.

Hon. R. F. HUTCHISON: That does not make him agree to it.

Hon. Sir CHARLES LATHAM: It shows it causes no great injury. Mrs. Hutchison would make us think we are a lot of criminals. This Chamber has been very well conducted since it came into existence in 1832. Let us act on those lines and stop this street-corner approach.

Hon. R. F. HUTCHISON: I object to that. I am sincere in what I am saying. If Sir Charles thinks this place is well governed he has not far to go to find someone who disagrees with him. If ever there was an instance of the mailed fist in the velvet glove in this State it is in the franchise for the Legislative Council and for local government.

Hon. N. E. Baxter: On a point of order: Are we dealing with the specific matter before us or everything else?

Hon. R. F. HUTCHISON: I am talking about the service that is given by every citizen and not by the man with money. The people who give service to the State often have no voice in the way they are governed in local politics—government on the back doorstep. I protest against this, and I hope the day is not too far distant when we will not have to protest.

Hon. L. C. DIVER: I acknowledge your tolerance, Sir. All we have listened to is abuse of the members who sit on this side of the Chamber and of our brutal majority. I have yet to see the day when the hon. member who has just spoken comes across and votes with the body of people who do not agree with the Labour Party. She has not yet been guilty of it. If the atmosphere is so discomforting for her it is a wonder she stays here.

To get back to the subject matter before the Chair, all I have done here is to move an amendment in line with the clause we have just dealt with. The Committee having decided to amend the previous clause, it is automatic that the course I now propose should be adopted.

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

Ayes	.....	13
Noes	.....	10
Majority for	.....	3

#### Ayes.

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

## Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. W. F. Willsee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. D. Teahan

(Teller.)

## Pairs.

## Ayes.

Hon. H. L. Roche  
Hon. A. R. Jones

## Noes.

Hon. G. Fraser  
Hon. J. J. Garrigan

Amendment thus passed; the clause, as amended, agreed to.

Clause 79—Election of council where there are no wards:

Hon. L. C. DIVER: I move an amendment—

That all the words after the word "roll" in line 14, page 66 down to and including the word "valid" in line 18, page 66, be struck out and the words "shall have a number of votes proportionate to the annual value or the unimproved capital value (according to the system of rating adopted by the council for the municipality) of the land of which he is registered as the owner or occupier according to the scale set out in Section 78 of this Act" inserted in lieu.

Hon. J. D. TEAHAN: I urge members to oppose the amendment for the reasons that I have given in regard to the three previous amendments.

Hon. R. F. HUTCHISON: I, also, protest against this amendment.

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

Clause 80—System of voting:

Hon. L. C. DIVER: I move an amendment—

That the following proviso be added:—

Provided that nothing contained in this Act shall be deemed to confer on any one person the right to exercise votes in a representative capacity as well as in a personal capacity so that he may exercise more than four votes at one time at any election of mayor or more than two votes at one time in any election for councillor.

Hon. J. D. TEAHAN: In view of what the Chamber has already accepted I will not oppose this amendment, as it will have a leavening effect.

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

Clause 81—agreed to.

Clause 82—Occupant of the office of returning officer:

Hon. G. C. MacKINNON. I move an amendment—

That the words "or unwilling" in lines 32 and 33, page 66, be struck out.

I have taken this course to ascertain the views of the Committee because, while a council may rightly advocate a line of action, once there is a referendum it should remain aloof from the subject matter and abide by the result. It would be reasonable to suppose that the duties of a mayor or president would include that of returning officer for any referendum that might be held; and I feel that the word "unable" is subject to wide interpretation, as a person could be unable on various grounds.

Under the wording, the mayor, or president, or councillors, or clerk of a municipality, and so on, could be unwilling. I know places where, although the local government has been keen on a "Yes" vote when a referendum has been held it has presented a brochure clearly stating the case both for and against. The question is then put before the electors and it is up to them to decide. That seems a preferable method, because the way the clause reads it indicates that the council will take part in a referendum.

Hon. N. E. BAXTER: I trust the Committee will not agree to this amendment. I think Mr. MacKinnon is looking at it in the wrong way. At no time to my knowledge has a returning officer been appointed if he has been unwilling to act. In any election or referendum nobody is forced to accept the position of returning officer. A matter vital to the local authority might arise, particularly in regard to a loan, and the mayor or president would want to have something to say in regard to it.

In my province—or I prefer to say our province—one board held a referendum as to whether it should borrow money to buy a grader. It was a necessary implement; and the chairman knew what it meant to the district, and knew the whole circumstances surrounding the question. Under the amendment, the chairman would have been forced to take the position of returning officer and would not have been able to take any part in telling the electors about the proposal.

It is unfair to force a mayor or president or councillor to be a returning officer. Mr. MacKinnon said it was their duty. But it is not their duty; they are elected to represent the people and to conduct the affairs of the board in the interests of the people. The duty of returning officer is normally given to the secretary of the board or one of the clerks. I oppose the amendment and hope it will not be agreed to.

Hon. J. D. TEAHAN: I strongly urge that the amendment be defeated. This amendment would be most unfair because it would mean that the mayor would have to be a returning officer. A mayor is elected to his position because he has an unusual interest in his municipality; and

as a result, he devotes many hours to his work. Let us take, for example, the City of Perth. Were the City of Perth to hold a referendum on the question as to whether or not a swimming pool should be built in a certain place, the lord mayor would know more about the question than anyone else because he has devoted weeks, months and maybe years of study to the subject. If this proposal were accepted the way to silence him would be to appoint him returning officer, and he would then be unable to take part in the campaign.

Hon. G. C. MacKinnon: What does the present Act state?

Hon. J. D. TEAHAN: That the mayor is automatically returning officer. That works all right in the election of a councillor because nothing is involved. But why should a mayor be made a returning officer against his wishes? There are many reasons why this amendment should not be agreed to, and I ask members to oppose it.

Hon. G. BENNETTS: I do not know whether the amendment would make a great deal of difference, but I think it would be better to leave the Bill as it stands. I know that when I was connected with a municipality, somebody has said, before the appointment of a returning officer, "We will make councillor so-and-so returning officer this time, because there is a certain payment for the position and it is his turn." As Mr. Baxter said, a man should not be forced to take the position against his own desires.

Hon. L. C. DIVER: I oppose the amendment. If it were agreed to, it would force a mayor, who had set himself to achieve a certain goal, to resign. Members know that if a mayor did follow that course of action, the people in the district would have no alternative but to return him to office. I therefore urge the mover of the amendment not to press it. Although it is in the Municipal Corporations Act, there is no such provision in the Road Districts Act. It has always been an officer of the board who has carried out the duties of returning officer.

Hon. R. C. MATTISKE: We should be sure that what we are doing is the right thing. After further consideration, I am of the opinion that the clause, as printed, should stand. At the same time, Mr. MacKinnon is to be commended for promoting discussion on this clause by moving his amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 83 to 87—agreed to.

Clause 88—Nomination day for Northern Districts and Southern Districts.

Hon. A. F. GRIFFITH: I would like some explanation of this clause. Is it not contrary to what obtains at present? At the moment nomination day is 14

days prior to the election, but this clause provides that nomination day shall be the 22nd day prior to the election. Is there any reason for the differentiation?

The MINISTER FOR RAILWAYS: The only explanation I can give the hon. member is that because of the isolation of the northern districts a longer period between nomination day and election day is required.

Hon. A. F. Griffith: How has the present practice operated in the past 20 years?

The MINISTER FOR RAILWAYS: Apparently it has operated quite successfully, but the clause seems to have met with the approval of all local governing bodies and everybody concerned except the hon. member.

Hon. A. F. GRIFFITH: Surely because a member asks for an explanation of a clause that is no reason why the Minister for Railways should get upset about it!

The MINISTER FOR RAILWAYS: I am not upset. I gave an explanation to the best of my ability, and I am sorry the hon. member is displeased with it.

Hon. R. C. MATTISKE: This provision does not depart from that in the Road Districts Act.

Clause put and passed.

Clauses 89 to 92—agreed to.

Clause 93—Cancellation of nomination.

Hon. L. A. LOGAN: I would like to point out to the Committee what is likely to happen by the withdrawal of these nominations. A candidate is given 72 hours after nomination to withdraw from the election. This could lead to quite a bit of skulduggery. For example, three people might be good friends before election day. Two of them are particularly good friends and one decides that he wants to stand for election to the road board. His particularly good friend decides that he will keep the third fellow out by nominating too because he knows that if he stands, the other man will not. Then, within 72 hours after nomination, the second nominee withdraws his nomination and the first man is left standing pat.

The Committee should look closely at this clause. Those members who are acquainted with road board elections know that very often one man says to another, "If you stand, I will not nominate." That is quite true. It happened in my own case with a neighbour of mine. I stood down for him, and he would have been quite willing to stand down for me. He was an elderly man, however, and I told him that I would take advantage of some other opportunity. The Minister should have another look at this. If the nomination fee were raised from £5 to £20 it might help.

The MINISTER FOR RAILWAYS: Consideration will be given to the hon. member's remarks. The Bill will have to be recommitted at a later stage, and I will then have some further information for him.

Clause put and passed.

Clause 94—agreed to.

Clause 95—Proceedings on nomination day:

Hon. Sir CHARLES LATHAM: I move an amendment—

That the words "and who are approved by the Minister" in line 34, page 75, be struck out.

This provides that when there are not sufficient nominations to fill the number of vacancies, a second nomination shall take place to try to fill them. If eventually there are any vacancies, the council may select and appoint to the vacant offices persons who are qualified to hold them and who are approved by the Minister. I presume the president of the road board would be consulted and he would pick out certain candidates who would nominate without any reference to the Minister. I do not think it is necessary to refer the matter to the Minister. He would not be aware of the conditions in some of these districts.

Hon. J. D. TEAHAN: This provision serves as a safety valve as it has done in so many other cases. I do not think it can be said that in the past Ministers have acted unfairly, and I do not think they will act unfairly under this measure. Let us assume there are 12 councillors and seven of them are set on a certain project to build an expensive road, but this is not favoured by the other five. When it comes to the appointment of a councillor they would appoint a "yes" man who would be in favour of the project.

Hon. Sir Charles Latham: Have you ever known it to be acted on?

Hon. J. D. TEAHAN: No. In these small places controversial matters do crop up, and the road board members will have the opportunity of selecting a person who favours a particular project.

Hon. G. BENNETTS: I think the provision should be left in the measure. On several occasions when elections for councillors have been held, no candidate has been forthcoming. At an election a particular person might be prepared to accept, and the council might not want to go to the expense of another election and would appoint the person concerned to fill the gap to avoid criticism. The Minister would go into the pros and cons and approve or otherwise of the particular person. This measure is a safeguard, and I think it should remain in the Bill.

Hon. A. F. GRIFFITH: I think Mr. Teahan suggests that where such a state of affairs arises the Minister would have to inquire. Is there anything in this which would be affected by the appointment of this or any other man? Are we going to reach that stage?

Hon. J. D. Teahan: No.

Hon. A. F. GRIFFITH: If not, what will be the position? Let us say there is a vacancy and we want to put in a certain man. At what stage does the Minister start inquiring? He would have to make a very exhaustive inquiry if we operated on the explanation given by Mr. Teahan. Is this man going to interfere with anything that is pending so far as the local authority is concerned?

Hon. L. C. DIVER: There is no mention in the Road Districts Act of a similar matter arising. The road districts have gone ahead for years under that Act, and if the situation arose where no one was forthcoming to nominate for a vacancy that is all they would have to do—merely nominate. If there is a dearth of candidates they are elected unopposed. The measure does not say from where this man is to be obtained for the Minister to approve of him. We are trying to jump the hurdle before we reach it.

The existing method has worked successfully for a long time. The provision envisages a set of conditions that will rarely arise. The case of a temporary vacancy is no worse than the position when a local authority has to carry on its work, although one of its members may be absent through sickness for five or six months. The functions of that local authority are attended to. I support the amendment.

Hon. Sir CHARLES LATHAM: The circumstances are not likely to arise for a start. As Mr. Teahan said, the local feeling would decide that the right man got in if there was any question about the filling of a vacancy. Whenever friction has arisen in a road district there has invariably been a multiplicity of nominations for any vacancy. In any case, I do not consider that the Minister is qualified to select the best person to fill a temporary vacancy, and in road districts like Broome, he would have to inquire of the police officer as to the most suitable person.

The MINISTER FOR RAILWAYS: This calls to mind the history of a member in one road board. The members were gathered for the usual meeting when one said to another, "What are you doing here?" The reply was, "I am a member." He was asked, "How did you become a member?" The reply was, "I was told this afternoon by the chairman that I had been appointed."

Hon. Sir Charles Latham: The chairman had no power to do that.

The MINISTER FOR RAILWAYS: That is not a story. I have given facts. That case occurred in quite recent years. I am not saying that the member who was appointed was unsuitable.

Hon. Sir Charles Latham: How did he get there?

The MINISTER FOR RAILWAYS: I have already explained that.

Hon. Sir Charles Latham: He was not legally appointed.

The MINISTER FOR RAILWAYS: No; but he was there. That is how such appointments can be made if the amendment is agreed to.

Hon. Sir Charles Latham: Such a person would have to be appointed by the council, and it had not the power to do that.

The MINISTER FOR RAILWAYS: Another member in this House can vouch for what I have just said. The amendment to strike out the words will legalise action of the type I have mentioned. This provision says, "If after an election has been held to fill the vacancies mentioned and the vacancies remain unfilled, the council may select and appoint to the vacant office, persons who are qualified to hold them."

Hon. A. F. Griffith: Who comprise the council?

The MINISTER FOR RAILWAYS: Whoever happens to be present. This provision is a safety valve, and if any part of it is to be retained, the whole should be retained. If the words "who are approved by the Minister" are taken away, it will mean that the council will not have to forward to the Minister the names of the individuals it desires to be appointed. If there were anything undesirable about such appointments, nothing could be done.

Hon. R. C. MATTISKE: I would point out that local government is essentially a local matter. If members of a municipality who deal with thousands of pounds per annum, who develop the district and take on great responsibilities, require some individual to join their ranks to help in their discussions and to share the burdens, surely they are the ones who are qualified to know who is best suited for that purpose. Surely they should have the power to fill a temporary vacancy! To put the final selection in the hands of the Minister is to split straws, and it is not very complimentary to those holding office in local government.

Hon. G. BENNETTS: Let us take the case where a council has made an appointment to fill a vacancy. One or two of the ratepayers who may be farmers living some distance away, may come into town and discover that a certain person has been

elected to the council. They may say "We do not think that is right. Why was the matter not referred to some higher authority for approval?" By giving the final say to the Minister, the council would merely have to notify the Minister that they had appointed that person to fill the vacancy, that he possessed the necessary qualifications and was over 21 years of age. All that would happen, if there was a complaint about the appointment, would be that the Minister would write to the council querying the appointment. In nearly all cases, the Minister would agree to the appointment.

Hon. L. A. LOGAN: If such an occasion were to arise, and I doubt if it ever would, in effect the person must be elected by the council. The council cannot sit unless there is a quorum, and the quorum constitutes a majority of its members. If the majority were to elect a certain person to fill the vacancy and the name was sent to the Minister for approval, what would happen if the Minister refused? The matter would be referred back to the council, and the council would merely say, "We want this person to be appointed." Some concern was expressed by Mr. Bennetts about the ratepayers finding that someone unsuitable to them had been appointed to the council. I suggest that instead of complaining, those persons should themselves nominate for the vacancy.

Hon. J. D. TEAHAN: If the occasion seldom arises when the Minister refuses approval, the clause should stand. Mr. Griffith asked under what circumstances the Minister would interfere with an appointment made by the council. In nine cases out of 10 he would not. The names would be sent to the Minister before the nominees were sworn in. Only when a petition was received stating that an irregularity had occurred would the Minister make inquiries. In the ordinary course of events, the Minister endorses the action taken by council or road boards and it would have to be something very serious that would prompt him to do otherwise. There is nothing wrong with the clause as printed.

The MINISTER FOR RAILWAYS: I must lay emphasis on the story which I told here.

Hon. A. F. Griffith: It has no application in this case.

The MINISTER FOR RAILWAYS: It would not have any application under the old Act but this provision will legalise it. The board which I refer to was finally dissolved and a commissioner appointed. When we get into some of the outlandish places, it is a problem to get the requisite number of representatives on to road boards. If we take Hall's Creek as an example, we can see that it would be difficult to get the requisite numbers there because some people would have to travel

long distances to attend meetings and consequently they are reluctant to go on the board.

Hon. Sir Charles Latham: This won't compel them.

The MINISTER FOR RAILWAYS: No, but there will be no election and someone will go around the town and say, "What about you taking it on?" Hall's Creek has no connection with the story I told, but it is a fact that these things can happen and, if they do, I can see nothing wrong in the Minister's approval being obtained.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the noes.

Division taken with the following result:—

Ayes	.....	.....	.....	.....	12
Noes	.....	.....	.....	.....	12
A tie	.....	.....	.....	.....	0

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. A. F. Griffith

(Teller.)

Noes.

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. J. Cunningham	Hon. F. H. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise

(Teller.)

Pairs.

Ayes.	Noes.
Hon. H. L. Roche	Hon. G. Fraser
Hon. A. R. Jones	Hon. J. J. Garrigan

Amendment thus negatived.

Clause put and passed.

Clauses 96 to 98—agreed to.

Clause 99—Ballot papers:

Hon. Sir CHARLES LATHAM: I move an amendment—

That Subclauses (2), (3) and (4) on pages 78 and 79, be struck out.

Under these subclauses it is proposed to draw lots to determine the order of appearances of names of candidates on the ballot paper. It has always been done alphabetically in the past and I do not see anything can be gained by adopting the proposed system. I would prefer to see retained the method used in the past.

Hon. J. D. TEAHAN: This is an occasion where we can be progressive. We do not have to do what has always been done before. At one time a cross was sufficient to indicate choice in municipal elections. Today we have preferential voting. When I challenge the amendment,

naturally the question is asked as to whether I can state a case. I can in regard to more instances than one.

I know an occasion where there were nine candidates for four positions and a new organisation, known as the rate-payers' association, came into existence. They were very astute and deliberately got two candidates the initial letter of whose names was "A," one with "B" and I think the fourth was "D". After the campaign with nine good men as candidates, the road board finished with preferential voting. Why should a person whose name starts with the letter "Z" have little chance of being elected?

Hon. H. K. Watson: Think of the Watsons.

Hon. J. D. TEAHAN: Why should the Watsons be left out. This will correct something that can be abused. The suggested system could keep candidates out. A person whose name begins well down the alphabet might say, "I have no chance."

Hon. Sir Charles Latham: What a poor candidate!

Hon. J. D. TEAHAN: It often happens.

Hon. G. C. MacKINNON: It is interesting to hear Mr. Teahan talk of a progressive system. Why not be genuinely progressive and adopt what is known as the university system which is used for graduate elections? By this system if there are four candidates whose names are, say, A. B. C. and D., they appear on the first card in that order and on the next card as D. A. B. and C.; on the third card as C. D. A. B.; and on the fourth card as B. C. D. and A. This means that on every fourth card a particular candidate's name is in first place. This takes away all the advantages of being an Aarons instead of a Watson.

Hon. G. E. Jeffery: Or a circular ballot paper.

Hon. G. C. MacKINNON: Yes, but circular ballot papers are costly to print.

Hon. J. M. A. CUNNINGHAM: Does not the parent Act give a choice?

Hon. J. D. Teahan: Yes.

Hon. J. M. A. CUNNINGHAM: If there is a choice, there does not seem to be any need to make it compulsory for one or the other.

Hon. G. BENNETTS: I have been fortunate in my municipal career because on the ballot papers I have been in the B-class. The method suggested by the Bill is a fair one and it should be adopted.

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

Ayes	.....	.....	.....	.....	13
Noes	.....	.....	.....	.....	10
Majority for	.....	.....	.....	.....	3

## Legislative Assembly

Wednesday, 14th August, 1957.

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

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

Noes.	
Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willsee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. P. R. H. Lavery
	(Teller.)

Pairs.	
Ayes.	Noes.
Hon. H. L. Roche	Hon. G. Fraser
Hon. A. R. Jones	Hon. J. J. Garrigan

Amendment thus passed.

Hon. Sir CHARLES LATHAM: I move an amendment—

That the words "the same order as that so recorded in the list by the clerk" in lines 13 and 14, page 79, be struck out and the words "alphabetical order" inserted in lieu.

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

Clauses 100 to 104—agreed to.

Clause 105—Ballot boxes:

Hon. Sir CHARLES LATHAM: I move an amendment—

That the words "or president" in line 23, page 82, be struck out.

Hon. R. C. MATTISKE: If agreed to, the amendment would make the clause inconsistent with Clause 10 under which, as amended, there is the alternative that where one-third of the councillors or 50 per cent. of the ratepayers sign, and so on, they may alter the system of elections.

Amendment put and negatived.

Clause put and passed.

Clauses 106 to 108—agreed to.

Clause 109—Voting in absence:

Hon. Sir CHARLES LATHAM: As I intend to move to have the Bill recommitted, I will not proceed at present with the amendment standing in my name on the notice paper.

Clause put and passed.

Clause 110—agreed to.

Progress reported.

## ADJOURNMENT—SPECIAL.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 10.37 p.m.