Legislative Council

Tuesday, the 10th November, 1964

CONTENTS

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

BILLS (8) ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Chiropractors Bill.
2. Education Act Amendment Bill.
3. Bellevue-Mount Helena Railway Discontinuance and Land Revestment Bill.
4. Police Act Amendment Bill.
5. Banana Industry Compensation Trust Fund Act Amendment Bill.
6. Bibra Lake-Armadale Railway Discontinuance and Land Revestment Bill.
7. Rights in Water and Irrigation Act Amendment Bill.
8. Water Boards Act Amendment Bill.

QUESTIONS ON NOTICE

HOUSING FOR NATIVES AT MERREDIN

Provision of Standard Commission Type House

1. The Hon. R. H. C. STUBBS asked the Minister for Housing:

   In view of the small differences between the proposed Geraldton-type house at £2,835 and the latest accepted tender price for standard State Housing Commission homes in Merredin—

   (a) Would the Minister reconsider and arrange for a State Housing Commission home to be built in preference to the Geraldton-type house?

   (b) If the answer is in the negative, will he give the reason?

   The Hon. A. F. GRIFFITH replied:

   This question has been referred to the Minister for Native Welfare who gives the following answers:—

   (a) No.

   (b) A contract has been let for a transitional-type house.

FLIES AND MOSQUITOES

Eradication in Metropolitan Area

2. The Hon. R. H. C. STUBBS asked the Minister for Local Government:

   (1) Does the Health Department contemplate any measures to eradicate flies and mosquitoes in the metropolitan area this summer?

   (2) If so, what is proposed to be done?

   The Hon. L. A. LOGAN replied:

   (1) and (2) The metropolitan fly campaign, which has been conducted for the past four years, will be

continued. Fifty fly-control officers will supplement existing local authority staff during the peak summer period.

Mosquito control is being organised, on an area basis, by local authorities in accordance with a co-ordinating plan formulated in conjunction with the department.

GOLDFIELDS HISTORY

Grant for Research and Compilation of Records

3. The Hon. R. H. C. STUBBS asked the Minister for Mines:

In view of the importance of preserving the goldfields history before it is lost, will the Government agree to set aside an adequate sum of money per year for a specified time to enable the necessary research to be undertaken and the history accurately compiled and recorded?

The Hon. A. F. GRIFFITH replied:

This is a matter to which I have already given some attention.

A prerequisite to any agreement to provide funds would be the determination of the appropriate authority to carry out the necessary research.

I intend pursuing this matter further. I am very conscious of the desirability to have the history of the goldfields prepared.

SUBURBAN RAILWAY STATIONS

Watching Service for Protection of Property

4. The Hon. R. H. C. STUBBS asked the Minister for Mines:

(1) Having regard to the vandalism at suburban railway stations and the consequent announcement of discontinuing toilets at stations, does the Railways Department employ a watching service, or any other service that may be available for protection of property?

(2) If not, why not?

The Hon. A. F. GRIFFITH replied:

(1) Police patrols and railway investigation staff both carry out inspections of railway premises during the hours they are unattended.

(2) Answered by (1).

BILLS (3): INTRODUCTION AND FIRST READING

1. Adoption of Children Act Amendment Bill.

Bill introduced, on motion by The Hon. L. A. Logan (Minister for Child Welfare), and read a first time.

2. Local Government Act Amendment Bill (No. 4).

Bill introduced, on motion by The Hon. F. R. H. Lavery, and read a first time.

3. Motor Vehicle (Third Party Insurance) Act Amendment Bill (No. 2).

Bill introduced, on motion by The Hon. E. M. Heenan, and read a first time.

MUSEUM ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill was brought to Parliament as a means of protecting with the force of law valuable 17th and 18th century Dutch and English wrecks lying off our shores. These have lain undisturbed for hundreds of years and, indeed, their actual locations were not known until recently. The exact positions of the wrecks found by skindivers have been charted, and as their locations have become known, problems have arisen as to their preservation for posterity.

Many people have learned where to find these wrecks and, unfortunately, one of them, which is readily accessible, has been exploited for personal gain without regard for its historical value. It is understood that explosives have been used in order to gain access to parts of this wreck in a search for bullion and coins, and it is said that an opposing faction has endeavoured to obstruct this search by using further explosives. As a result, much valuable historical information has been destroyed, and also valuable relics which could have been salvaged and preserved for display purposes.

The hostility which has developed between rival claimants to one of the wrecks is a matter of some concern, the Commissioner of Police finding it necessary at one stage to allocate officers to the site to keep the peace. Unless we take some legislative action to give legal protection to other accessible wrecks, there is no reason to believe that further depredations will not take place.

It is not suggested for one moment that responsibility for these actions should be placed at the door of skindivers in general. Indeed, I am advised that a diver representing the responsible majority took the matter up with the Museum Board urging the introduction of protective legislation.

Apparently the legal position pertaining to ancient wrecks is obscure. Claims have been made that they are already

vested in the State under the Wreck Act of 1887, though it is known that expensive and extended litigation would be involved in settling some aspects under that Act, while, in the meantime, the exploitation of the wrecks could continue. Furthermore, the Wreck Act requires that wrecks be handed to the Receiver of Wrecks and he is defined as the State Customs Officer. This office was abolished with the advent of Federation, and with it the machinery designed to enable the State to take possession of wrecks.

Consideration was given to requesting the Federal Government to take possession under its Navigation Act, but this legislation is enacted under the trade and commerce powers of the Commonwealth and there appears to be little bond between those powers and ships wrecked several centuries ago.

The passing of this measure should resolve this problem by vesting historical wrecks in the Museum Board. Under its provisions will be set up machinery for taking possession and salvage, and also for the provision of rewards to persons first reporting the location of a previously undiscovered historical wreck.

Wrecks of historical importance, the locations of which are already known, are set out in the schedule and, as already indicated, will become vested automatically in the board upon the proclamation of this Act after its passing.

The first ship mentioned in the schedule —the *Trial*—is exceptional in that her exact location is as yet unknown. She is of English origin with an historical value which justifies our listing her in the expectation that she will be located ultimately. Of the ships whose wreckage has been recorded along our coast, it is believed that only three remain to be found: the *Trial*, the *Aagtekerke* and the *Fortwyn*.

Anybody discovering a wreck of obvious historic value will be obliged to notify the museum of its exact location subject to penalty for his failing to do so. Upon such wreck being deemed of historical significance, the board may, with the approval of the Minister, request the Governor-in-Executive-Council to proclaim it as being vested in the board. The board would then take such steps as are necessary to preserve, recover and display it. On the passing of this measure, it will be an offence to interfere with an historic wreck whether or not it has been so declared.

As to rewards, the first person to notify the board of the location of a previously undiscovered wreck of historic importance may be paid a reward up to £1,000 at the discretion of the board. He would be entitled, furthermore, to receive the current market value of the metal content of any gold or silver bullion, or coins afterwards recovered by the board; or at its discretion, the property itself may be transferred to him. This latter is subject to the provisions of the Commonwealth Banking Act of 1959. The finder would not be entitled to any compensation other than this.

It is not intended that the State should claim relics removed from wrecks prior to the coming into force of this legislation. To enable records to be made, however, of these articles, persons who have any in their possession will be required to declare them to the board. The board will have authority to take possession for a maximum period of 30 days, or longer if agreed upon, to enable such relics to be recorded, photographed and/or copied. They will then be returned to the owner who may retain them or dispose of them at will.

There are two advantages of this procedure. Firstly, it will give the museum authorities photographs and fascimiles to study and for display purposes, and, secondly, the records thus maintained will be of high value in the policing of the provisions of the legislation, because unrecorded articles can then be assumed to have been removed from a wreck subsequent to the Bill coming into operation. Provision has been made also for making regulations for the recovery, preservation, and display of historic wrecks and their contents.

The power of the State to legislate in this manner has been thoroughly examined, and it is believed there is no conflict between this Bill and Commonwealth law. Nevertheless, in order to ensure that no conflict arises, a severability clause has been inserted so that should any provision be *ultra vires* the legislative powers of the State, the whole Bill will not be invalidated, but only the clause or clauses which were in conflict with the Commonwealth law will be affected.

THE HON. J. DOLAN (West) [4.48 p.m.]: As the Minister has just indicated, the purpose of this Bill is to protect historically valuable 17th and 18th century wrecks lying just off our coast. As he also indicated, these wrecks were hidden for many hundreds of years until the advent of skindiving in recent times; and, of course, the explorations of these skindivers have resulted in large numbers of wrecks being found.

It is believed now that only three of the recorded wrecks—and the Minister has named them; they are the *Trial*, the *Aageterke* and the *Fortwyn*—have to be found. The Bill seeks to add a schedule to the present Act, and it contains the names of six ships, five of them being of Dutch origin. That leads me, first of all, to ask this question: Why are there so many wrecked Dutch ships off our coast? And secondly, why the association of the carrying of bullion and coins with these ships? There is quite a story attached to them.

The Dutch originally became interested in the East Indies following their enmity with Spain. Spain at that particular period was linked with Portugal and the Portuguese were the first in these waters and, of course, their territories eventually became Spanish. The Dutch, in their enmity of Spain, followed the Spaniards to all parts of the world.

Eventually, of course, they came to our coast via the Cape of Good Hope where they had already established a settlement. We all know that descendants of the Dutch still reside at the Cape of Good Hope. From this point the ships made their way across the Indian Ocean to the Dutch East Indies. As time went on, occasionally Dutch ships took advantage of the favourable westerlies which we know so well and followed them across a certain distance towards our coast and then turned north with more favourable winds and eventually reached their destination. In this way very often they cut off as much as three or four months from the voyage to and from the East Indies. Honourable members can realise, therefore, what a valuable saving it was, more particularly as those who returned first with their spices and robes and jewels could obtain the best markets.

The Dutch at that time were, I suppose, the finest traders in the world and were prepared to back their judgment by investing large sums of money in companies. Probably the most famous of those was the Dutch East India Company, and when formed no less than 7,000,000 florins were invested in it, more than half by the merchants and citizens of Amsterdam. This florin is not to be confused with our florin which has a value of 2s. The florin invested in the company was a gold coin which made its appearance first of all in the city of Florence and was named after the word "florum" because of the lily which was engraved on it. Later on an English florin, also a gold coin, was minted in the time of Edward III, who established the first English mint. These gold florins had a value of 6s. 8d., so we can see that the Dutch East India Company had a very big investment of capital, particularly when we relate it to companies of modern times and realise the changing values of money.

The Dutch continued to use our westerlies to help their ships, and eventually one of them struck our shores. They then found it was easy to come east from South Africa to the Western Australian coast and follow the coast to North West Cape and then, using favourable winds, go to the East Indies. Anyone familiar with our coast knows the dangers associated with it. Starting from the Leeuwin, and even in the Great Australian Bight, we find Dutch names all along our coast. The first European to see our Swan River was a Dutchman and the famous resort of Rottnest was discovered by the Dutch. Further north is the place referred to as the graveyard of ships—the Houtman Abrolhos, named after another Dutchman.

These ships always carried big quantities of bullion for use in their trading, particularly in the East Indies and other countries they visited, and that is why a keen search has always been made for the Dutch ships which have gone down along our coast.

Three ships particularly are mentioned in the story of the wrecks on our coast, and they deserve a special mention. The first one is the *Trial*, which is referred to in the Minister's second reading notes. This is one of those ships which are yet to be discovered. It was an English ship and is presumed to have been wrecked on the Monte Bello reef on the 6th May, 1622. A lot of historians, and many teachers I know, have always believed that William Dampier was the first Englishman to come to our shores; but as he did not come until 1688, and this English ship was here in 1622, it seems that Dampier has been given credit to which he has not been entitled.

When the *Trial* grounded, one of its boats with ten on board and the pinnace with 36 on board left the ship and reached Batavia where they reported the loss. They had left behind on the ship 97 people. When a rescue ship arrived the *Trial* had disappeared together with the 97 people, and from that day to this its whereabouts has been a mystery. Anyone who fancies himself as a skindiver should go up there and have a look around because he might find one of the old wrecks.

The Hon. R. Thompson: Don't send any of us up there while the place is radioactive.

The Hon. J. DOLAN: The second boat is the *Batavia*, a name which I suppose is more familiar historically and from other points of view than that of any other ship on our coast. She left Texel, a little island in the Zuider Zee which, of course, no longer exists because this sea has been closed and reclaimed. However, the boat left there on the 28th October, 1628, with the *Dordrecht* and a yacht the *Assendelft*.

After they left the Cape of Good Hope, the two last-mentioned ships became separated from the *Batavia*. The *Batavia* was sailing on behalf of the East India Company and had as its commodore a man well known in Australian history—Francis Pelsart, after whom the biggest island in the Abrolhos is named. The first mate of that ship was another famous character, Jerome Cornelius, who was to enact an amazing drama of that voyage.

On the 4th June in the following year the *Batavia* was grounded on a reef near Pelsart Island. On board were approximately 200 souls, and from the moment she struck the reef until the drama closed, there is a story of murder, plunder, treachery, and retribution to be told.

One of the biggest troubles there—and it still is—was the lack of water, and Pelsart eventually decided to take a boat and set out to bring help. In the meantime on the island occurred all those dramatic things of which honourable members have read. If anyone is desirous of reading a little more on the subject, I suggest he read the four-act play called *Batavia Ahoy*, which is to be found in the library in a little book called, *Treasure Lies Buried Here*, by Frank Goldsmith. It is an excellent play, and I recommend it to any honourable member who is desirous of reading the history of that part of our coast.

When Pelsart eventually returned he was greeted with an amazing story by loyal sailors. The ultimate result was that Cornelis and many other mutineers were put to death. They were a bit rugged in those times, because before Cornelis was hanged, both his hands were taken off. The minor mutineers were not so badly punished—they only had one hand taken off!

The third ship—and this is one of course which has been in the news in recent years—was the *Gilt Dragon*. It left Texel on the 4th October, 1655, and was wrecked on the 28th April, 1656. From that boat 118 were drowned, and seven survivors eventually reached Batavia. Sixty others were left on the mainland. Eventually, a rescue ship went to pick them up, but they had all disappeared. Whether they had died or been killed by blacks, history does not record, and so we do not know. The ship carried on board 78,600 guilders—another Dutch coin of the period—and many of them have been recovered. The coins that have been recovered have been made into charm jewellery, and so on, not only here but in Adelaide and in other parts of the Commonwealth.

Skin divers discovered that wreck. I think the purpose of the Bill is to prevent a repetition of some of the happenings that have occurred since the wreck was found. The original discoverers made a kind of pact between them that they would divide what was there; but then they fell out with each other and there was trouble, and another person came into the act and started to use explosives.

The Hon. L. A. Logan: Do you think you could write another four-act play?

The Hon. J. DOLAN: Quite easily; no trouble at all. Because of the use of explosives, of course, many items which were historically priceless have been lost or ruined; and one of the main reasons for the introduction of the Bill is to prevent any happening of that nature in the future.

Anybody who discovers one of these wrecks that has not yet been recorded will be well safeguarded because there are three safeguards. The first one is that the Museum Board will have power to pay up to £1,000 to the discoverer. In the second place, whoever finds any bullion, or coins, or anything else that may be discovered, will after they have been recorded —perhaps by photographs or imprints— receive their value, or might even have them returned to him. The third point is that any expenses incurred by the discoverer, not only in finding the wreck but in exploring it, will also be refunded to him.

I wish to refer to subsection (4) of proposed new section 20B, which is included in clause 7 of the Bill. This subsection provides that if there is any provision in the measure which is *ultra vires* the powers of the State, the whole Bill shall not be invalidated, but that only those clauses which are in possible conflict with Commonwealth laws shall be affected.

I feel the Bill will do a very good service and that it will, in particular, be the means of preserving certain things which are of priceless historical value. I do not wish to say any more. I commend the Bill to honourable members and give it my support.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.3 p.m.]: On my own behalf, and I think on behalf of all honourable members, I thank the honourable Mr. Dolan for a very instructive history lesson on the subject of wrecks; and I am pleased with the support he has given to the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

ELECTORAL ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed, from the 4th November, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5.7 p.m.]: I thank the Minister for suggesting, because of something unfortunate that I had to attend to in the last hour, that he should defer this item. The Bill includes a number of clauses and covers a wide range of implications concerning the Electoral Act. It is unfortunate that we did not have, when the Minister introduced the Bill, more explanation of some of its purposes. He mentioned that certain clauses did certain things; but, of course, it is obvious to anyone reading the Bill what they do. The unfortunate angle is that there was not much explanation of why those clauses were included; and that is an important point in making a second reading speech; and it is important whoever may have been responsible for the notes provided to the Minister.

The Hon. A. F. Griffith: I was responsible for my own notes.

The Hon. F. J. S. WISE: The Minister must be responsible for them, but he may not have written them; and I doubt if he did.

There are several clauses in the Bill to which I wish to draw particular attention, and the first one deals with the taking away of certain restrictions which are included in, and which affect, section 18 of the principal Act. It is interesting to note that the first paragraph of clause 6, which seeks to amend the section to which I have just referred, will repeal a provision which, I doubt, has ever been enforced; that is to say, the non-enrolment stricture provided by the law at the moment, which affects many people in places where the Crown subsidises the keep of the inmates —institutional people; and I think it is a very good move to take out that paragraph, because I feel sure there have been many violations of the Act as the law now stands.

The second paragraph of the clause deals with people of Asiatic origin in respect of whom the Act at present makes a specific bar. That bar will be withdrawn and the legislation will affect only—and I think quite properly—those people who are here temporarily and under license.

I have an objection to the next clause, which deals with the amount to be levied as a fine for non-enrolment. The section concerned is section 38, and it had its origin in the 1907 Act and has persisted since that time. When compulsory enrolment came into effect the fine for non-enrolment was £10, or an amount not to exceed that sum.

I do not think we should interfere with that provision. The fine may still be £2 or £5 according to the circumstance. It is unusual for this Government to reduce imposts or burdens on the people; but I think the present provision is a valid one, and I propose, when we are in Committee, to move to delete paragraph (b) which appears in clause 7. The existing provision is one which has endured, and I think the amount specified quite properly has a place as the maximum penalty in order to ensure that people will realise their responsibility, and to know that we are not fiddling around with enrolment of this kind.

The next clause is, perhaps, the most important in the Bill in many ways. It is designed as an amendment to section 44, but it is not one to clarify the situation in regard to claims and claim cards; because honourable members with a knowledge of the Act could nearly repeat, as I can, I am sure, all the essential parts of the claim card. The Act provides that on a claim card there shall be provision for the surname and Christian names of the claimant; the residence of the claimant; the date of birth of the claimant; the place of birth of the claimant; and the usual signature of the claimant.

The clause in the Bill seeks to amend that part of section 44 which provides that an essential component of a claim card is the requirement dealing with the date of birth of the claimant. We are now faced with the problem that hundreds—indeed thousands—of people do not know the date of their birth, although the year of their birth is traceable and known. It can be said that up to the age of 16, and slightly over that age, almost all native people in the State are registered at the actual date of birth by the station people, the mission people, or those associated with the registration of coloured people in the Department of Native Welfare.

This clause is almost solely presented to us—almost solely—to assist in the enrolment of natives who do not know the date of their birth. There are many hundreds who do not know the year of their birth; but there are many hundreds who do, even though they do not know the date of their birth.

In seeking clarification on this point I approached the Electoral Department not many weeks ago, obviously after this matter had received official consideration in the preparation of this Bill. In fairness to the officers of the department with whom I conferred I can say that I got no information as to what might happen. My advice simply was that my interpretation was valid and that the essential parts of the claim card included those parts I have read which refer to the date of birth.

There is no doubt that this provision will bring in as eligible for enrolment large numbers of people who are wholly disqualified at present. It will bring in people who were made eligible to vote by the 1962 Act; people who may choose to be enrolled, and who once enrolled must vote. Once they are enrolled they have the responsibility of voting. We have given them the right to vote, and this leads us to the

point that we should give them the right to enrol. That is really what the clause sets out to do. While the condition that they are entitled to be enrolled if they choose remains in the law, and provided the matter is dealt with by scrupulous rather than by unscrupulous people, there is no worry. There is, however, great need for care.

I think that a further part of section 44 of the principal Act requires a lot of generous interpretation. In the case of the people whom I am discussing it will be found that hundreds of them are unable to pinpoint the place of their birth. They might say they were born in the desert area, or on the Canning stock route; or they could say they were born in the North Kimberley or the Fitzroy Crossing area.

We are amending this Act to allow hundreds of people to be enrolled by their signing and stating the year of their birth. But if we insist on a specific place being mentioned as the place of their birth, there will again be hundreds whose claim cards will not be valid. It will have to be a very broad interpretation. It could be the Kimberley district, or the Pilbara district; or it could be places as wide as 500 to 1,000 miles apart.

Since we made provision in the 1962 amendment to give these people the right to vote, there is no alternative but to agree to the principle in this clause. It could affect some people very adversely unless a proper approach is made; unless the matter is decently handled, because I know of numbers who would be available to be enrolled if we took this provision out of section 44 of the Act. I repeat that since we have given them the entitlement to vote, we must make it possible for them to be enrolled.

The Hon. A. F. Griffith: In fact we do not take the provision out, but we add some more.

The Hon. F. J. S. WISE: I know exactly what it does. Will the Minister say there will be one-quarter of 1 per cent. who will not be coloured people who are affected? Of course there will not.

The Hon. A. F. Griffith: I would not know how many, but I share the view you have about the whole matter.

The Hon. F. J. S. WISE: There is, in my view, a direct endeavour to make it possible for hundreds of people to be enrolled; people who cannot be enrolled if the law remains as it is. The two clauses following are obvious in their design to avoid confusion between letters and numerals. Where letters occur in a previous part of the paragraph it is now proposed to use Roman numerals to assist in the delineation. I notice a clause in the Bill which affects section 58. That is necessary, because section 58 was repealed in 1951. This is just one of those minor things which could have come about previously.

Honourable members will be interested, I am sure, in the provision concerning the paying of their deposit which states that notes must reach the returning officer, or the Treasury to be transferred to the returning officer, an hour prior to the closing of nominations. It is obvious that a cheque drawn by a bank upon itself, which would mean a cheque drawn for a sum on a savings bank account, is now acceptable, but apparently the cheques of honourable members and other nominees are still unacceptable. Even though they are of high standing in many professions their cheques will not be valid at the Electoral Office.

The Hon. A. F. Griffith: It is not proposed to deal with the person of high standing but with other cases.

The Hon. F. J. S. WISE: I should imagine that anybody who nominated for Parliament would have the ability to sign a cheque for £25. I merely draw attention to that fact, though I do not propose to do anything about it. I simply point out that the cheques of members are unacceptable to the Electoral Department.

The Hon. N. E. Baxter: What about a bank marked cheque?

The Hon. F. J. S. WISE: There is no provision for that; it must be a cash transaction. The next clause deals with a very interesting aspect of forfeiture of a deposit. As the law stands, section 84 of the principal Act provides that if a person does not poll one-fifth of the total votes polled by the successful candidate he loses his deposit. The principle introduced in this would have affected an honourable member sitting in this Chamber. His figures would have affected persons who have lost their deposits because the successful candidate was, I think, the man who was third or fourth in the first count. He is in this Chamber.

The Bill provides that a person who does not poll one-fifth of the votes polled by the candidate who is leading on the first count, shall lose his deposit. I think that is quite fair. I think very few nominees, or those interested in the party system, lose their deposits. I have spoken on this matter before. You might recall, Mr. President, that I said if a person lost his deposit once it should be £25, the second time it should be £50, and so on. I would like to keep out people with capricious and annoying habits who seek election. I am among those who have been annoyed by a nominee who has lost his deposit. I would like to make it very hard for such a man to nominate again.

The Hon. A. F. Griffith: Did you not have some great satisfaction in beating this candidate?

The Hon. F. J. S. WISE: I treat all opponents as very serious propositions. I notice we are now to get a receipt for our nomination. We get a receipt for our

money provided it is a cheque drawn on a bank, or cash, but now we are to get a receipt for the nomination.

The Hon. A. F. Griffith: I think that is a good thing.

The Hon. F. J. S. WISE: What is?

The Hon. A. F. Griffith: The fact that a candidate receives a receipt.

The Hon. F. J. S. WISE: I do too.

The Hon. A. F. Griffith: It saves any possibility of dishonest dealing.

The Hon. F. J. S. WISE: So far the Minister will note that I am almost applauding the Bill—but only almost. The next clause deals with an amendment to section 90 of the Act. If honourable members have an up-to-date copy of the Act they will find to what this refers; but if they have not an up-to-date copy they will not find it. My own personal copy has been interleaved in three places. There is not a reprint handy with these words incorporated, but thanks to the Clerks of this Parliament I have been able to have this copy in my possession. Before I proceed, however, I would like the Minister to clarify clause 18.

The Hon. A. F. Griffith: That amends section 90.

The Hon. F. J. S. WISE: That is right. If the Minister reads the words in section 90 to which this clause refers he will find that the paragraph to be amended deals with people who may apply for postal votes to a town clerk or shire clerk appointed under the Local Government Act, 1960, or a person appointed by a municipality under that Act to be the assistant or deputy town clerk or the assistant or deputy shire clerk. The Bill seeks to add the words, "of a city, town or shire whose municipal district is wholly or partly outside the metropolitan area, as that area is for the time being determined under the Electoral Districts Act, 1947".

The Hon. A. F. Griffith: It will obviate the necessity for that class of people to issue a postal vote, because the machinery in the metropolitan area exists in other forms through the Electoral Office. We do not want these people to be issuing officers.

The Hon. F. J. S. WISE: If the Minister will read section 90 (1b) he will find it deals with those electors outside the metropolitan area. I am wondering why these words are not sufficiently encompassed in the wording of the Act as it stands; that is, of section 90 (1b) (c). There must be an explanation for it, but it is not obvious on the surface.

The Hon. A. F. Griffith: I will have another look at it. The basis of it was to make clear that these local authority people inside the metropolitan area would not be issuing officers; but it would not affect them outside the metropolitan area.

The Hon. F. J. S. WISE: But section 90 (1a) deals with what the Minister refers to—

(a) the Chief Electoral Officer;

(b) the Assistant Chief Electoral Officer;

(c) a Returning Officer for any District or Province;

and so on. Subsection (1b) deals with where an elector is in a part of the State that is outside of the metropolitan area. That is the one we are referring to, and it is not in connection with what the Minister stated. There must be an explanation for it.

The Hon. A. F. Griffith: I will have another look at this.

The Hon. F. J. S. WISE: The next amendment to which I wish to draw attention is one that tightens up the declarations associated with postal ballot papers; and part of this clause is in the Act at present—paragraphs (a), (b), and (c)—but paragraphs (d) and (e) are new. So a person who witnesses a declaration in regard to a postal vote must now give the address he claims to be enrolled for in the Legislative Assembly, and he must show the title by virtue of which he qualifies as an elector. I think this is all to the good. It will assist in obviating any challenge to the validity of the signature of the person concerned and of his *bona fides*.

The next few clauses deal with the clarification of ballot papers as against votes; but clause 23, if I may mention a specific clause, is one that I do not like at all. I would draw the attention of honourable members to the clause at the top of page 8 where an amendment to section 114 of the Act, which has been in the Act since 1907, provides for the appointment of scrutineers. Since that time, and through all the years at by-elections and at elections, we members of Parliament have been available. Candidates have had members of Parliament as their scrutineers. I am wondering what has happened for this reflection to be cast on members of Parliament as scrutineers.

The Hon. A. F. Griffith: I am sure that is not intended.

The Hon. F. J. S. WISE: It must be taken as a reflection. In effect it is saying that persons who understand the Act as well as a lot of returning officers do, and as well as many presiding officers do, are to be debarred from being present as scrutineers during the taking of the count.

The Hon. A. F. Griffith: No.

The Hon. F. J. S. WISE: Yes.

The Hon. A. F. Griffith: No.

The Hon. F. J. S. WISE: Not during the counting, but during the taking of votes—during the hours of polling.

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

The Hon. F. J. S. WISE: That is correct, but not better. It is better to be correct.

The Hon. A. F. Griffith: Yes.

The Hon. F. J. S. WISE: Why is it that members are barred? Why is this incongrouous and unnecessary provision being made? Is there any reason? There must be a reason not stated to us.

The Hon. A. F. Griffith: It was not intended to cast a reflection.

The Hon. F. J. S. WISE: There must be an explanation for it; and the queer part of this ban on members of Parliament is that a member who is a member of the Parliament of the Commonwealth or of this Parliament shall not be appointed by a candidate to represent him at a polling place, but a visiting member of Parliament from another State could be under this provision. How silly is that? Suppose there is a member visiting from South Australia, Tasmania, or Queensland and it is your election, Mr. President, and you know this gentleman by repute, or you know him personally as one who has had considerable experience in elections and their conduct, he would be allowed to act, but you could not have the honourable Mr. Murray, the honourable Dr. Hislop, or the honourable Mr. Watson as a scrutineer because they would be barred. Why? You could not have the Prime Minister! I think this is a very serious matter.

The Hon. R. F. Hutchison: He couldn't even have me.

The Hon. F. J. S. WISE: To support this clause as a whole, it would be necessary to say that members have done something that is offensive to the Chief Electoral Officer; otherwise, why is the provision there? Why I would allow even the Minister for Justice to scrutinise for me.

The Hon. A. F. Griffith: You could not do better.

The Hon. F. J. S. WISE: The Minister could not do better.

The Hon. A. F. Griffith: No, you could not.

The Hon. F. J. S. WISE: That is the situation. We are saying he cannot. Why? I repeat: This clause is an offence, and I hope members will have a good look at it and assist me when I divide the Chamber on it to kick it out.

The Hon. F. R. H. Lavery: I will certainly protest after all the times I have been a scrutineer—27.

The Hon. A. F. Griffith: You haven't been a member of Parliament for that long.

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

The Hon. F. J. S. WISE: I have been a scrutineer on dozens of occasions, and I hope I have always been helpful; and is there not the possibility of every member in this Chamber saying the same thing; namely, that they never offend, but they have often assisted; and that they have stuck to the letter of the law and have abided by the returning officer's decisions? Many of us with a lot of experience in this matter have never objected to a decision, whether at a recount or in connection with votes cast aside for further examination.

That is the usual situation; and I submit that honourable members, with their better knowledge of proceedings, are unlikely to do anything that would offend: and they would certainly not agree to do anything wrong. So it will take a very good explanation to satisfy me—and I think none can—on that one.

A very interesting principle is introduced in clause 26. Section 138 of the principal Act is the one which arranges for certain decisions at the count to be final in regard to votes that are being examined as to whether they be admitted or rejected; and the decision of the officer conducting the count is expressed as final, subject only to reversal by a judge of the Supreme Court. If honourable members will read section 138 in conjunction with section 146, they will find the provision in section 146 for a recount; and that is where this principle applies—that the first decision is not final.

That is why these words are coming out, because these votes may quite properly be admitted to be reconsidered on a recount. So the initial decision is not a final one; it is subject to the provision in section 146 as well. This is a very good idea, because it dispels any notion that could develop that the first officer's decision is final and the votes are properly rejected; because on consideration by the higher authority they may be admitted.

I think it is very interesting that clarification will appear in our Statute when this Bill becomes law, between the "X" as a mark and the "1" where there are two candidates. Have not all of us who have been scrutineers seen the "X" and the "1."

The Hon. A. F. Griffith: My word!

The Hon. F. J. S. WISE: This clarifies the situation that it may be a "X" or a "1" where there are two candidates. If there is only a "X" it is taken that the intention of the elector is clear as if he made a "1," but a "1" and a "X" are definitely out. I remember being a scrutineer when the present Chief Electoral Officer was present and one of the scrutineers was prepared to argue with him that the "1" and the "X" were a permissible vote. I think he would remember the occasion. It was at a recount for a district not far from here. It is obvious that clarity is necessary and

there should not be any doubt that a "1" means a "1" and the "X" crosses the other fellow out. This does clarify a matter that has been an issue for quite a long time.

The Hon. R. F. Hutchison: I had that experience last election.

The Hon. F. J. S. WISE: I do not like the provision in regard to 21 days. I think it has been included without the full knowledge of the repercussions. The Chief Electoral Officer will require a person to answer a please explain—Why didn't you vote?—within 21 days in lieu of 42 days. The Chief Electoral Officer will say, "We will give you 21 days in which to answer, or you will be subject to a very severe penalty."

Let us have a look at the timetable of the MacRobertson Miller Airlines as it applies, to say, Gibb River, La Grange, or Kalumburu stations where a person is an ordinary postal voter or a registered postal voter. In one case the mail goes out of Perth on a Tuesday, and each alternative Saturday in the other case; and it depends on the station runs when they receive their mail. What is the reason for this haste? Why is it going to be said to these people, "You cannot have six weeks; and unless you get your reply back to us in three weeks we are going to fine you"? I do not agree with that at all. A responsibility is going to be placed on people who have no opportunity to reply in 21 days.

The Hon. G. C. MacKinnon: It doesn't say—. I am sorry, you are right.

The Hon. F. J. S. WISE: The honourable member can take a ticket on me.

The Hon. A. F. Griffith: We reduced the nomination period to 35 days.

The Hon. F. J. S. WISE: No; let us make that clear. I said that the responsibility and right should rest with the Government to determine that. We should not pin down the Government to a specific number of days—make no mistake about that. The Minister is arguing on another point: on the time between nomination day and polling day, in connection with which I said that the right should be vested in the government of the day. We should not be forced to have six or seven weeks between nomination day and election day, which would have been the case had that provision remained.

The Hon. A. F. Griffith: What if we make it 21 days?

The Hon. F. J. S. WISE: The Minister would have to provide for an extra 150 polling places. That is the difference.

The Hon. G. C. MacKinnon: I think we could make it 50 days. There must be a minimum of 21 days. I am referring to page 83 of the Act.

The Hon. F. J. S. WISE: It says not less than 42 days.

The Hon. G. C. MacKinnon: Yes.

The Hon. F. J. S. WISE: Now we are going to say not less than 21.

The Hon. G. C. MacKinnon: But it could be 50.

The Hon. F. J. S. WISE: But why disturb it, if that is the case? If that is the interpretation, why interfere with it?

The Hon. A. F. Griffith: Frankly, I will not have any great argument with you about these matters. They were brought forward for the consideration of the House to improve the administration of the Act.

The Hon. F. J. S. WISE: But if the interpretation is to be as the honourable Mr. MacKinnon suggests, then why interfere with it at all?

The Hon. G. C. MacKinnon: To speed it up around the city.

The Hon. F. J. S. WISE: It may not be less than 21 days, and 50 days is permissible. I would rather we specified 50 days if we want 50 days.

The Hon. A. F. Griffith: Fifty days for around the city would be too much, surely!

The Hon. F. J. S. WISE: But we do not want to affect people who would otherwise be prejudiced. I would like the Minister to note very carefully the points I raise in the next one. It is interesting to note that according to the amendment to section 174, honourable members will not be breaching any part of the Electoral Act if they spend £500 on their election in the case of the Legislative Assembly; while honourable members of the Legislative Council may continue to spend up to £1,000.

The next clause provides a variation of something which has been the law since 1907. It provides that electoral expenses include expenses incurred by a candidate or his agent at or in connection with an election including a pecuniary or other reward—and this is exactly opposite to the law as it stands—but not including the personal expenses of a candidate in travelling and attending election meetings. Does that mean excluding the costs of travel and personal expenses, which in some districts are enormous? I know of an honourable member—and you know him too, Mr. President; and there are other honourable members in the same situation—who will spend at least £1,000 on the next election. He will cover thousands of miles by plane and thousands of miles by road. He will have personal expenses of all kinds.

Does this clause mean that so far as the Electoral Act is concerned honourable members will be allowed to spend up to £1,000 excluding personal expenses and

costs of travel; or does it mean that his total amount, including all of those things, shall not exceed £1,000?

If an honourable member is pegged to £1,000 including his personal expenses, but spends very much more, he would have that £1,000 as a valid deduction for income tax. Is this Act to be any guide at all as to his latitude in claiming valid election expenses for money spent?

The Hon. A. F. Griffith: You have a look at section 176 as it is now written.

The Hon. F. J. S. WISE: I have had a look at it.

The Hon. A. F. Griffith: I'm sure you have; and you would agree that the way it is now it's nobody's business.

The Hon. F. J. S. WISE: All that this clause does is to vary those words which refer to the personal expenses of a candidate.

The Hon. A. F. Griffith: But surely these words set it out in more general terms!

The Hon. F. J. S. WISE: No. In the Act at the moment they "include", but in the Bill they "exclude."

The Hon. H. K. Watson: At the moment one can spend £1,000 plus postage; but under this Bill one can spend £1,000 including postage.

The Hon. F. J. S. WISE: But in the Act one may include in one's return to the department, as expenses, personal and reasonable living and travelling expenses.

The Hon. A. F. Griffith: That is under—

The Hon. F. J. S. WISE: Section 175.

The Hon. A. F. Griffith: Yes.

The Hon. F. J. S. WISE: This says that one shall not include living costs and travelling expenses. My query is: Does this give one more to spend on one's election, or does it circumscribe one further? And this is the important point: Is the return that one makes to the Electoral Department for one's election expenses to have any bearing upon the actual costs of an election so far as taxation is concerned?

The Hon. G. C. MacKinnon: This would have no bearing on taxation.

The Hon. H. K. Watson: It would have an incidental bearing.

The Hon. F. J. S. WISE: My point is clear: We put in a return to the Chief Electoral Officer showing that we have spent £1,000, but in actual fact we may have spent £1,500. Will the Taxation Commissioner say, "You have shown that you have spent £1,000 and so I cannot allow £1,500"?

The Hon. A. F. Griffith: I think that is the case now.

The Hon. H. K. Watson: No.

The Hon. A. F. Griffith: You mean that he will allow all that you spend?

The Hon. F. J. S. WISE: He allows a varying amount according to the district. Anyhow, I pose this as a question, and I would like the Minister to have a look at the matter to clarify it.

The Hon. A. F. Griffith: Yes. But before you leave the subject, the Taxation Commissioner does not allow candidates differing amounts for taxation purposes in an election.

The Hon. F. J. S. WISE: No. The amounts are prescribed according to whether it is the metropolitan area, the Upper House, or the Lower House, and so on.

The Hon. A. F. Griffith: The Act, as it now stands, says that a Legislative Council candidate can spend £1,000.

The Hon. F. J. S. WISE: For his election, yes.

The Hon. A. F. Griffith: That is, for the north, the south, or the metropolitan area.

The Hon. F. J. S. WISE: Yes.

The Hon. A. F. Griffith: A candidate in the north would not get a greater taxation deduction than a candidate in the south.

The Hon. F. J. S. WISE: No.

The Hon. A. F. Griffith: That is the point I am making: There is no difference because of the expenses of an election.

The Hon. F. J. S. WISE: I am pointing out that there are some honourable members in this House whose elections will surely cost them more than £1,000.

The Hon. H. K. Watson: Without breaching the Electoral Act.

The Hon. F. J. S. WISE: Yes. What is to be their position if they have submitted a return which is in concert with what is in the Electoral Act, but in actual fact they have far exceeded the permissible amount under our taxation laws? Some people have already spent £30 on stamps in connection with next year's election. I am in a position to prove that. I think the department should not be finicky about these sorts of things; about what an honourable member can spend on stamps, on stationery, on telegrams, and so on.

The Hon. A. F. Griffith: Don't blame the department; you must blame me. My objective here is to try to clarify something which to my mind is not very clear at the moment.

The Hon. F. J. S. WISE: It isn't; no.

The Hon. H. K. Watson: But it has been quite satisfactory in the past.

The Hon. F. J. S. WISE: Yes.

The Hon. L. A. Logan: It has not been satisfactory in the past to a lot of people.

The Hon. F. J. S. WISE: Whoever is responsible—and let us blame the Minister—I think that this has to be very generously interpreted. We might at times get a crank who is prepared to use a

printing press. We might get a person who is prepared to spend a tremendous amount on an election. But those people are rare and usually they do not succeed; but we do not want to restrict or harass those people who approach the elections honourably and validly.

The Hon. A. F. Griffith: Do you think we should cut out the restriction altogether?

Then Hon. F. J. S. WISE: No; but there is no need to specify. Why continue to specify certain things and except the cost of rolls, stationery, and so on? If that section has to be amended, then amend it without specifying. We cannot include these things if they are not specified.

The Hon. A. F. Griffith: I am prepared to write anything into this clause, and in any clause, which will deal with the situation sensibly.

The Hon. G. C. MacKinnon: I am quite sure there is a good reason for the section dealing with travel. There are such wide variations and therefore they should be excluded.

The Hon. F. J. S. WISE: I think my interpretation is the correct one.

The Hon. G. C. MacKinnon: I think the intention was to exclude the wide variations.

The Hon. F. J. S. WISE: I think the intention was to include this: That no matter what the costs were, they should be kept within a prescribed sum. I am posing this—I am not affirming it—that it means that all expenses except—

The Hon. A. F. Griffith: The intention was not to say that you can spend it on signs, but you cannot spend it on stamps; that you can spend it on this but not on that.

The Hon. F. J. S. WISE: I think this is something which should be looked into.

The Hon. R. F. Hutchison: It would be wrong, because different candidates have different kinds of expenses.

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

The Hon. F. J. S. WISE: There is a big risk here that the public might get a wrong impression. These are not allowances for anybody. It is a matter of a person spending up to £1,500 of his own money on self-preservation—the first law of nature—in the event of his being here or on the other side of the House next year.

The Hon. A. F. Griffith: The opinion that people sometimes get is that which is given to them by the Press.

The Hon. F. J. S. WISE: There is a big responsibility on the Press.

The question with which I am dealing is one which applies in the Electoral Act in order to avoid misdemeanours and misbehaviour; to avoid some wealthy person splashing around thousands of pounds on his election. There is now the cost of travel and personal expenses. Honourable members know of remote districts—the honourable Mr. Heenan's district, the honourable Mr. Dellar's district, and others—where an honourable member spends large sums of money in his election year and when preparing for it in the years preceding the election year. They spend large sums of money in moving throughout their districts. All I am trying to say is that we should have a good look at this section to see that the provisions do not hamstring an honourable member in connection with what he may spend on postage stamps, stationery, and so on. Let us discard that. Let us be generous in our interpretation of what an honourable member may do, because, after all, he is spending his own money.

The Hon. R. F. Hutchison: I know what it cost me for postage. I sent a letter to every absent elector on the roll.

The Hon. F. J. S. WISE: How many electors are in the province represented by the honourable Dr. Hislop, and the honourable Mr. Mattiske?

The Hon. H. K. Watson: About 40,000 odd.

The Hon. F. J. S. WISE: Very well; suppose one wants to send a letter to the 40,000 voters. It would cost nearly £1,000. The other method is to ride around the province on a bike before breakfast. One would not cover the first paddock. We should be very generous when imposing a restriction on a candidate which could savour of unfairness.

There is something in clause 36 of the Bill which, I think, requires amending. This clause amends section 178 of the Act, which was section 176 of the 1907 Act. This is another fiddly business. What could one get in the way of service for an expenditure of £2? At present if one spends more than £2 one has to show a receipt for the expenditure.

When £2 was inserted in the original Act it was nearly a week's wages, and now, nearly 60 years since the original Act, a receipt is still required for any expense over £2. I suggest that figure should be £10 and, indeed, I intend to move in that direction during Committee. The section is an excerpt from the New Zealand Act of 1905, and I suggest it is wholly inappropriate at the present day. When I go by car around any one of 10 or 15 towns in the north-west, it costs me more than £2.

The Hon. L. A. Logan: Any day of the week.

The Hon. R. F. Hutchison: The honourable member would send telegrams costing more than £2.

The Hon. F. J. S. WISE: Yes; some of my telegrams would cost more than £2. So I think the figure is unrealistic, and I hope the Minister will agree to raise it to £10.

Having supported most of the Bill—

The Hon. F. D. Willmott: And ripped some of it to bits.

The Hon. F. J. S. WISE: Very little. I think most honourable members will agree that the strictures in the Bill are unrealistic, and those are the provisions I concentrated on. I have no objection to some of the clauses to which some people might think I do object.

The Hon. A. F. Griffith: I am not displeased with your approach.

The Hon. F. J. S. WISE: I think I have made a just approach, whether adversely or favourably.

I think the second last clause in the Bill is an interesting one, and I think it is wholly right. The part I refer to reads as follows:—

> The wearing or displaying by an officer or scrutineer in a polling place on polling day any badge or emblem of a candidate or political party.

I think it is wrong that any officer should display a badge. If this were permitted, why have any restriction on where cards shall be handed out? Why not have a banner on the door reading, "Vote Griffith 1."?

The Hon. F. R. H. Lavery: And Lavery "2."

The Hon. F. J. S. WISE: Or Lavery "1."

The Hon. A. F. Griffith: He was happy to be No. 2.

The Hon. F. J. S. WISE: As I said, I think this is a good move. All of us have seen offences against this particular section of the Act. Although, in the past, returning officers have paid attention to their job—and they have a great responsibility—people have left piles of *how-to-vote* cards in the polling booths. We have to believe that each of the returning officers is fair and not a partisan. However, where scrutineers are necessary, let us have those best suited to give advice. I would never believe that we should deprive of this right, public men of standing who know the Act and know the requirements of polling. I do not agree with that clause, and I do not think it has any place in this Bill.

THE HON. R. C. MATTISKE (Metropolitan) [6.6 p.m.]: I wish only to refer to one of the points raised by the honourable member who has just resumed his seat. That is, the amount which may be allowed by the Federal Income Tax Commissioner for deduction from income earned by a member or prospective member of Parliament.

Under section 74 of the Income Tax Assessment Act there is no limit on the amount which may be claimed, but under our own legislation there are certain limits which apply. Similarly, in other States there may be limits, and they could be higher or lower than those in this State.

The Hon. A. F. Griffith: Our expenses are limited, irrespective of the size of the electorate.

The Hon. R. C. MATTISKE: That is right. So far as income tax is concerned, we are bound solely by the limit which may be applied by our own legislation.

The Hon. F. J. S. Wise: Thank you.

THE HON. R. F. HUTCHISON (Suburban) [6.7 p.m.]: I rise to support the honourable Mr. Wise, the Leader of the Opposition, on this Bill. The clauses to which he spoke were the ones I intended to speak on so I will not repeat what has already been said.

I was happy to hear him mention the 42 days' time limit for an answer to reach the back country. I know people, personally, who sometimes have difficulty in getting their mail. All kinds of things happen to cause delay. There are floods and fires, and there are other disabilities.

Regarding election expenses, there is a difficulty here because candidates have different needs when fighting an election. I would probably have different needs to those of other honourable members here. We have people who have been affected by accidents, and they need a different kind of help in spending their allowance during an election. Competent people should not be hampered in any way when they are contesting an election. I think the honourable Mr. Wise was right when he said that this section came out of the 1905 museum volume.

I think that to have to account for every item of expenditure of £2 in those days, would be like accounting for expense items of about 5s. formerly. No-one wants to have to put up with a pettifogging thing like that.

As I said earlier, I agree with the honourable Mr. Wise and I will support his objections during the Committee on this Bill.

Sitting suspended from 6.10 to 7.30 p.m.

THE HON. H. K. WATSON (Metropolitan) [7.30 p.m.]: I merely wish to make a few remarks on the question raised by the honourable Mr. Wise in his very analytical speech which he made before the tea suspension. He made particular reference to the class of electoral expense which at the moment is itemised in section 175 of the principal Act.

As interpreted by the officers of the Crown Law Department the position at the moment is that on printing, advertising, publishing, issuing and distributing

addresses by the candidate and notice of meetings, rent of committee rooms, rent of halls for public meetings, scrutineers, election agents, and so on, a candidate may spend £1,000, plus—and I emphasise the word "plus"—the cost of electoral rolls, stationery, postage, telegrams, rent of hall belonging to any public body, and personal and reasonable living and travelling expenses of the candidate.

That is how the law is interpreted at the moment, but I think it could be said that sections 174, 175 and 176 are somewhat ambiguous. I cannot help but feel that the ambiguity could be dispelled if section 175 was amended to read as follows:—

For the purpose of section 174—

That is the section limiting the expenses. Continuing—

> —of this Act, "electoral expense" includes all expense incurred by or on behalf of any candidate at or in connection with any election excepting only the cost of electoral rolls, stationery, postage, telegrams, rent of halls belonging to any public body, and personal and reasonable living and travelling expenses of the candidate.

If section 175 were amended in that way we would have a clear statement that the section is in the Act purely for limitation purposes. A candidate could still spend money on electoral rolls and on those items specified in section 175, but that amount would not be taken into account in arriving at the £1,000 expenditure to which he is limited under section 174.

The Hon. L. A. Logan: If you exclude all those items, what would you spend the £1,000 on?

The Hon. H. K. WATSON: On printing, advertising, publishing, etc. It would be quite easy to spend £1,000 on those items during a province election, plus the cost of committee rooms, scrutineers, election agents and so on.

For the information of the House I have arranged to have copies of amendments circulated which I propose to move in Committee, because I think they will preserve the *status quo* and cover the point raised by the honourable Mr. Wise. The intention of the amendment is that one can spend £1,000 on printing, advertising, publishing, and rent of halls belonging to any public body, and, in addition, travelling expenses and the cost of postage and other items I have mentioned, with the effect that the Commissioner of Taxation, in turn, will treat as an allowable deduction the £1,000 spent on advertising, scrutineers, and so on, plus the cost of postages, telegrams, travelling expenses, etc.

The Hon. A. F. Griffith: What would you do with section 176?

The Hon. H. K. WATSON: I would enlarge that section to include all the items at present mentioned in section 175 to make it clear that a candidate is entitled to spend money on those items, but they are not to be taken into account in arriving at the figure of £1,000.

The Hon. A. F. Griffith: Would you feel there would be any conflict with section 158 (5) of the Act?

The Hon. F. J. S. Wise: I would not think so.

The Hon. H. K. WATSON: I think not.

The Hon. A. F. Griffith: All right.

The Hon. H. K. WATSON: It could be desirable to introduce a consequential amendment making section 158 (5), at the end, read as follows:—

> by the candidate of the return of his electoral expenses within the meaning of section 174.

I think the interjection by the Minister is worthy of some consideration, but, subject to that reservation, the amendments which I have circulated among honourable members are quite sound.

The Hon. F. J. S. Wise: Subsection (5) of section 158 deals only with a matter of time.

The Hon. G. C. MacKinnon: Would the Minister and other honourable members please speak up, because I find it a little difficult to hear what they are saying?

The Hon. H. K. WATSON: The question is that in submitting a return under section 158 (5) and section 177, one includes, at the moment, only the electoral expenses which are enumerated in section 176. Expenses which are enumerated in section 175 are not included.

The Hon. A. F. Griffith: Yes.

The Hon. H. K. WATSON: There again, adverting to section 158 (5), we still have ambiguity on what is meant by "electoral expenses"; that is, whether it includes all expenses such as travelling expenses, or whether it merely includes the expenses specified in section 176 and incurred within the £1,000 limit.

The Hon. A. F. Griffith: A candidate would not want to find himself with a breach of section 158 (5) in the event of his going before a court of disputed returns.

The Hon. H. K. WATSON: I cannot see how he would commit a breach of section 158 (5) if his expenses for advertising, and so on, were kept within £1,000, but I must confess I would like a little more time to consider whether a consequential amendment to section 158 is necessary if my proposed amendments to sections 175 and 176 are acceptable to the Committee.

The Hon. A. F. Griffith: We could follow that up.

THE HON. N. E. BAXTER (Central) [7.42 p.m.]: I do not wish to deal with all the clauses in the Bill, but the first clause I wish to speak on is clause 15 which provides for the manner by which a deposit can be lodged either with the returning officer or with the Treasury. I think this clause could be amended to include a bank-marked cheque. After all is said and done a bank-marked cheque is accepted in business circles as being equally as good as a cheque drawn on the bank itself.

The Hon. A. F. Griffith: What is it at the moment?

The Hon. N. E. BAXTER: Cash or a cheque drawn on the bank by itself.

The Hon. A. F. Griffith: Yes.

The Hon. N. E. BAXTER: Why not amend the clause to read, "either cash or a cheque drawn on the bank itself or a bank-marked cheque"? What is the difference between a cheque drawn by a bank upon itself and a bank-marked cheque signed by the candidate? In my opinion there is very little difference. As for security, one is as good as the other. It is just as simple to obtain a bank-marked cheque as for one to say, "will you give me a cheque drawn on the bank itself in exchange?" I cannot see why all three methods of payment cannot be used.

In Committee it is only a matter of inserting after the word "itself" in lines 15 and 24 "or a bank-marked cheque" and that would make the position much easier for candidates. I was rather taken aback after studying clause 17 closely. It provides—

> The Returning Officer shall give a receipt in the prescribed form to any candidate who has duly nominated . . .

It proposes to add this provision to section 86 of the Act, but that section deals with the hour of nomination and has nothing at all to do with the issuing of receipts for deposits for nominations. I do not know exactly where in the Act the amendment in clause 17 should go, but it should be slightly amended so as to fit in with section 81 which deals with nominations.

The Hon. F. J. S. Wise: Section 86 deals with the time for receipt of nominations.

The Hon. N. E. BAXTER: The marginal note of section 86 is "Hour of nomination".

The Hon. G. C. MacKinnon: Where would you put the provision in clause 17?

The Hon. N. E. BAXTER: It should be included in section 81. The clause prescribes that the returning officer shall give a receipt to any candidate who has nominated or to his agent, acknowledging that candidate's nomination and deposit received by the returning officer pursuant to section 81.

The PRESIDENT (The Hon. L. C. Diver): Order! I think that is a matter which could well be dealt with during the Committee stage. I direct the honourable member's attention to that.

The Hon. N. E. BAXTER: I shall deal with it in the Committee stage. I now turn to the provision which appears in clause 33 which seeks to amend section 174. I might be old-fashioned in advocating that that section of the Act should be left as it is, because it has been well thought out.

The Hon. F. J. S. Wise: It has stood the test of time.

The Hon. N. E. BAXTER: It provides for what should be covered. The amendment in clause 32 could be termed as generous by increasing the electoral expenses from £250 to £500, but the provision in the next clause takes the increase away. Clause 33 provides that candidates shall lodge a return of all expenses, but not including the personal expenses in travelling and in attending election meetings. Section 175 of the Act excludes postage expenses from the electoral expenses, but it appears they will have to be included in future.

In a country electorate of 5,000 electors, the postage in some elections could amount to £150 or thereabouts. The Bill provides that in future postage will have to be included in the £500 that is allowed. If that is the intention of the provision in clause 33, then the amount which a candidate may spend in an Assembly electorate will not, in effect, be increased. If we take into account the items included in this provision the candidate will, in fact, be allowed less than the existing amount of £250.

Reference has been made by honourable members to taxation deductions, but the Taxation Department only allows a taxable deduction of £250 in respect of Legislative Assembly candidates, and anything over that amount has to be vouched for. In the case of the Legislative Council, the allowable taxable deduction is £1,000, over which the candidate has to submit vouchers. Should the expenses of a candidate be £1,250 he has to vouch for all that amount; but if they be £1,000 then the Taxation Department accepts that amount as a tax deduction without vouchers.

The Hon. G. C. MacKinnon: You have to give a signed statement.

The Hon. N. E. BAXTER: Yes, but a candidate does not have to vouch for the items if they total less than £1,000. I consider that both section 174 and 175 have been well thought out. The intention was that an Assembly candidate should be able to spend £250 in addition to the items which are accepted; and a Legislative Council candidate should be able to spend £1,000 in addition also to the items mentioned in section 175.

The Hon. A. F. Griffith: Do you not think that any thought has been given to the amendment in the Bill?

The Hon. N. E. BAXTER: I do not know. The Minister might be able to explain that to me, because under the wording in clause 33 candidates will be worse off. I shall not be able to make many remarks during the Committee stage for a certain reason, so I leave what I have said to honourable members.

THE HON. G. C. MacKINNON (South-West) [7.53 p.m.]: I commend the Minister for this Bill. It is obvious from the tenor of the debate that a number of matters in the Act which, to some extent, have been irksome have been looked into: and in the majority of cases I think they will be improved by the provisions in the Bill. There is no particular virtue in any section of an Act merely because it was written 50 years ago. There are people at the present time who are just as capable of framing amendments.

Perhaps the Minister could explain in a little more detail in the Committee stage the actual intention of some of the clauses in the Bill, which seems to be difficult to grasp. That applies to the clause dealing with electoral expenses, because it is the obvious desire of the honourable Mr. Watson that they should be extended.

I am quite positive that by the inclusion of the amendment to section 176 which he has suggested, the amount which a candidate can spend on a specific number of matters will be further limited. He does not specify the amount which could be spent overall. The provision in clause 34 sets out the electoral expenses and provides that they be spent on the items listed. If we added another item to that list it would have to be included in the £1,000 that is allowed. These are matters for consideration during the Committee stage. I am sure it was the intention to make the position easier by the amendment in clause 34.

In the main this Bill is a worthy attempt to bring the Act up to date, in line with modern thinking, and a very excellent job has been done by its introduction. There are some aspects of the Bill over which considerable argument will ensue during the Committee stage, one of which was mentioned by the honourable Mr. Wise when dealing with members of Parliament acting as scrutineers. While I agree with his contention that a member of Parliament is very worthy to act in that capacity, and under some circumstances will make a very good scrutineer, from my personal experience that does not always apply. When a member of Parliament, acting as a scrutineer, gets into a somewhat argumentative mood it could be very difficult.

The Hon. F. R. H. Lavery: Have you seen that happen?

The Hon. G. C. MacKINNON: Yes.

The Hon. F. R. H. Lavery: You must have been very unlucky.

The Hon. G. C. MacKINNON: I think I was extremely unfortunate and unlucky. Bearing that experience in mind we should give thought to the inclusion of the amendment suggested. In my own experience it would be most inconvenient, because very often when acting as a scrutineer I travelled over a large area, looking into the polling berths. If the suggestion is adopted I will not be able to do that in future. This is a matter to which we can give serious thought, and on which more detailed discussion can take place during the Committee stage.

I have studied the Bill in no small detail. I find it to be a very genuine effort on the part of the Government to bring this legislation up to date to conform with modern ideas. I am sure that if the legislation can be improved in certain respects the Minister will be amenable to reason. One has only to read the provisions in the Bill, and compare them with those in the Act, to realise that the Bill has been framed in a spirit of reasonableness.

The Hon. F. R. H. Lavery: I am sure all Bills are brought forward with an honest intention, whether or not they are agreed to.

The Hon. G. C. MacKINNON: The honourable member is probably right, but we do not all think in the same manner. In the main this Bill has been brought forward in a very reasonable attitude. I trust the various matters which have been raised will be examined in the same light.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [7.58 p.m.]: I thank honourable members for the manner in which this Bill has been received. At the outset I would point out that if I have failed in any way to give a more detailed explanation of various clauses than honourable members expected, no discourtesy was intended. I thought I had pointed out that basically this was a Committee Bill, and points of argument or disagreement could be voiced during the Committee stage. For that reason I thought it would save a lot of repetition by refraining from discussing each clause in great detail. However, on checking through my notes I found that with a small exception the only matters I omitted to deal with were the machinery alterations which the Bill proposes to make to the Act.

As to the conscientiousness of approach to this Bill, I agree with the honourable Mr. Lavery. Bills are introduced with a conscientious approach, or they would not be introduced. As to the objections which have been raised to this Bill, some may be

valid and some may not be. This is purely a matter of opinion. I would like these issues to be dealt with and voted on according to the beliefs of individual members and not on party lines. If the House were to divide on party lines on any of these matters, it would not be the spirit I had in mind when I introduced the Bill. As far as I am concerned there is nothing political in this Bill.

The Hon. F. J. S. Wise: There was nothing political in the debate, either.

The Hon. A. F. GRIFFITH: Quite so. I went out of my way with the Chief Electoral Officer to introduce two Bills, because I did not want this particular one to be mixed up in any way with the first Bill which was necessary to alter the franchise of the Upper House as the result of legislation passed last year. For that reason this Bill was introduced as Electoral Act Amendment Bill (No. 3).

This Bill is the result of the efforts of the Chief Electoral Officer, the draftsman, and myself, who sat down and made a pretty comprehensive search of the Electoral Act to pick out the various provisions which could improve the administration of the Act so far as the department, candidates, and the general public are concerned. A number of the clauses in this Bill were contained in a Bill introduced in 1957 by the previous Government.

The Hon. F. J. S. Wise: Which was defeated here.

The Hon. A. F. GRIFFITH: That Bill was passed in the Legislative Assembly and defeated here for certain reasons. The provisions in the 1957 Bill which were responsible for the defeat of the Bill here are not in this measure. However I have no hesitation in suggesting that some of the clauses that were in the 1957 Bill have found a proper place in this measure. I have not the slightest intention of being mean in my approach at all, but some of the matters to which honourable members have raised objection were in the Bill introduced in another place by the previous Government and supported there and here.

The Hon. F. J. S. Wise: Some were not.

The Hon. A. F. GRIFFITH: Some were not. However I think we can satisfy ourselves by saying it is only a fool who will not change his mind, and some of the provisions contained in the 1957 Bill are in this one, and are worthy of being adopted.

You would not want me I am sure, Mr. President, to deal with all the points raised now, because that can be done in Committee. However, with regard to the points raised by the honourable Mr. Baxter, the Government felt, in respect of the first one dealing with election expenses, that it was reasonable to leave the figure of £1,000 for Legislative Council elections, bearing in mind that the old process is gone. No longer do we have to go to the trouble of getting enrolments and getting people to the poll, and all that sort of thing. Furthermore, elections for the Legislative Council will now be held every three years and not every two years. Therefore as half the House will be going out every three years it was considered the level of £1,000 basic expenditure was all right.

In respect of the Legislative Assembly elections, the figure was lifted from £250 to £500, the equasion of expenditure being £500 for the Assembly where the members are elected every three years, and £1,000 for the Council where they are elected every six years; and the type of election will be the same.

It is interesting to note that the 1957 Bill, if my memory serves me correctly, took out sections 174 to 178 which deal with this matter. Therefore if that Bill had been passed there would have been no limit to expenditure on elections and a candidate could have spent anything he liked. I purposely interjected when the honourable Mr. Wise was speaking to ask him what he thought and he expressed the view that there should be some ceiling, whatever it may be, above which a candidate cannot go. This is merely to keep the thing under some sort of control.

The Hon. H. C. Strickland: Does it keep it under control?

The Hon. A. F. GRIFFITH: It keeps it under control to a much greater extent than if the lid is lifted right off.

The Hon. H. C. Strickland: A party can spend what it likes.

The Hon. A. F. GRIFFITH: I realise that parties do spend money on elections. The honourable Mr. Baxter raised another point and as I will not have the opportunity of commenting on it when he is in the Chair in Committee, I will do so now. He raised the point about the returning officer issuing a receipt. He said that the provision could be included in section 81, but when I was discussing this matter with the Chief Electoral Officer and the draftsman, it was considered that section 86 was the most suitable place, and, frankly, I think so too.

The Hon. F. J. S. Wise: I agree.

The Hon. A. F. GRIFFITH: There is only one other point to which I should make reference now and that concerns the fact that a member of Parliament is to be prevented from being a scrutineer. There is nothing ulterior in this approach, but the Government thought it reasonable to submit to Parliament the proposition that an elector, upon entering a polling booth, should not be confronted by a member of Parliament sitting at the table where the forms are being issued and returned.

The Hon. R. Thompson: Do many do it though?

The Hon. A. F. GRIFFITH: If many do not do it, then there is no reason for it not to be taken out.

The Hon. F. J. S. Wise: Thousands of electors would not know that the person concerned was a member of Parliament.

The Hon. R. Thompson: I go along with the honourable Mr. MacKinnon on this. The only time I have done it is to see how things are going.

The Hon. A. F. GRIFFITH: This would not preclude an honourable member doing that.

The Hon. F. J. S. Wise: If a member of Parliament were a scrutineer in an electorate not his own, he would not be known to any more than .05 per cent. of the electors.

The Hon. A. F. GRIFFITH: I quite agree with that comment, but that is not the line the honourable Mr. Ron Thompson was developing. He said the only thing he did was to go from booth to booth.

The Hon. F. J. S. Wise: That is not being a scrutineer.

The Hon. R. Thompson: You must have a scrutineer's form to do it.

The Hon. A. F. GRIFFITH: I am talking in this Bill about the person who sits at the table and watches the issue of ballot papers and watches people complete them in the cubicles.

The Hon. A. L. Loton: And rules their names off.

The Hon. A. F. GRIFFITH: Yes. He is a scrutineer in the strict sense of the word. However, I am not going to quarrel over this. If the opinion of the majority of honourable members is that the provision should remain, I will not divide the House on it. However I do not want honourable members to take that as an invitation for the Ayes to call louder than the Noes.

The Hon. F. J. S. Wise: We will try.

The Hon. R. F. Hutchison: Does that mean that anyone else can go in and sit at the table, or is everyone excluded?

The Hon. A. F. GRIFFITH: The scrutineer does not cross the names off, anyway. The honourable member with her experience of campaigning knows that. However, with regard to this issue and any other controversial matters, I shall be quite happy to accept the decision if it is made on party lines.

I again thank honourable members for their treatment of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7: Section 38 amended—

The Hon. F. J. S. WISE: The section which this clause amends refers to the Assembly rolls and I am wondering whether that needs amendment.

The Hon. A. F. Griffith: No; because the words "or for the Council" were in the Bill which had to be assented to before we could deal with this measure.

The Hon. F. J. S. WISE: Does the marginal note need correction, because it refers to enrolment in the Assembly?

The Hon. A. F. Griffith: I am not so ready with my reply to that one.

The Hon. F. J. S. WISE: I merely draw attention to the matter. I move an amendment—

> Page 3, lines 10 and 11—Delete paragraph (b).

The Hon. A. F. GRIFFITH: The honourable member seems to be mistaken about this. This is not a penalty for non-enrolment, but a penalty for breaking any of the regulations.

The Hon. F. J. S. Wise: That is right.

The Hon. A. F. GRIFFITH: The penalty for non-enrolment is contained in section 45 and the amount is £2. The object of the exercise here is to provide a penalty of £2 for a breach of the regulations also. There are, I understand, no regulations at present in force that apply any penalty. It would seem incongruous to suggest that a person who did not enrol could be fined £2, yet a person who broke one of the regulations could be fined £10. The object of the amendment is to bring the two into line.

The Hon. F. J. S. WISE: I cannot agree with that line of thought, and I refer honourable members to section 38 (4) of the Act. Some of the items mentioned there are more important than non-enrolment. This is something which is time-honoured.

The Hon. A. F. Griffith: Can you show me a regulation which applies—

The Hon. F. J. S. WISE: We have regulation making powers. We have not got the regulations here; but there are many of them.

The Hon. A. F. Griffith: Yes, but none prescribe a penalty.

The Hon. F. J. S. WISE: The regulations may prescribe anything necessary to carry this into effect. I suggest the Act should be left as it is so that the provision of any penalty not exceeding £10 should remain.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 8 to 22 put and passed.

Clause 23: Section 114 amended—

The Hon. F. J. S. WISE: I am quite unimpressed by the aspects presented by both the Minister and the honourable Mr. MacKinnon. This clause has particular reference to the persons appointed as scrutineers during the polling periods. Even if something has happened in one case, I point out that one swallow does not make a summer. This has gone on for 60 years, and honourable members of many districts have been pleased to help other honourable members in districts far removed from their own, where they were not known.

I have assisted as a scrutineer in 20 electorates in the last 30 years, and I would guarantee that not .05 per cent. of the people who voted in the booths where I was stationed knew who I was; and even if they had known, I do not think they would have been worried as to whether justice would be done, or as to whether I was watching the matter in a personal sense rather than a State sense. I think even the honourable Mr. MacKinnon would concede that I know something about being a scrutineer.

The Hon. G. C. MacKinnon: That is not in question. I agree with everything you have said up to date.

The Hon. F. J. S. WISE: I see no reason why it should be said that a member of Parliament is unfit to be a scrutineer; and that is what the Minister is saying.

The Hon. A. F. Griffith: No it is not.

The Hon. F. J. S. WISE: Yes it is. I have been in polling booths from Kalgoorlie to Albany, and in the metropolitan area, Bunbury, Fremantle, and Wyndham. The suggestion has been made that one honourable member misbehaved somewhere, or did something to offend somebody.

The Hon. A. F. Griffith: I did not say that.

The Hon. F. J. S. WISE: I am not saying the Minister did, but the honourable Mr. MacKinnon did. What is suggested here is grossly unfair and quite wrong.

The Hon. G. C. MacKINNON: The honourable Mr. Wise is very much aware that I would be quite happy to see him conduct a scrutiny in any electorate, but if we followed the principle that one swallow does not make a summer, our Statute book would have on it very few laws indeed.

It may have been my misfortune to be embroiled in three by-elections in which people—members from all over the State—were concentrated in a particular electorate; and that is when tempers run a bit hot and things get a bit difficult.

It is unfortunate that this provision will apply to an honourable member who travels over a wide area. I agree, and so does the honourable Mr. Ron Thompson, that we must see that there are no cards lying around in a booth where there are no scrutineers. I do not think, however, it is advisable that a member of Parliament should, as a scrutineer, sit in a booth; and I am not casting a reflection on any member of this Chamber. I just do not think it is advisable that one should so act.

I would join issue with the honourable Mr. Wise when he says he would not be known. I think he underrates himself. I feel that most honourable members would agree with me when I say that he is probably one of the best known members of Parliament in this State.

The Hon. F. J. S. Wise: You are convincing me that this is directed against me.

The Hon. G. C. MacKINNON: No I am not. We have all had sufficient association with the honourable member to know that he is fair and would approach this matter in a national way. It is unfortunate that certain things have happened that have convinced me that it is not desirable for a member of Parliament to be permitted to act as a scrutineer. As I said, if one swallow does not make a summer, then our Statute book would be bare, because many of our laws are passed for the odd donkey who will misbehave.

The Hon. J. G. Hislop: We do it every day.

The Hon. G. C. MacKINNON: Yes, and the rest of us have to suffer for such people. It is in the interests of members of Parliament in many ways that the clause should remain as it is, and I urge honourable members to retain it.

The Hon. A. F. GRIFFITH: I merely want to say that this provision is not aimed at members of Parliament; nor is it suggested that members of Parliament are incompetent of being scrutineers. That was furthest from my mind; and it is quite wrong to say it is the motive behind the amendment.

I think it is undesirable for electors to move into a polling booth and see a member of Parliament sitting next to the returning officer who is conducting the poll.

The Hon. F. J. S. Wise interjected.

The Hon. A. F. GRIFFITH: I will not be able to convince the honourable member.

The Hon. F. J. S. Wise: You could not.

The Hon. A. F. GRIFFITH: That may be so. I stick to my point of view. I consider it is undesirable and the honourable Mr. Wise thinks it is not. That is as far as it goes. So far as the count is concerned, that is an entirely different matter. By then the poll is finished and the

doors are closed; and who better than a member of Parliament to scrutinise the count?

The Hon. F. R. H. LAVERY: While I would agree with the Minister to the point that this is not an attempt to cast a slur on members of Parliament, I still cannot get away from the idea that there is more behind the amendment than the Minister has told us.

The Hon. A. F. Griffith: What more do you think is behind it?

The Hon. F. R. H. LAVERY: Perhaps the honourable Mr. MacKinnon has convinced Cabinet, because of his experiences, that this is the right and proper thing to do.

I take the opportunity to say that since 1926 I have been a scrutineer at elections, and I have been a member of Parliament since 1952. I have been campaign director for many elections. I have been campaign director for Mr. Beazley, the honourable Mr. Ron Thompson, the honourable Mr. Dolan, and Mr. Don May. It is necessary for a campaign director to travel from booth to booth and to discuss, probably, some very simple matters with the polling clerks or the returning officer.

The Hon. A. F. Griffith: What would you discuss with him?

The Hon. F. R. H. LAVERY: In all my experience I have not had a dispute with a returning officer.

The Hon. A. F. Griffith: What would you discuss with him?

The Hon. F. R. H. LAVERY: I have had to go to a returning officer and say to him, "It has been reported to me by an elector that one of your poll clerks did so and so." That sort of thing has happened throughout the day but in the evening, when everybody else has gone home, who but a member of Parliament normally acts as the scrutineer on behalf of the parties concerned?

The Hon. F. J. S. Wise: That is provided for in the clause.

The Hon. A. F. Griffith: You will not be prohibited from doing that.

The Hon. F. R. H. LAVERY: I am pointing out from my experience there is no necessity for this amendment. I should think the unfortunate happening to which the honourable Mr. MacKinnon objected would be a very unusual one.

The Hon. G. C. MacKinnon: Agreed.

The Hon. F. R. H. LAVERY: Because of my experience I join with my leader in suggesting that it is an unnecessary paragraph.

The Hon. R. F. HUTCHISON: My objection to the clause is that it is an unwarranted slur on members of Parliament.

The Hon. A. F. Griffith: Nonsense! I won't have that.

The Hon. R. F. HUTCHISON: I do not know to whom the honourable Mr. MacKinnon was referring, and I do not know what it was all about. I have never seen anything untoward or anything to complain about in regard to the actions of members of Parliament. I think it must have been a very unusual happening and there must have been more to it than meets the eye. We are here to make the laws of the country and if we cannot be respected for the positions we hold we should not be here. There must be some way to take action against the sort of person to whom reference has been made. but, personally, I take this clause as a reflection on me as a member of Parliament. I think the honourable Mr. MacKinnon should get up and tell us what occurred and then we might know whether we are wrong in our thoughts on this question. I certainly object to the clause.

The Hon. H. K. WATSON: Dealing with the question quite objectively, I suggest the principle behind the clause in no way differs from the principle in section 115 of the Act, and the honourable Mr. Lavery gave the clue as to why the clause should be adopted. Section 115 provides that no candidate shall in any way take part in the conduct of an election and no candidate shall act as a scrutineer. The honourable Mr. Lavery mentioned about acting as a scrutineer on behalf of the party; and I think we have to take the realistic view that today it is not merely a question of candidate versus candidate but it is party versus party.

The same reasons and considerations which prompt the exclusion of the candidate from being a scrutineer should likewise prompt the exclusion of any member of his party from being a scrutineer; because, after all, the conduct of elections, like Caesar's wife, should be beyond reproach.

The Hon. F. J. S. WISE: I cannot agree with the contention just put forward by the honourable Mr. Watson. Section 115 deals specifically with the prohibition of candidates; but a candidate is entitled to have representation in connection with any advice that may be necessary. The provision in the Act implies that the good conduct of an election is the responsibility not only of the officers but also of the scrutineers approved within the ambit of the Act.

What has happened in the last 60 years is that every member who is unopposed assists his mates in any way that he can. He is either invited to do so or he volunteers to assist. After all, who is best fitted to be a scrutineer in the interests of a mate? The law has provided from the turn of the century that such people are not only valid people but are properly equipped people to be present.

Let us bring the matter out in the open in this Chamber. What is the reason for this? The Minister has not given us one as yet. The only reason the Minister gave was that it was the opinion of Cabinet and of himself that this provision should be put in the Act. That is not sufficient. There is something behind this that has not been stated. If there is some person who is still a member who offended, let us hear about it, and who it was. No argument has been raised in support of the clause.

The Hon. A. F. GRIFFITH: It is not my intention to labour this. Anybody who is talking to the clause can become as vehement as he likes and say I have not given a reason. I have given a reason, and I give it again: I do not think it is desirable that a member of Parliament should be a scrutineer in a polling booth. There is nothing ulterior behind this amendment. I can assure honourable members of that.

The Hon. F. R. H. Lavery: I will accept that.

The Hon. A. F. GRIFFITH: The honourable member can get up if he likes and say that there must be something behind this. I tell him there is nothing behind it as far as I am concerned.

The Hon. F. R. H. Lavery: I will accept that.

The Hon. A. F. GRIFFITH: I am glad I have made one point. On the one hand the honourable member says that he believes the Government brings legislation to Parliament in the conscientious belief that it is the right thing to do; and, on the other hand, he will get up and tell me that I have not told him the truth. There is no hidden reason behind this.

The Hon. F. R. H. Lavery: You are getting excited.

The Hon. A. F. GRIFFITH: Of course I get a little excited when anybody doubts my integrity.

The Hon. F. R. H. Lavery: I have not questioned it.

Point of Order

The Hon. F. R. H. LAVERY: On a point of order, Mr. Chairman, I would like the Minister to know that at no time have I questioned his integrity. I resent the remark and I ask him to withdraw it.

The Hon. A. F. GRIFFITH: Mr. Chairman, Standing Orders provide that I shall withdraw, and I do so.

Committee Resumed

The Hon. A. F. GRIFFITH: However, although I do not like the expression very much, and I hear teenagers use it quite frequently, I couldn't care less whether the clause goes in or out. I still stick to the point that I think it would be better if it were passed and there was a prohibition on members of Parliament; but, as I said, couldn't care less.

The Hon. R. F. Hutchison: Tell us why you really want it.

The Hon. A. F. GRIFFITH: I have told the honourable member but apparently she does not understand. I will not pursue the matter any further. Apparently there is some violent objection on the part of some members who think that there is an ulterior motive behind the introduction of the provision. I can assure them there is not, and I will let the matter go at that.

The Hon. G. BENNETTS: As I understand it the Minister's only objection is to members of Parliament being scrutineers and sitting alongside polling clerks. Apparently he has no objection to a member of Parliament being a scrutineer in the ordinary course of events. I have acted as a scrutineer at Norseman, Esperance and Merredin, and as such I have looked after my candidates' interests by visiting the booths to see that everything was being done correctly.

I think a member of Parliament should be allowed to be a scrutineer on behalf of a candidate, to watch out for his interests, and to see that there is no foul play. As I said, I have visited booths on behalf of my candidates but I have not acted as a scrutineer in the booth.

The Hon. G. C. MacKINNON: The only thing I wish to add is that because I have expressed my personal opinion as to why I think this provision should be included there seems to be an opinion that I have a tremendous influence with Cabinet, and that is the reason for the provision. This clause was, I should imagine, put forward by the Minister to Cabinet.

The Hon. A. F. Griffith: You needn't imagine it. You can take it as the truth.

The Hon. G. C. MacKINNON: I gave personal reasons why I supported the provision and I also expressed the view that I supported the views put forward by the Minister. I am not speaking on his behalf; I am speaking on my own behalf. The Minister has stated his reasons for having the provision inserted in the Bill, and I have stated my reasons for supporting its inclusion. The reasons I have enunciated, I should say, would not in any way influence the Minister, because, to my recollection, I have not discussed the matter with him.

The Hon. H. C. STRICKLAND: The Minister explained that the only reason for this provision being inserted in the Bill is because he, as Minister, thinks that members of Parliament should not be scrutineers.

The Hon. A. F. Griffith: You know that's not right.

The Hon. H. C. STRICKLAND: That is what the Minister said.

The Hon. A. F. Griffith: I didn't say that. I told you the Government thought this was a reasonable clause to submit to Parliament.

The Hon. H. C. STRICKLAND: I may have been out of the Chamber when the Minister said that.

The Hon. A. F. Griffith: You have been a Minister and you know you don't bring your personal ideas to Parliament. You submit something to Cabinet, and then Cabinet approves or disapproves of it.

The Hon. H. C. STRICKLAND: I agree the Minister must submit a proposal to Cabinet, and Cabinet must approve of it. Coupled with that we had the honourable Mr. MacKinnon's explanation that there had been no approach to him by the Minister to amend the Act because of what he observed in one case.

Point of Order

The Hon. G. C. MacKINNON: On a point of order, Mr. Chairman, I did not say there had been no approach to amend the Act, because there has been an approach. I said there had been no approach on my part to amend this section of the Act.

Committee Resumed

The Hon. H. C. STRICKLAND: The Minister said that because he thinks members of Parliament should not be scrutineers the Act should be amended. Every honourable member is concerned with this clause, and since there has been no approach from any one of us why disqualify us from being scrutineers? In the North Province one can only be a scrutineer in the one town, because the next town is about 300 miles away. It is not possible to work as a scrutineer from booth to booth as is done in the metropolitan area.

When I was a scrutineer in Derby the presiding officer there had certainly not read the Electoral Act, and the other scrutineers had no knowledge whatever of the Act. Knowing I was to be a scrutineer, I took a copy of the Act with me and was able to give the presiding officer some sound advice which kept him from infringing the Act.

I also helped the L.C.L. candidate and told him he was likely to disqualify himself. It was quite amazing to see him come around to do a shift on handing out cards. He had been around earlier, recorded his vote, and gone home. When I asked him what he was doing back he said the presiding officer had told him that if he came around about 3.15 they would be having a cup of tea in the booth. It would have been a tea party had it not been for my copy of the Electoral Act, because the candidate would have disqualified himself. So scrutineers are a help in the outback. The Minister said he was not adamant as to whether or not the amendment went in. He merely brought it in to improve the situation.

The Hon. A. F. Griffith: In the same spirit as the rest of the Bill is here.

The Hon. H. C. STRICKLAND: So far as this is concerned I would like to see the Act remain as it is. On another occasion when I was acting as a scrutineer, the presiding officer, who was a school teacher, had no idea what to do when a blind man came in to vote. A number of suggestions were made, and when I saw what was going on I read out the relevant section of the Act.

The Hon. A. F. Griffith: I thought you were going to say you read out the riot Act.

The Hon. H. C. STRICKLAND: Presiding officers are provided with up-to-date copies of the Act, but it is evident they do not read them. There is no reason to change the Act, but a very good reason to retain it as it is, and I hope it will not be amended.

The Hon. J. MURRAY: I only rise to say that when the electors see a member of Parliament, as scrutineer, sitting alongside the returning officer they feel embarrassed. The smaller the booth in which the member of Parliament acts as a scrutineer the more embarrassed the elector feels. He does not feel there is anything wrong; he just feels embarrassed.

The Hon. H. K. WATSON: I rise to chide the Minister.

The Hon. A. F. Griffith: That is nothing new.

The Hon. H. K. WATSON: I was disappointed to hear him say he could not care less whether the clause stayed in or went out. For reasons I have already explained it raises a very important principle to which I propose to press my support.

The Hon. J. G. HISLOP: My view is that on election day the public has been asked to elect its representatives to Parliament, and if some mistakes are made both sides should accept the position. This matter should be left to the people. It is the one day when members of Parliament should not play politics. This is the public's responsibility, and if members of Parliament were sitting behind the table and an elector came in he might be swayed even though he had already made up his mind as to how to vote. I do not think we should influence electors in any way on polling day.

The Hon. R. THOMPSON: I agree that this is a slur on members of Parliament.

The Hon. A. F. Griffith: Despite the fact that you have been told about six times that it is not intended as such.

The Hon. R. THOMPSON: I am not pointing to the Minister as the person who cast the slur.

The Hon. A. F. Griffith: There is no slur.

The Hon. R. THOMPSON: Who is the person best qualified to be a scrutineer; and how many times in the life of Parliament does this arise? It only arises at by-elections when campaigns are possibly fought at fever heat. During a general election it is not possible for a member of Parliament to be in every booth.

The Hon. A. F. Griffith: Then it will do no harm.

The Hon. R. THOMPSON: If members of Parliament are denied the right to be scrutineers at by-elections, then scrutineers should be removed from the Act.

The Hon. F. R. H. Lavery: Have you ever sat at a table?

The Hon. R. THOMPSON: I have sat at tables on very few occasions, and for the least number of hours possible. I admit it is something we all avoid doing. The honourable Mr. MacKinnon said that members of Parliament had not sufficient time to spend at every booth. Usually I take charge of about 19 to 21 booths, according to the nature of the elections. I travel all day between those booths. If the amendment is carried I will be denied the right to go into a booth and speak to the returning officer.

The Hon. A. F. Griffith: To go in as a scrutineer.

The Hon. R. THOMPSON: That is so. If this Bill is passed I will not have that right. It is no good saying complaints are not received on polling day, because numerous complaints are received. People who have never had any experience in their lives before are called on to work as polling clerks and presiding officers. Half of them cannot interpret the Act. In any case they have three different sets of rules to work under—there are the rules for the Commonwealth, for the State, and for the Legislative Council. I am a help to the electoral officers on polling day, not a hindrance.

The Hon. A. F. Griffith: I am glad to hear that.

The Hon. R. THOMPSON: The Minister did not answer the honourable Mr. Wise when he said that a member of Parliament in Western Australia could not be a scrutineer; that the Prime Minister himself could not be a scrutineer; but that a member of Parliament in Queensland, New South Wales, Victoria, Tasmania, or South Australia could be a scrutineer. I cannot support the amendment contained in the Bill.

Then Hon. E. M. HEENAN: It must be obvious to the Minister that this proposal has invoked considerable opposition.

The Hon. F. J. S. Wise: You think it has dawned on him?

The Hon. A. F. Griffith: Would you like me to say I am aware of the fact?

The Hon. E. M. HEENAN: Some speakers have interpreted this as being a slur on members of Parliament. However, we have the assurance of the Minister that that is not intended. I think I am prepared to agree with him on his giving that assurance. Others put forward the argument that members of Parliament should keep right out of the booth altogether and cease to play this important role which most of us at some time or other have played over the years.

I know on the goldfields that honourable members invariably act as scrutineers, because we consider we should know the Electoral Act better than the majority of people; and experience has shown us that this is so. A member of Parliament knows the Act much better than, say, a school teacher or a clerk of courts, as one cannot understand the Act in a day or two and make oneself fully conversant with it.

I have never heard of any complaints; and I am sure the Electoral Department has never heard of any complaints about the honourable Mr. MacKinnon, the honourable Mr. Murray, or other honourable members acting as scrutineers. Therefore why alter a provision which has been in the Act for a long time?

The Hon. A. F. Griffith: If we took that as an argument we would never alter anything.

The Hon. E. M. HEENAN: Not exactly. If a scheme of things has operated satisfactorily over a number of years one does not alter it without some fundamental reason. If the Electoral Department or the public have had any complaints, that might be a sufficient reason; but apparently no reason is forthcoming. Therefore I share the view of those who oppose the proposition. I do that because in my experience the present position has operated completely satisfactorily; and the Minister has not put forward any argument to the contrary. The honourable Mr. MacKinnon did quote one unfortunate episode which occurred down his way, but one swallow does not make a summer.

The Hon. R. F. Hutchison: He did not tell us what it was.

The Hon. E. M. HEENAN: I do not want to know the details of it. If the Minister could come up with something like that, or tell us that the Electoral Department found that members of Parliament abused this privilege, there might be some justification for an alteration. In my experience the officers welcome us and sometimes avail themselves of the expert knowledge we have of the Act.

The Hon. A. F. GRIFFITH: The honourable Mr. Watson chided me for letting go on what he referred to as a principle.

The reason that caused me to do so was that I did not really mind whether this clause stayed in or out. Some honourable members were not prepared to accept the statement from me that I thought this desirable. To the honourable Mr. Strickland, I say the Government thought it desirable that a member of Parliament should not take part in the scrutiny during the conduct of an election. I have been told that this was not the reason and that there is something sinister behind it.

The Hon. F. R. H. Lavery: I did not tell you that; I asked you.

The Hon. A. F. GRIFFITH: The honourable member obviously had it on his mind. The Government is of the opinion that it is not desirable a member of Parliament should take part in an election in this way; and I assure honourable members there is no other reason than that.

As to complaints, I have not heard of any. The honourable Mr. MacKinnon's point of view was purely his own, and I would assure honourable members he has not as much influence with Cabinet as some would think.

The Hon. G. C. MacKinnon: You are quite right about that.

The Hon. A. F. GRIFFITH: This clause seems to have raised a hornet's nest in some quarters, and I think we have had a fair debate on it. I brought this Bill here with the object of improving the administration of the Electoral Act, but this clause has raised a hornet's nest.

Clause put and negatived.

Clauses 24 to 30 put and passed.

Clause 31: Section 156 amended—

The Hon. F. J. S. WISE: I am wondering whether the Minister will clarify the point which was raised during the second reading debate.

The Hon. A. F. GRIFFITH: The Electoral Department submitted to me that 21 days was a reasonable time. That is all there is in it. In the same way, we accepted a proposal from the honourable Mr. Wise when we were dealing with another electoral Bill earlier in the session, that 35 days' maximum was sufficient from the issue of nominations to polling day. The Chief Electoral Officer thinks 21 days is enough in practice; and I understand his predecessor thought the same. I have an open mind on the matter.

The Hon. F. J. S. WISE: I think it would be very wrong to compare the principle of this clause with the amendment to the Bill mentioned by the Minister. In that regard I want to make it quite clear that the prerogative should rest with the government, no matter what government is in power. Something should not be fixed for the whole of the State that is suitable for the north. In this case, unless remoteness and accessibility are considered, the election would be void for many people who are entitled to vote, and it is a matter of giving a reasonable time or having dozens of polling booths in these places. I hope the clause is defeated.

The Hon. D. P. DELLAR: This clause will definitely penalise people in the bush. One has only to think of a place like Branby. At the present time there are a number of prospectors there who might not go into town for a month. There are also sandalwooders out from Laverton, as well as dog trappers, and those people who work for the vermin board; and unless the Electoral Act makes provision to suit these people it will be difficult for them.

The Hon. A. F. Griffith: Do you imagine the Electoral Department would make the period 21 days?

The Hon. D. P. DELLAR: The Minister is altering the Act to 21 days.

The Hon. A. F. Griffith: You have not read it.

The Hon. D. P. DELLAR: The Act is being changed from 42 days to 21 days.

The Hon. A. F. Griffith: I know what we are doing and I do not think the honourable member has read the amendment into the Act; he is reading the Bill.

The Hon. D. P. DELLAR: So long as the people I am speaking of will not be penalised it will be all right.

The Hon. A. F. GRIFFITH: I refer honourable members to the wording of subsection (5) of section 156. It is our purpose to amend the words "forty-two days" to read "twenty-one days." This does not mean that the Chief Electoral Officer will say that it shall be 21 days. It could be 121 days.

The Hon. D. P. Dellar: I now understand.

The Hon. A. F. GRIFFITH: I draw the attention of the Committee to the fact that this amendment was in the 1957 Bill introduced by the Labor Party. It was passed in another place. Apparently it was valid then but it is not valid tonight. I think it was just as valid then as it is now, and it does no harm. It simply reduces the period of time, particularly in relation to the metropolitan area. A notice posted by the Chief Electoral Officer can be replied to by a metropolitan elector in the space of 48 hours.

Surely this is reasonable. In the case of the north-west, the Chief Electoral Officer will be given a much longer period. It will be not less than 21 days, but it could be much longer having regard for the rolls. The Chief Electoral Officer would use his discretion in the matter, and he would certainly not make it difficult for a person living in the province represented by the honourable Mr. Dellar; and he would not allow an elector in the metropolitan area an undue amount of time in which to make his response to the notice.

Clause put and passed.

Clause 32: Section 174 amended—

The Hon. H. C. STRICKLAND: I move an amendment—

> Page 10, lines 16 to 18—Delete all words after the word "is" down to and including the word "pounds" and substitute the word "repealed."

This clause refers to section 174 of the Act, which is the first section in part VI which relates to the limitation of electoral expenses. We have heard the debate during the second reading stage dealing with electoral expenses and it will not be necessary for me to explain the succeeding clauses. If this amendment is passed, several further amendments will follow to delete part VI from the Act.

The Minister has introduced a Bill to raise the limitation on electoral expenditure. These days very few independents stand for elections. They are usually party elections. A candidate is limited in his expenditure, but there is no limitation placed on parties. Also, there is no limitation on the benefactors or supporters of a candidate. For instance, a supporter can spend any amount of money on election expenses and there is no limitation.

In my opinion all the sections in part VI of the Act are now redundant and should be repealed. A candidate has to fill in a form and send it, with receipts attached, to the Electoral Department. The department is then put to the expense of checking the form and of ensuring that the candidate has not spent more than he is entitled to spend on his campaign. All these sections are redundant and in my opinion they should be removed from the Act.

The Hon. H. K. WATSON: The use of the broad sword, as proposed by the honourable Mr. Strickland, would remove the necessity for the more complicated amendments which I foreshadowed earlier. For that reason I support his amendment.

The Hon. A. F. GRIFFITH: I do not support the honourable member's amendment, for the simple reason that it is highly desirable there should be some limitation in the Act. If section 174 is removed, it will be followed by the repeal of sections 175, 176, 177 and 178 because they deal with the same matter. It is desirable that there should be some control. I am prepared to report progress on the amendments to sections 175 and 176 if the amendments moved by the honourable Mr. Watson are not acceptable to the Committee. I would rather have a satisfactory compromise regarding the wording in the Bill than lose all of the sections. There should be some limitation on expenditure, and I hope the Committee will not agree to the amendment.

Amendment put and a division taken.

The CHAIRMAN (The Hon. N. E. Baxter): Before the tellers tell, I cast my vote with the Noes.

Division resulted as follows:—

Ayes—12

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. R. Thompson
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. D. Teahan *(Teller)*

Noes—12

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. G. Hislop	Hon. S. T. J. Thompson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. A. L. Loton	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray *(Teller)*

Pairs

Ayes	Noes
Hon. W. F. Willesee	Hon. A. R. Jones
Hon. J. J. Garrigan	Hon. C. R. Abbey

The CHAIRMAN (The Hon. N. E. Baxter): The voting being equal, the question is resolved in the negative.

Amendment thus negatived.

Clause put and passed.

Clause 33: Section 175 repealed and re-enacted—

The Hon. H. K. WATSON: Without being able to forecast the result of the amendment I propose to move, I move an amendment—

> Page 10, line 20—Delete all words after the word "is" and substitute the following:—
>
> > amended by inserting before the words "Electoral Expense" in line one the words "For the purposes of sections one hundred and seventy-four, one hundred and seventy-seven, and one hundred and fifty-eight, of this Act".

The Hon. A. F. Griffith: Should we not keep them in correct sequence?

The Hon. H. K. WATSON: They have been purposely left in this sequence for the reason that section 174 is the critical one; the other sections are consequential or incidental. I have not overlooked the inelegance of the amendment, but that is the reason why section 174 is stated first; namely, that is the section which immediately precedes section 175.

As I indicated earlier, the object of the amendment is to ensure that the limitation of £1,000 is confined to the expense of advertising and the like, and, over and above the £1,000, a candidate may spend such amount as may be necessary for postage, stationery and travelling expenses. The amendment is designed not to create any new principle, but to give greater clarity to the law as it is interpreted at the moment.

The Hon. A. F. GRIFFITH: I am prepared to accept the amendment on the basis that I would like an opportunity to study it in print. If this is agreeable I

propose not to ask the Committee to agree to the third reading of the Bill this evening.

The Hon. F. J. S. Wise: Would it not be better to report progress?

The Hon. A. F. GRIFFITH: It might be.

The Hon. F. J. S. Wise: You do not have any more snags.

The Hon. A. F. GRIFFITH: If we allow the amendment to go through and it proves to be all right it can be accepted. If, after studying the amendment with the draftsman, I find it is not acceptable in this form, during the third reading of the Bill I could acquaint the House accordingly and the Bill could be re-committed. I have now been correctly told by the Clerk that we cannot take the third reading this evening, anyway. In this event I am prepared to accept the amendment, look at it in its redrafted form, and reconsider it at a later stage.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 34: Section 176 repealed and re-enacted—

The Hon. H. K. WATSON: Before I move an amendment, a copy of which I have had circulated among honourable members, I think there is an earlier amendment which could, with advantage, be moved to support the discrimination we desire to make. That is, an amendment to delete the word "electoral" in line 29 on page 10.

The Hon. A. F. Griffith: So that it would read "no expense."

The Hon. H. K. WATSON: Yes. We are distinguishing between expenses which come within the £1,000 expenditure, and expenses which do not. If we delete the word "electoral" it will assist still further in emphasising that distinction. Accordingly, I move an amendment—

> Page 10, line 29—Delete the word "electoral."

Amendment put and passed.

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

> Page 11—Insert after paragraph (f) in lines 8 and 9 the following new paragraph:—
>
> (g) the personal and reasonable living and travelling expenses of a candidate in connection with the election.

That is taken from existing section 175, and the amendment will serve to make it clear that, although the personal and reasonable living and travelling expenses of a candidate are permitted expenditure, they do not come within the limit of £1,000.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 35 put and passed.

Clause 36: Section 178 repealed and re-enacted—

The Hon. F. J. S. WISE: This is the clause which relates, very distinctly, to the value of money today as compared with the value of money when the sum of £2 was first inserted in this legislation. It is very irksome for honourable members to obtain receipts for £2 and multiples of £2 for a hundred and one things which they must pay for at election time. Therefore, I think a realistic figure would be £10, and I move an amendment—

> Page 11, line 30—Delete the word "two" and substitute the word "ten".

The Hon. A. F. GRIFFITH: The amount of £2 is obviously too small a sum in view of the present value of money, and I am prepared to accept an amendment to provide for a greater amount, but I wonder whether we are going too far by suggesting £10.

The Hon. H. R. Robinson: Not far enough!

The Hon. F. J. S. Wise: A simple expense such as putting up a few signs, etc., would soon amount to £10.

The Hon. A. F. GRIFFITH: I suppose I should say that I get the message and accept the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 37 put and passed.

Clause 38: Section 189 amended—

The Hon. A. F. GRIFFITH: This is to cover the position where it has been the normal practice for a candidate to present a certain prize to a club or association of which he is a patron or a supporter. It is contended that he should be permitted to do so, but, at present, if he signifies his intention to nominate as a candidate and he presents the trophy that he usually presents to his local football, cricket, or tennis club, he commits a breach of the Act.

The Hon. F. J. S. Wise: Members are involved in this.

The Hon. A. F. GRIFFITH: Yes, I know. I thought perhaps there could be objection to the provision in that, by writing in this clause, a candidate could be saving himself some money.

The Hon. H. C. Strickland: Sitting members could be a sitting shot.

The Hon. A. F. GRIFFITH: Yes, that is right, and many honourable members could find themselves in that position. I just thought I would explain to the Committee that that is the purpose of the amendment.

Clause put and passed.

Clauses 39 and 40 put and passed.

Title put and passed.

Bill reported with amendments.

BILLS (2): RECEIPT AND FIRST READING

1. Country Areas Water Supply Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

2. Coal Mine Workers (Pensions) Act Amendment Bill.

   Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

ADMINISTRATION ACT AMENDMENT BILL

Returned

Bill returned from the Assembly with amendments.

Assembly's Amendments: In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Justice) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Assembly is as follows:—

> Clause 8, page 4, line 5—Delete the word "ten" and insert in lieu the word "eight".

The Hon. A. F. GRIFFITH: I move—

> That amendment No. 1 made by the Assembly be agreed to.

It concerns the imposition of penalties for the non-payment of duties. In the Bill which was passed by this Chamber a maximum of 10 per cent. was provided, but objection was taken to that figure by the Leader of the Opposition in another place. My colleague, the Minister for Industrial Development, asked me to look into the matter and I did so.

I found that the penalty rates varied from State to State. The Commonwealth prescribes 10 per cent.; the standard States of Victoria and New South Wales, 8 per cent.; and Tasmania, 10 per cent. In South Australia, where the amount is fixed by the Treasury, the present rate is unknown; and in Western Australia we aim to fix it at 10 per cent.

The Government agreed to the amendment which was made in another place to fix the maximum at 8 per cent. I have no objection to that amendment.

Question put and passed; the Assembly's amendment agreed to.

The CHAIRMAN (The Hon. N. E. Baxter): Amendment No. 2 made by the Assembly is as follows:—

> Clause 9, page 4, line 8—Delete all words after the word "substituting" down to the end of the clause and insert in lieu the passage—
>
> for the words, "together with any bonuses or benefits payable thereunder the sum of two hundred pounds" in lines six and seven of subsection (1), the words "exclusive of any bonuses or benefits payable thereunder the sum of one thousand pounds."

The Hon. A. F. GRIFFITH: I move—

> That amendment No. 2 made by the Assembly be agreed to.

This amendment was inserted in another place at my request. Following the passage of the Bill in this Chamber the life officers' association contacted me, and the Government agreed that the wording of the clause should be altered. When the Bill left this Chamber it made certain provisions in relation to life assurance policies, including bonuses. The life officers' association demonstrated it would be better from their point of view, and that of the beneficiaries, if bonuses were excluded. Under the amendment the bonuses become exclusions, rather than inclusions. The amendment has been examined by the Treasury, and it considers that no ill effect will result from it.

Question put and passed; the Assembly's amendment agreed to.

Report

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

STATE FORESTS

Revocation of Dedication: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution:—

> That the proposal for the partial revocation of State forests Nos. 18, 21, 22, 27, 30, 37, 38, 39, 48, 51, 52, 53, 56, and 59 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 4th November, 1964, be carried out.

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Child Welfare) [9.56 p.m.]: I move—

> That the Bill be now read a second time.

One of the most important functions of child welfare authorities is the supervision of adoption. Adoption must be viewed from two complementary points of view. First of all it is a means by which married

persons to whom nature denies parenthood may become the true parents of a family. Secondly, it is the means by which those children to whom social conditions deny the natural heritage of mother and father shall have given to them a new mother and father for their life-times.

It is a subject which inevitably evokes very powerful emotions, and because of its very great importance, the law governing adoptions should not only have in mind the legalities concerned but also the humanities involved. The law should also safeguard the parties to adoption from those abuses to which all emotionally charged situations are open.

Last year in Western Australia 448 adoption orders were granted by judges of the Supreme Court, of which 157 were arranged by the Child Welfare Department, and 291 were arranged privately by solicitors. The number of adoptions arranged in Western Australia has been rising steadily and is likely to do so in the future.

Arrangements for adoption vary very considerably as between the different States of Australia. For example, in Queensland the Director of Child Welfare is the central authority who considers, grants, or rejects all adoptions; in South Australia special courts, constituted under stipendiary magistrates, have these functions; and in Western Australia the judges of the Supreme Court are the authorities determining applications for adoption.

Our present Western Australian Adoption of Children Act is, in general, a good Act, but it is capable of improvement in certain respects, and the Bill which I now introduce aims to effect those improvements. At the same time the Bill retains the right of private persons to make their applications for adoption orders through private solicitors. It retains also the present right of medical practitioners, legal practitioners, members of the clergy, and private persons to act as adoption agents placing the unwanted child with reputable persons known to them, with certain safeguards which I will later describe.

The suggested amendments do not confer any substantial increase in power on the Director of Child Welfare, but they do increase his responsibilities to inspect, investigate, and inform the court as to the conditions under which an adopted child may live in his new home.

It has been my aim in preparing this Bill to safeguard the freedom of all those groups of persons at present concerned in adoptions to continue their good work without unnecessary bureaucratic interference, but at the same time to provide safeguards against abuses which have become apparent in more populous centres, and which with our increasing population may develop here.

I hope that honourable members in considering the Bill will keep always in mind the human welfare of the adopted child, and of the childless couple who would take him into their home and their hearts.

Various conferences of Attorneys-General of the States, of Ministers, and of officers of the child welfare departments have been held in the past three years to discuss the practicability of a uniform Australian adoption Bill to be enacted by all States. Those conferences have shown that, while each State is prepared to enact legislation to ensure reciprocal recognition of adoption orders between the States and to improve their separate adoption Acts, there is little likelihood of the acceptance of a uniform Act.

The present Western Australian Adoption of Children Act does not provide for the Australia-wide recognition of State orders and it is capable of considerable improvement in the interests of children, who are the subjects of adoption, and of the adoptive parents.

The purposes of the Bill, which I now introduce are—

(1) To improve the present Western Australian Adoption of Children Act by provisions to safeguard both the welfare of children who are the subjects of adoption, and the rights of those persons who adopt them.

(2) To establish a legal foundation on which the Australia-wide recognition of orders made in the various States can be based.

The Commonwealth Attorney-General's office has prepared a series of draft model adoption Bills over the last two years and the recently enacted Victorian Adoption of Children Act has drawn largely on those models for its basis. The present Western Australian Bill also uses both the Commonwealth model Bills and the recent Victorian Act in its drafting.

The specific purposes of the amendments contained in this Bill are—

(1) To provide for the recognition in Western Australia of adoption orders made in other Australian States and in selected countries. This will also provide the basis for the reciprocal recognition of W.A. orders elsewhere.

(2) To prescribe more clearly the conditions under which the natural parents of a child consent to its adoption so as to ensure that—

(a) The mother of the child is in a fit condition to know the import of her consent.

(b) The mother has an opportunity to revoke her consent within a specified period of giving it but not beyond that period.

(c) The putative father of an illegitimate child no longer has a right of consent.

(d) The Director of Child Welfare can initiate the adoption of a child whose parents have placed it in an institution and do not show any interest in its welfare for a period of at least one year.

(e) All children available for adoption by the valid consent of the parent(s) have the Director of Child Welfare as their legal guardian during the interval between surrender by the parents and the granting of an order to the adoptive parents.

(3) To ensure that no child is placed with adopting parents until those persons have satisfied the Director of Child Welfare that they are suitable to adopt the child.

(4) To ensure that no child is placed for adoption without medical examination and report as to its physical and mental condition.

(5) To ensure that—

(a) Payment of money to secure or facilitate an adoption is limited to the payment of legal expenses and reasonable medical expenses.

(b) Advertising to promote an adoption is limited to material approved or initiated by the Child Welfare Department.

(c) The privacy of the adopted child and of the adopting parents is safeguarded by preventing publication of information likely to identify cases of adoption.

(d) That the natural mother of a child is protected from coercion by the putative father, her own parents, or any other person, to place the child in adoption.

A description of the clauses is provided as follows: Clause 3 repeals section 2 of the existing Act and replaces it with a complete list of definitions of terms to be used in the amended Act; namely—

adopted child
adopting parent
child
country
guardian
order of adoption
relative
the director
territory of the Commonwealth.

Clause 4: The amending provision sets out the consents which shall be necessary before a judge may make an order of adoption. The attention of the House should be drawn to the fact that the current Act makes provision that a judge shall require the consent in writing of the parents of a child whether they live within the State or beyond its limits, and further provides that the judge may dispense with the consent of a putative father of an ex-nuptial child.

Experience indicates that the putative fathers of ex-nuptial children are either indifferent to the adoption or are very ready to give their consent because the adoption will terminate all their responsibilities. On occasion, however, a putative father will withhold his consent through spite towards the mother. The amendment places the full responsibility for consent to the adoption of an illigitimate child on the mother. The putative father would, in future, have no voice in consent. This amendment follows both the Commonwealth model Act and the new Victorian Act in this regard.

Clause 5: In the majority of cases of adoption the mother of the child has no particular person in mind to adopt her child, but wishes the Child Welfare Department, or some other agent, to find a suitable person. She therefore gives a general consent to adoption. Clause 5 (1) establishes that a consent to the adoption of a child shall be construed in this general way.

Clause 5 (3) ensures that if the first attempted adoption is not ratified by a judge, the general consent given by the mother remains in force and can be used as the basis for a further placement and order. Clause 5 (2) contemplates the situation where a mother is prepared to permit the adoption of her child by a relative and gives a restrictive consent applicable to the member or members of her family that she selects.

Clause 6 provides that when a person validly gives a consent to the adoption of a child in conformity with the law of any other State or territory of the Commonwealth, that consent shall be acceptable in Western Australia for the purposes of adoption.

Clause 7 (1) prescribes that a consent can be revoked by written notice served on the Director of Child Welfare before the expiration of 30 days from the date on which the instrument of consent was signed. The consent cannot be revoked in any other way, nor after expiration of 30 days. This provision is intended to remedy the present situation where the

mother of the child can revoke her consent at any time and verbally up to the moment when a judge grants the order of adoption.

Childless couples who at present accept a child into their home, hoping to adopt it, are always now apprehensive that the natural mother may revoke her consent and deprive them of the child that they have commenced to love. This long sustained period of uncertainty is one of the worst features of the existing Act, and will be remedied under this provision.

Clause 8 provides for prescribed forms on which consents shall be given and attested. Clause 9 instructs judges of the circumstances in which defective consents shall be refused; namely—

(a) If the consent was not made in accordance with this Act.

(b) If the consent was obtained by fraud or duress.

(c) If the consent was properly revoked.

(d) If the instrument of consent has been altered in any material particular without authority.

(e) If the person giving or purporting to give consent was not, on date of consent, in a fit condition to give it or did not understand the nature of the consent.

(f) If the consent of a mother was signed before the birth of her child.

Clause 9 (2) attempts to ensure that a mother consenting to the adoption of her child shall be in a fit state to give consent and to understand the nature of her act. It prescribes that any consent given within seven days of the birth of the child must be accompanied by a doctor's or midwife's certificate, certifying that a consenting mother was in a fit condition to give her consent.

Clause 9 (3) provides that consents validly given before the coming into operation of the amending Act shall remain valid. Clause 10 gives judges discretion to dispense with consents in the following circumstances:—

(a) If, after reasonable inquiry, the person whose consent is required cannot be found.

(b) The person is in physical or mental condition which prevents the proper consideration of the question of consent.

(c) That the person has abandoned, deserted, or persistently neglected or ill-treated the child.

(d) That the person has, for a period of not less than a year, and without reasonable cause, failed to discharge the obligations of parent or guardian of the child.

(e) That there are any other special circumstances by reason of which a consent may properly be dispensed with.

Clause 10 (2) contemplates the situation where a child whose parents or guardians have shown no interest in it and failed to act as parents or guardians and where its welfare would be promoted by adoption. In these circumstances the director, or a person who wishes to adopt that child, may make an application to a judge to dispense with the consent otherwise necessary to the adoption of the child. If that dispensation of consent be granted then the director or the person wishing to adopt the child can initiate proceedings leading to adoption.

There is always in various children's institutions a number of children whose parents have shown no interest in them and have not even contributed to their maintenance for long periods. Their welfare would be promoted by their adoption. This amendment would facilitate the placement of such children in suitable families.

Clause 10 (3) empowers a judge to revoke a consent given in these circumstances and opens the way for a parent who feels aggrieved by that consent to state his objections.

Clause 11: Under the present Act a child whose mother has consented to his adoption but for whom an adoption order has not yet been granted has no effective guardian. The mother regards her obligations as ended by her consent, but the couple with whom the child is placed have no legal title to his care. This period during which the child has no satisfactory legal status may continue for many months. If, finally, for any reason, an adoption order is not granted, the uncertain status may continue indefinitely. The purpose of clause 11 is to remedy this situation by making the Director of Child Welfare the guardian of all children during the period between the mother's consent and the granting of an order.

Clause 12 is a machinery provision necessary for the transition from the existing to the proposed new condition. Clause 13 (a) authorises a judge to grant an adoption order for a child over the age of 12 years and without the consent of that child if the judge considers that there are special reasons related to the welfare and interests of the child.

The Act at present requires that any child over the age of 12 years must consent to his own adoption. There are obviously, however, children of this age incapable of understanding the implications of adoption or of properly appreciating their own future welfare who may have quite inadequate reasons for refusing consent. The present amendment would give the judge discretion to meet that situation.

Clause 13 (b) repeals paragraphs (5) to (9) inclusive of section 5 (1) of the Act which have, in effect, been replaced by the provisions of clauses 4 to 13 inclusive of this Bill.

Clause 13 (c): In 1959 the Act was amended to require an officer of the Child Welfare Department to make a written report to the judge on three matters concerning the applications; namely, (a) their fitness to have the care and custody of the child; (b) their ability to bring up, maintain, and educate the child; and (c) their good repute.

Clause 13 (c) of the present amending Bill amplifies these matters by requiring the reporting officer to take into account the age, state of health, education, and religious upbringing of the child and of the applicants, and to have in mind any wishes expressed by the parent or guardian of the child with respect to religious upbringing. This amplification is based on the experience of adoption authorities that the welfare of children rests in part on considerations of age, health, and social background of both the adopting parents and the adopted child. These elements should therefore be taken into account when the suitabilty of the parents to adopt a particular child is being considered.

Clause 14 deals with the residence and domicile of the parties to an adoption. The present conditions are that either the applicants or the child must be domiciled in Western Australia. The amendment proposes that at the time of the filing of the application for an order—

> (a) The applicants are resident or domiciled in Western Australia and the child is present in the State.

This alteration is consistent with the Commonwealth model Bills and with the new Victorian Act. It is important that the Western Australian Act should be uniform with the provisions of other States in regard to domicile and residence of the parties because this is an essential element for the mutual recognition by each State of adoption orders made in other States. The alteration will also permit a more careful supervision of the adoption procedures when all the parties are present in Western Australia.

Clause 14 (2) gives the judge some discretion as to the flexibility with which these requirements shall be applied. Clauses 16 to 18 together permit the recognition of adoptions validly made in other States or countries as valid also in Western Australia. These clauses follow the lines of the Commonwealth model Bills and the new Victorian Act. They are important as the basis of the reciprocal recognition of Western Australian orders in other countries and also to clarify the status of children adopted elsewhere who later become resident in Western Australia.

Clause 16 provides for the recognition of adoptions made in other Australian States or territories of Australia.

Clause 17 provides for the recognition in Western Australia of adoptions made in other countries, but it empowers a court to exercise its discretion as to whether a foreign adoption will be acceptable in Western Australia, or not, if it appears to the court that that adoption involved a denial of natural or substantial justice.

Clause 18 makes provision for a court to hear applications from persons desiring the Western Australian recognition of an adoption made outside the Commonwealth and provides the machinery for dealing with such applications.

Clauses 19 to 25 attempt to prevent certain abuses in adoption and set out certain penalties for those abuses. It is not possible to legislate for abuses committed outside the State of Western Australia. Clause 19 merely provides that the provisions of clauses 20 to 25 relate to offences committed within Western Australia but not to acts done outside Western Australia.

Clause 20 is an addition to the present Act and attempts to prevent the payment of money in consideration for the adoption of a child, the obtaining or giving consent to adoption, or the transfer of custody of a child or the making of arrangements for adoption. It provides a penalty of £200 or imprisonment for six months for any offence against those provisions.

Clause 20 (2) permits certain payments; namely, the payment of legal expenses, or the payment approved by a judge or the Director of Child Welfare of reasonable hospital and medical expenses concerned with the birth of a child available for adoption.

Clause 21 attempts to prevent public advertising through the Press or by broadcasting, television, or public exhibition of the fact that a child is available for adoption, or that particular applicants wish to adopt a child, or that an agent is willing to make arrangements for the adoption of a child. The clause permits the Director of Child Welfare to approve of such publication.

Clause 22 attempts to safeguard the privacy of adoption transactions because it is important to the welfare of the adopted child that he should be regarded in every way as the true child of his adopting parents and should not be the subject of gossip and comment. The clause therefore makes it an offence to publish through the newspaper, by broadcasting, television or any other matter, the names of an applicant, child, or the father, mother, or guardian of the child, who are parties to an adoption so that they can be identified.

Clause 23: For various reasons it is natural that a putative father, or the parents of a pregnant single girl, or persons wishing to adopt a child, may try to influence the mother of the child to give her consent to adoption or to refuse her consent against her own wishes.

The provisions concerning consent already set out in this amending Bill rest on the assumption that the persons entitled to consent shall use their judgment freely and not under duress or constraint. This clause makes it an offence for any person to use threats or restraint in order to influence the giving or withholding of consent.

Clause 24: Persons wishing to adopt a child have the right to expect that the child placed with them shall be free of physical and mental defect, or that if it has any defect they should be informed of it. The present Act makes no reference to this matter.

It is not possible to guarantee that a recently born infant is free of physical and mental defect. The most that can be done is that a properly qualified medical practitioner shall examine the child and shall give a certificate as to its physical and mental health. This clause makes it necessary that such a certificate shall be provided to the Director of Child Welfare in respect of every child placed with a view to adoption.

Clause 25 is one of the most important clauses in this amending Bill. At present it is possible for any person concerned with the adoption of a child to place the baby with an adopting couple of their own selection, irrespective of whether that adopting couple are suitable, are of good reputation, or have the means to maintain the child. The child remains in the custody of this couple for an indefinite period until ultimately they make an application for an adoption order. This may be months or years after the placement of the child. Only at that time is the Child Welfare Department required to investigate their suitability to adopt.

This is obviously bad welfare practice, for the child may have remained in an unsuitable home for a very long period. The remedy to this situation is to ensure that no child is placed in an adopting home until the Child Welfare Department has made its inquiries and found the home to be suitable.

Clause 25 therefore makes it an offence to place a child for adoption without the written consent of the Director of Child Welfare. The intention is that the written consent will only be given after the officers of the department have investigated the home and found it to be a suitable place. The clause permits the placement of a child in the home of a relative for the purposes of adoption without this delay.

Clause 26 requires the written consent of the Attorney-General to procedings for an offence against this Act.

Clause 27 refers to the renumbering of the present section 14 of the Act.

I have gone to some trouble to detail, as far as possible, the amendments to the Act and I trust, despite the fact that there are not many copies of my speech available, honourable members will be able to follow the amendments to this Act.

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

COMPANIES ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 5th November, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (North-East) [10.18 p.m.]: This Bill proposes to amend the Companies Act in a fairly comprehensive manner. The Minister, and other speakers, have referred to the various clauses so I propose to make only a few general observations on the Bill.

The Minister stated that the proposals in the Bill have been agreed to by the Standing Committee of the Attorneys-General as being appropriate for enactment in the Companies Acts of the various States. He also indicated that the manifest intention of the legislation is to provide further protection for the public who invest moneys in public companies.

If the Bill achieves this purpose, or even partially does so, then I feel it warrants support. We all know that in recent years there have been some scandalous happenings in the affairs of some companies and millions of pounds have been lost by the investing public.

In many cases people have been blatantly robbed, some even ruined, and an immeasurable hardship has been inflicted on others. One reason for this tragic state of affairs, apparently, is that the Companies Acts in the various States of Australia have not contained sufficient safeguards to protect the public from the activities of dishonest promoters, directors, and others associated with the formation and management of companies.

In the past, these people have borrowed money from the public under the guise of debentures and other alleged securities which have frequently been found to be utterly inadequate and in some cases practically worthless. Whether or not the Bill is adequate to provide the measure of protection it sets out to provide, I am not certain, but I believe it is a genuine attempt to do so. Unfortunately, as

always happens in such cases, the reputable well-conducted companies—which fortunately are in the great majority—will now be put to more trouble and inconvenience in conducting their affairs.

Some of the requirements proposed may seem unreasonable and irksome in such cases, but if the overall goal is achieved I feel that these may be justified. To sum up, therefore, I am prepared to support the well-intentioned efforts of the Attorneys-General and in doing so I bear in mind that their propositions, as contained in the Bill, have, according to the Minister, been supported by trustee companies, law societies, associations, and accountants, and other reputable bodies throughout the Commonwealth. I therefore support the second reading.

THE HON. A. F. GRIFFITH (Suburban —Minister for Justice) [10.23 p.m.]: I am very grateful to the honourable Mr. Wise, the honourable Mr. Loton, the honourable Mr. Watson, and the honourable Mr. Heenan for their approach to this Bill. I have had an opportunity of studying the remarks made by the first three speakers. In the case of the honourable Mr. Loton, he gave support to the Bill. So did the honourable Mr. Watson, and the honourable Mr. Wise had some reservations.

I think that by dealing particularly with the comments made by the honourable Mr. Watson, and to some extent the remarks made by the honourable Mr. Loton, I might introduce into the mind of the honourable Mr. Wise a better feeling towards this Bill.

In the first place, the honourable Mr. Loton spoke mainly on the question of whether sharebrokers should be permitted to hold office as directors of companies listed on the Stock Exchange. He dealt with the recent spate of publicity in the financial Press on the subject and he invited me, approximately a week ago, to pursue certain inquiries whilst in Melbourne, if I had the time. I would like to say that in the 20-odd hours I was away, one-half was spent in the air and the other half in Melbourne, and I did not have time to pursue the matters because the Attorneys-General had their minds fixed on another important question.

However, there appears to be good reason in the question raised by the honourable Mr. Loton. Some members of the Standing Committee of the Attorneys-General are at present investigating the matter on an exploratory basis. It should be remembered, however, that in Australia a *laissez-faire* policy has been followed for a very long time and some of Australia's most prominent and most distinguished financial men are liable to suffer—perhaps without justification, if the solution to this problem is not wisely arrived at.

There is, however, I am advised, some reason to think that there are some leaders of the Stock Exchange circles who will be and are willing to assist in finding a reasonable answer to this problem; and when I say reasonable, I mean reasonable from the point of view of the whole community. But, I repeat: it is because of its implications, it is not a decision which can be arrived at quickly.

The honourable Mr. Watson dealt with a number of clauses in the Bill when addressing himself to it. He asked for an explanation of why the subsidiary of a life insurance company was eligible for declaration by the Governor as a prescribed corporation and such eligibility was not to be conditional upon its obligation to repay borrowed money being first guaranteed by its holding company. The explanation is that the operation of the life insurance laws of the Commonwealth prevent a life company from giving a general guarantee of the sort required here. The bar arises out of the obligation of the holding company—for example the life insurance company—to keep its statutory funds entirely free of extraneous commitment.

However, the acceptability of a subsidiary of a life insurance company will depend on its own substance, on its particular mode of doing business, and on such guarantees as its parent company may be able to provide independently of the statutory fund obligations of the latter. These questions must be dealt with administratively and, certainly, no £2 company referred to by the honourable Mr. Watson would be approved.

The honourable Mr. Watson posed a question, with reference to subsection (5) of the proposed new section 74, which is contained in clause 6 of the Bill. This subsection deals with certain, what we might call, loosenings of that patently desirable principle—the independence of the trustee from the borrowing corporation.

On the first examination the figure of 10 per cent. as the maximum amount of indebtedness of the borrowing corporation to the trustee, which amount would disqualify the trustee from office, seems high. However, that 10 per cent. represents the total of moneys that may be owing by the borrowing corporation and all of its related companies (i.e. by the group to which the borrowing corporation belongs) to the trustee corporation, and all companies of the group to which it may belong. In other words, it is the total inter-group indebtedness that is in question, and for all practical reasons the figure should not be too low—and this is an aggregate amount.

The calibre of the companies that are to be permitted to act in the role of trustee has a significant bearing on this question of disqualification.

The honourable Mr. Watson referred to the subject matter of the proposed new section 74H, and his point on prospectuses was well taken. Although the honourable member said otherwise, a statement in any prospectus as to the particular purpose for which the money received on the prospectus will be applied can, in fact, be a good "selling point" in that prospectus, as long as it is an honest statement.

I think the honourable member drew attention to a document or a prospectus put out by the Stanhill group, and it featured some pretty pictures which were supposed to relate the purpose the company hand in mind and for which it wished to use the money when raised.

As a matter of fact it has been pointed out to me that that particular group did not use the money in that way at all; it used it for an entirely different purpose altogether. The inspector in Victoria made an interim report dealing with the Stanhill group and he went to some pains to point out this very thing.

The Hon. A. L. Loton: The second last paragraph on page 7 of the report.

The Hon. A. F. GRIFFITH: Yes. I have also marked page 14 which deals with the objects of the issue. Obviously the honourable member has another copy the same as mine and he might care to look at page 14 of that report.

The Hon. A. L. Loton: Yes. Turn to page 41 also.

The Hon. A. F. GRIFFITH: In general, the inspector in making this report pointed out that the company did not use the money for the purpose that was intended and, therefore, it was not an honest statement of intent. I say again, if honourable members study the report on the Stanhill group they will note this; and I think they would find that the very general statement of purpose as to the intended application of the moneys raised on the prospectus, to which the honourable Mr. Watson referred was, as I said, not adhered to.

I must say, however, that it would be extremely difficult to enforce a prescription that every prospectus must state the particular purpose for which the moneys are to be raised. Such a condition would no doubt be desirable but difficult to follow up; because, inevitably, such a requirement would, in the majority of cases, be met by a deliberately vague compliance with that particular section.

Clause 14 says that where as a selling point a purpose is stated in a prospectus, and the purpose is not achieved, the moneys raised become liable to be repaid to the lenders, and the trustee has a duty to perform as a watchdog for the debenture holders. At this point of time I think that is as far as we can go in this Bill.

The honourable Mr. Watson also requires an explanation in regard to subclauses (5) and (6) of clause 26. The whole of clause 26 relates to an investigation as to the true ownership, the acquisition, and the disposition of shares, and to these matters alone. Subclauses (5) and (6) deal with a matter similar to that covered in section 171(5) of the principal Act.

The proceedings in an investigation relating to shares are not equivalent to proceedings in a court of justice. The investigation would be exploratory in character and might, in some cases, be very loosely described as a "fishing excursion." I think at the time the honourable member was making those remarks I did interject to the effect that an inspector would not be able to charge anybody. It is a matter for the police to make a charge.

Under the Criminal Code provision, section 422, referred to by the honourable Mr. Watson, a person who is compelled to answer a question notwithstanding that an objection to answering, on the ground of self-incrimination, has been stated by him, must be acquitted of a charge subsequently brought and having direct relation to the subject matter of that question. However, the charge must be one of those covered in that particular chapter of the Criminal Code.

In subsections (5) and (6) the position is different. If a person being examined were to be permitted freely to refuse to answer questions put to him on the ground that the answers might incriminate him the examination could well be abortive. The requirement here is that he may claim that his answer could incriminate him but, if pressed, he is obliged to answer. The question having been so answered, the question with its answer cannot be used in evidence against him in later criminal proceedings, but may be used in any civil proceedings afterwards brought against him. It is important that the question and the relative answer must be dealt with together.

However, if a witness gives an untruthful answer to a question, whether or not he has claimed protection from self-incrimination, he may be proceeded against for the offence of perjury. In other words, his answer can be used against him if it is a perjurious answer.

The Hon. H. K. Watson: On a charge of perjury.

The Hon. A. F. GRIFFITH: That is the charge if the answer is untruthful. As regards clause 33, the honourable Mr. Watson would be the first to appreciate the reasons why it is desirable that the companies of a group, that is, the holding company and all of its subsidiaries, should balance on a common date. The honourable member has an amendment on the notice paper in this respect and I would

hope that, having listened to the explanation which I shall give, he will not pursue that amendment.

In the first place it will be recognised that where a subsidiary balances its accounts very much earlier than its holding company, the consolidated accounts of the group, made up as at the holding company's balance date, cannot reflect changes in the financial position of the subsidiary occurring in the meantime, even where those changes are substantial and of real significance. Secondly, if balance dates differ within the group, and there are large inter-company transactions within the group, these cannot be satisfactorily or wholly eliminated from the consolidated accounts of the group.

For these reasons, clause 17 of the Bill places an obligation on the directors of a holding company to have a common balancing date and, where necessary, to change the balance dates of the units within the group so that all have that common balancing date.

The Hon. H. K. Watson: I raise no objection to that.

The Hon. A. F. GRIFFITH: The only thing that imposes the charge of £10 is where any one of these subsidiaries does not, for some particular reason, wish to change to the common balancing date. So it becomes applicable only when there is objection to the change.

The Hon. H. K. Watson: That is obvious.

The Hon. A. F. GRIFFITH: Yes. But it is possible to have a company A, which is a holding company, and there could be companies B, C, D, and E. While A is the holding company to B, B in turn may be the holding company for C, D, E, and so on; and B then, in itself, is a holding company.

As to the alteration of the fees payable on an application relating to differing balance dates, these fees are payable by the senior holding company of the group in the State or territory of the Commonwealth in which it is incorporated. So the holding company is responsible for the payment of the fees for the subsidiaries in the State in which it is incorporated. The fees payable in these matters are already fixed at £10 for each subsidiary by the respective Parliaments of South Australia, Victoria, New South Wales, and Queensland.

It is a fact, as the honourable Mr. Watson knows, that many of our local companies are subsidiaries to companies incorporated in these other States, and any change of fee made in this State cannot affect the fees for which such a group may be liable. In other words, the fees may already have been paid in another State. However, in setting the proposed fee at £10 the Standing Committee of Attorneys-General intended that the fee should be a minor sanction to discourage applications that had no sufficient basis on which excusal from the obligation to have a common group balancing date might be put forward. The fee becomes payable only when a company desires to be excused from the common balancing date.

In the discussions of the Standing Committee the view was expressed that if extremely onerous conditions were imposed by the income tax authorities in a particular case that circumstance could justify the granting of an application made under the proposed new section 161A in that case. I think that was the point made by the honourable Mr. Watson.

The other point that the honourable member made, I think, was that prosecutions should be made under the Companies Act and not under the Criminal Code. This is just not realistic and I can give one example. If a person steals £100 from a company this is a crime for which he can be charged under the Criminal Code. That is no different from stealing £100 from some other source, and breaches committed under the provisions of the Companies Act are punishable under sections in the Criminal Code. But I do not see how we could pull out of the Criminal Code certain sections and apply them to the Companies Act and at the same time leave other sections in the Criminal Code.

Turning to the comments made on the Bill by the honourable Mr. Wise, I can fully appreciate his point of view when he says that he is disturbed and perturbed by some of the statements made by the honourable Mr. Watson. If it were a fact that this Bill will deal harshly with honest companies, and offer no impediment to the snide operator, then the stand taken by the honourable Mr. Wise is comprehensible to all. But the former is not the case. It is certainly not intended to be the case.

It is true the Bill applies to borrowing companies other than those exempted in relation to certain matters as prescribed corporations, whether those companies be respectable or not so respectable. It could scarcely be otherwise for, except in the case of the prescribed corporations, there is no convenient yardstick as to respectability.

With regard to the tentative suggestion made by the honourable Mr. Wise that the Auditor-General be somehow brought into the picture where an unsatisfactory audit report is made, I am unable by reason of the lack of detail of the proposal to comment on it. However, if the honourable member were to give me—perhaps later—some more specific detail of his proposal, I would be pleased to see that it is properly considered.

In replying to some of the remarks made by the honourable Mr. Watson I hope I have removed the fears with which the

honourable Mr. Wise was concerned, and to which he has alluded. The decision of the Standing Committee of Attorneys-General to submit this Bill for enactment in all places throughout the Commonwealth was made in the hope, or rather in the firm belief, that the conditions of public borrowing, and more importantly, perhaps, the repayment of that borrowing will be better regulated. If this be so, and I believe that it is, the small investor, as part of the investing public, will receive some protection which from recent history he so obviously needs.

I would not suggest that the passage of this Bill through the Parliament of Western Australia, as it has been passed in some of the other States, will rectify the ills of the past; but at least its intention is to try to tighten up and regulate in some way the public borrowings that will be made in future. If it places these onerous conditions upon companies of good standing and renown then, in the interests of dealing with those people who may be snide in their operations, and in order to give some protection to people if at all possible, I believe these companies will accept the burden, even if it is a burden to themselves.

It is not necessary for me to repeat what I have already said, but there have been in the Eastern States some very lamentable actions in connection with borrowings by some of these companies, and it is with a genuine desire to try to improve the situation that the Bill is introduced into this Parliament. I hope it will be accepted and I trust it will assist in improving the unsatisfactory state of affairs that exists at present.

Question put and passed.

Bill read a second time.

CHEVRON-HILTON HOTEL AGREEMENT ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 5th November, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. H. C. STRICKLAND (North) [10.50 p.m.]: This is a necessary measure to put some life into one of the dead spots in the near centre of the city. There is no need to retrace the history of this agreement which concerns the Chevron-Hilton Hotel, about which we heard so much during 1960. Unfortunately for the company and those concerned the finance was not available for it to proceed with its building and consequently the agreement became redundant, and the Government has had some of the land returned to it. The Perth City Council, of course, is left with the land which it purchased from the Christian Brothers' College.

We are told that it is an ill wind that blows nobody any good. I understand the Christian Brothers' College did derive some good from the proposal to build the Chevron-Hilton Hotel in 1960. This Bill is to enable the Perth City Council to sell its property to the Commonwealth Government. I think that is a good thing, because the Commonwealth Government will probably erect a substantial set of buildings in the area, and perhaps it might be a little extravagant in its proposals and expenditure.

When one talks of extravagance one's mind focuses on the expenditure on the Commonwealth Bank at the intersection of Hay and William Streets. Particularly does one become conscious of this if one has a chance to glance up at the Commonwealth building in an attempt to figure out the floral emblem affixed to that building. I do not think that was money well spent. That is only my personal opinion. It is, however, one of many opinions that I have heard expressed.

The Hon. L. A. Logan: They are wildflowers that came out of the Kimberleys.

The Hon. H. C. STRICKLAND: It is said that art must have imagination, but I think that in a number of cases imagination also needs some art. There is one feature in connection with this proposed building to be erected on the land in question which I wish to mention. It deals with the fine avenue of trees in Victoria Avenue. It is to be hoped that in the negotiations between the Perth City Council and the Commonwealth Government every effort will be made to retain this fine avenue of trees and to preserve it. I certainly trust that any future planning will take that aspect into consideration.

THE HON. F. R. H. LAVERY (West) [10.54 p.m.]: In supporting the Bill I want to say a few words on the last statement made by the honourable Mr. Strickland. When the Bill dealing with the erection of the Chevron-Hilton Hotel was before us some years ago the opinion was expressed in this House that the fine avenue of trees in Victoria Avenue should in no circumstances be despoiled. I well remember the reply given to our leader. It was understood that any road that was to be built would be built on the western side of the trees. In other words some land would be reserved for rights-of-way and so on and the trees would not be interfered with at all.

I am not going to be so kindly in the selection of my words as was the honourable Mr. Strickland. I think it should be made known to the Commonwealth Government and to the Perth City Council that it is the desire of this Parliament

that the trees should be preserved. I do not know how many people read the quip in *The Sunday Times* last Sunday in regard to the Bill to preserve the wrecks. I think the question was asked whether we could not have a Bill to preserve us from the wreckers of the Swan River.

It is my desire, and that of a great number of citizens of this State, that that fine avenue of trees should not be despoiled, and I hope that whoever reads the notes on this Bill will take notice of that request. A promise was made that they would be preserved, and I will only support the Bill if that promise is fulfilled.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [10.55 p.m.]: I can assure honourable members that I will make their submissions known to the Perth City Council, to the Town Planning Department, and to the Commonwealth authorities.

The Hon. J. G. Hislop: It was in the original agreement.

The Hon. L. A. LOGAN: There has been some road widening, of course, on the St. George's Terrace side. I agree with the honourable Mr. Strickland that it is an ill wind that blows nobody any good, and I must say that the Christian Brothers' College has now a very fine site right away from all the traffic.

It is regrettable that the original plans did not go forward, because it was my good fortune to stay at one or two Hilton hotels during my trip around the world. I must admit that they are wonderful hotels and give a first-class service. One such hotel would certainly be of great benefit to this State; it would be something to be proud of. I will ensure that the submissions made by honourable members reach the right quarters.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by The Hon. L. A. Logan (Minister for Local Government), and passed.

DEBT COLLECTORS LICENSING BILL

Second Reading

Debate resumed, from the 5th November, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. A. L. LOTON (South) [11 p.m.]: This Bill seems to have been founded mainly on the New South Wales Act, No. 4 of 1963, the title of which is Commercial Agents and Private Inquiry Agents Act, 1963. The Bill has a small defect inasmuch as the marginal notes do not tell one from where the extracts have come and one has to look at the Victorian Act and the New South Wales Act to try to put the pieces together to find from where they come.

The Hon. A. F. Griffith: For the reason that this is an original Bill.

The Hon. A. L. LOTON: I understand that; but this was pointed out by the honourable Mr. Wise the other night, and the Minister for Local Government gave an undertaking then that he would check, and if provisions were taken from the Victorian or New South Wales Act, a reference to them would be incorporated in marginal notes, so it would be possible to check to see what the parent Act entailed.

The Hon. A. F. Griffith: This was not.

The Hon. A. L. LOTON: Some of the clauses are identical with those in the New South Wales Act.

The Hon. A. F. Griffith: That may be so.

The Hon. A. L. LOTON: After that little bypass, we can now get on with this measure. The business of debt collecting seems to be growing in importance in various States; and in this State it seems to have reached the same proportions. Therefore it is necessary to license and control those who engage in the business of debt collecting.

There are just a few points on which I would like some clarification. Clause 5 reads—

> (1) After the expiration of three months after the coming into operation of this Act a person shall not—
>
> (b) advertise . . .

unless he is the holder of a license.

I think we must do something to control the method of advertising. I do not think it would be fair to allow a debt collector to paint on the side of his van, "Tom Smith, debt collector." He would pull up in a street and go into a house to collect a small debt that was owing and that would be embarrassing to both parties. Therefore advertising should be confined solely to the place of business of the person connected with debt collecting.

The Hon. A. F. Griffith: It is advertising on a van.

The Hon. A. L. LOTON The Bill says—

> (1) After the expiration of three months after the coming into operation of this Act a person shall not—
>
> (b) advertise, notify or state that he carries on or is willing to exercise or carry on;

Whether it will be necessary to include an amendment there at a later stage, I do not know. I notice that on page 19 dealing with regulations, paragraph (g) states—

> regulating and prohibiting the method and manner in which a debt collector may make known the place where, and the fact that he is a debt collector;

That is only by regulation; and I think it should be stated in the Bill.

The Hon. A. F. Griffith: We propose to regulate him in respect of driving around in a van with the words "debt collector" painted on it and pulling up outside someone's house.

The Hon. A. L. LOTON: That is what I do not want to happen. The second provision to which I wish to refer is in clause 7 which states—

> (1) A licence shall be in the form prescribed.
>
> (2) Where a licence is issued to—
>
> (a) a natural person, the licence shall set forth the name, place of business and place of abode of the licensee;

No provision is made after the initial license is issued for the notification of a change of address. A person will not notify a change of address until he applies for a renewal of his license, and I think provision should be made in this clause that within seven days he must notify the local clerk of courts of any change of address.

Clause 16 deals with the investigating of the business or the private affairs of a debt collector. It reads—

> The Manager or other principal officer of a bank with which a licensee has deposited any money whether in his own account or in any trust account, shall disclose each such account to any person authorised in writing by the Minister to examine the account,

and so on. I agree with that entirely because I have information which shows that recently a man in the Eastern States salted away a very considerable amount of money. He took the money away from his own business and paid it into his private account. Therefore if anyone is under suspicion the Minister must have authority to investigate both the business account and the private account. I agree with that and it is one of the essentials.

The Hon. H. K. Watson: That is discretionary; the audit is not compulsory at the moment.

The Hon. A. L. LOTON: The clause says the manager shall disclose each such account, so it is mandatory.

The Hon. A. F. Griffith: That clause is distinct from the one that empowers me to order an audit.

The Hon. A. L. LOTON: It is a must that provision be made to investigate both accounts. I would now like to refer to the fidelity bond and in this regard will be pleased to have some clarification. I have asked two or three people about it and no-one has been able to come up with what the clause means. Paragraph (a) reads—

> in the case of a corporation whether in partnership or otherwise, of five thousand pounds, or such other sum as may be prescribed;

If it were a penalty of £5,000, it would be the maximum amount, so that the prescribed amcunt could be a lesser sum.

The Hon. A. F. Griffith: If it were a penalty?

The Hon. A. L. LOTON: Yes. If it were a penalty under, say, the Criminal Code, a maximum amount would be stated, but a person could be fined a lesser amount.

The Hon. A. F. Griffith: That has no relation.

The Hon. A. L. LOTON: I agree; but this reads—

> (a) in the case of a corporation whether in partnership or otherwise, of five thousand pounds, or such other sum as may be prescribed.

The Hon. H. K. Watson: Up or down?

The Hon. A. L. LOTON: Yes. Is it £5,000, £10,000, £20,000, £1, or two bob each way?

The Hon. L. A. Logan: It will be prescribed according to the size of the company.

The Hon. A. L. LOTON: But who decides this issue? The clause continues—

> (b) in the case of a natural person who proposes to act as or carry on the business of a debt collector on his own account or in partnership with another natural person or natural persons, of three thousand pounds, or such other sum as may be prescribed,

Once again, people cannot tell me what this means when it states, "or such other sum as may be prescribed."

The Hon. A. F. Griffith: I do not think you should read this in the extreme that it would be £1; it would be greater than £3,000 or £5,000.

The Hon. A. L. LOTON: It would be greater?

The Hon. A. F. Griffith: Yes, it could be greater.

The Hon. A. L. LOTON: It could be less.

The Hon. A. F. Griffith: It could be.

The Hon. A. L. LOTON: If £5,000 and £3,000 are maximum amounts, then I do not think they are high enough for these days. If debt collectors have to put up a bond, then let it be a decent bond. A

person will not get away with a small amount; he will stay in business long enough so he can get away with a decent sum. Therefore make it a decent bond. Make the first one £15,000, and the second one £10,000. That would keep people on the straight line; but if the penalty is small it will not act as a deterrent.

That is all I have to say. I notice the Governor has power to make regulations; and perhaps the method of advertising will be covered by that means. I raise these queries so the Minister can have a look at them.

This is an interesting piece of legislation. I know there are several people in Perth engaged in the business of debt collecting. People have different ideas about this. One of the evils of society today is that so many people are entering into hire-purchase commitments who do not realise that they have to pay 3s. on this or 4s. or 5s. on something else. They get into a hopeless muddle and the business firm has to engage a debt collector whose unpleasant duty it is to make arrangements to collect the debt. I support the Bill.

Debate adjourned, on motion by The Hon. H. K. Watson.

House adjourned at 11.11 p.m.

Legislative Assembly

Tuesday, the 10th November, 1964

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