extensive plan for development by the Railways Commission in conjunction with the Town Planning and Main Roads Departments. In the very near future this is to be discussed with the Midland Town Council to let it know what the Railways Department proposes in respect of the large piece of land recently acquired from the Midland Railway Company.

The proposal is an imaginative one and not only will it bring good transport services to the Midland district but it will also be of great commercial advantage to the town of Midland when it is fully developed. I want to emphasise further that this will be in two parts: the first will be the provision of the rail terminal and parking facilities and the like to enable the first part of the rapid transit system to operate from the hills areas feeding into Midland and from the Swan Valley feeding into Midland. The next phase will be the commercial development of the land recently taken over from the Midland Railway Company, which is to be the subject of discussions with the Midland Town Council.

Debate adjourned, on motion by Mr. Brady.

House adjourned at 9.23 p.m.

Legislative Council

Wednesday, the 16th September, 1964

CONTENTS

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

QUESTIONS ON NOTICE

FERTILISERS

Price of Minerals Used in Production

1. The Hon. H. R. ROBINSON (for The Hon. C. R. Abbey) asked the Minister for Mines:

   (1) Will the Minister advise the price of the following minerals used in the production of fertilisers in Western Australia as at the 1st August, 1963, and the 15th September, 1964—

   (a) Copper sulphate;

   (b) copper ore;

   (c) zinc oxide;

   (d) cobalt;

   (e) molybdenum; and

   (f) manganese?

Price of Raw Materials

   (2) Has there been any increase during the past year in the cost of raw materials used in manufacture of—

   (a) Christmas Island phosphate;

   (b) superphosphate; or

   (c) urea?

The Hon. A. F. GRIFFITH replied:

(1) and (2) The information asked for in this question is being sought and will be made available to the honourable member when received.

SCHOOL AT GRASS PATCH

Tenders and Date of Occupation

2. The Hon. G. BENNETTS asked the Minister for Mines:

In view of the promise by the Minister for Education that a school would be constructed at Grass Patch, will the Minister advise—

(a) When are tenders likely to be called?

(b) Is it anticipated that the school will be ready for the 1965 school year?

(c) If the reply to (b) is "No," when will the school be ready for occupation?

The Hon. A. F. GRIFFITH replied:

(a) The erection of a new school at Grass Patch has been listed, but until numbers of school-age children warrant it, no building will commence. The position is being closely watched.

(b) No.

(c) Not known at present.

ROADS IN SCADDAN

Bad Condition in Western Section

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

(1) Is the Minister aware that the road serving land development west of Scaddan is in very bad condition and was impassable during the winter rains?

Construction of Access Road

(2) Has the Main Roads Department been requested to construct an access road to areas adjacent to locations 1828 and 1829?

(3) If so, when is it anticipated that work will commence?

The Hon. L. A. LOGAN replied:

(1) Yes.

(2) £14,000 has been provided on the department's current programme of works for major improvement work on the road to locations 1828 and 1829. This work will be put in hand before next winter. In the meantime temporary improvements will be effected at an early date.

(3) Answered by (2).

RAIL TRANSPORT OF WHEAT

Comparison of Costs at Esperance, Fremantle, and Geraldton

4. The Hon. J. J. GARRIGAN asked the Minister for Mines:

(1) Will the Minister advise if the rail freight and other charges on wheat transported from Salmon Gums to Esperance are 1s. 6d. per bushel in excess of those which apply within a 70-mile radius of the ports of Fremantle and Geraldton?

(2) If the reply to (1) is "Yes", what are the reasons for this apparent disparity?

The Hon. A. F. GRIFFITH replied:

(1) and (2) Rail freight from within a 70-mile radius of Fremantle and Geraldton and from Salmon Gums to Esperance is the same. At Esperance the installation is away from the ship loading point and consequently an inclusive charge is raised for freight and shunting of approximately 1d. a bushel more than the shunting charge raised at Fremantle and Geraldton.

TOTALISATOR AGENCY BOARD

Toilet Facilities for Premises

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

As the Commissioner of Public Health has signified his intention of taking the necessary action to see that the requirements of the Health Act are observed and carried out in Totalisator Agency Board premises in the metropolitan area and country districts—

(a) When is it intended that the toilet facilities will be provided for use by patrons of such agency board premises?

(b) Will a time limit be set for all premises to be so equipped?

(c) Will the Minister state when it can be expected that such time limit will expire?

The Hon. A. F. GRIFFITH replied:

The Health Act does not necessarily require toilets to be provided for patrons of Totalisator Agency Board premises. This is a matter which depends entirely on the manner in which the board conducts its business therein.

I understand that the Minister for Police has given this problem some considerable thought, and is preparing an announcement on policy with regard to this subject.

PASTORAL AREAS IN NORTH-WEST

Regeneration: Cost to Government

6. The Hon. H. C. STRICKLAND asked the Minister for Local Government:

(1) What is the total "regeneration costs" incurred by the State Government to June the 30th, 1964, on eroded areas held under pastoral lease by—

(a) The Turner Grazing Company Pty. Ltd.;

(b) Ord River Limited?

(2) What portion of the above expenditures has been recouped from Australian Investment Agency Pty. Limited?

(3) What is the estimated total of "regeneration costs" yet to be incurred by the Government under agreements with Australian Investment Agency Pty. Limited?

The Hon. L. A. LOGAN replied:

(1) Separate accounts are not kept for the two stations, but the total expenditure on this project to the 30th June, 1964, is £220,592.

(2) £63,279 in accordance with the terms of the agreement.

(3) Approximately £50,000.

BILLS (4): THIRD READING

1. Mining Act Amendment Bill (No. 2).

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and transmitted to the Assembly.

2. Milk Act Amendment Bill.

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

3. Anzac Day Act Amendment Bill.

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

4. Agricultural Products Act Amendment Bill.

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

ALSATIAN DOG ACT AMENDMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.40 p.m.]: I move—

That the Bill be now read a third time.

THE HON. J. DOLAN (West) [4.41 p.m.]: Before this motion is passed I wish to refer to some of the statements that were made during the Committee stage yesterday. One statement in particular to which I wish to refer was that members of the German Shepherd Dog Association were satisfied with this Bill. Today I contacted the executive officers of that association, and I wish to inform the House that they are not happy about the Bill at all. Therefore, any statements that were made must have been made by private owners of dogs and not by executive officers of the association.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.42 p.m.]: I can only say that I am sorry and regret that I conveyed any information to the House that was not factual. I understood the position to be as I related it to the House yesterday evening. May I offer the honourable member some advice? The passage of this Bill has now reached the stage where it is impossible to prevent its passage; it must go through the third reading. In the event of an occurrence similar to this in the future, I would be pleased if The Honourable Mr. Dolan, or any other honourable member interested, would advise me if I have conveyed to the House any information that is not in accordance with fact, and so give me an opportunity to check it; because the last thing I want to do is to give to the House any information that is not correct. At this stage members will appreciate that the Bill, having proceeded this far, must be passed.

Question put and passed.

Bill read a third time and passed.

CRIMINAL CODE AMENDMENT BILL

Further Report

Further report of Committee adopted.

AGRICULTURE PROTECTION BOARD ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [4.47 p.m.]: I move—

That the Bill be now read a second time.

Upon reference to section 5 of the Agriculture Protection Board Act, it will be seen that the protection board is accorded, in common with many other bodies corporate, certain general powers for dealing in real and personal property. The more specific powers and duties of the board are set out in section 8, and the purpose of this Bill is to insert into that section a clearly-defined and specific power upon which the protection board may act in the matter of dealing in any real and personal property which the board thinks might be requisite for carrying into effect the objects and purposes of the Act.

Some doubts were expressed by officers of the Crown Law Department as to whether the existing provisions of the Act would enable the board to have patent rights assigned to it, and the amendment contained in this measure is presented with a view to eliminating those doubts. A case in point arose as a consequence of the development of the method of rabbit poisoning known as "One-Shot 1080" by an officer of the Agriculture Protection Board during the course of his official duties.

As is well-known by the users of this particular poison, it can be highly dangerous when not handled correctly. The board considered it was very important that the process be patented, so ensuring its manufacture and the use of this method of poisoning being done in accordance with the very strict standards set out in the specifications. These appeared good reasons to the board for desiring that patent rights be sought as a means of control.

It is normal procedure, when officers in Government employ develop new processes, for the patent rights to be taken out in their names, upon which, the holders of the patent assign their Australian rights to their employer. The patent rights in respect of the process known as "One-Shot 1080" would be taken out in the name of the vermin control research officer and his assistant and their rights assigned to the Agriculture Protection Board.

By amending the Act in the manner proposed, the desires of the board to procure a block of land for an extension of a vermin fence depot will be facilitated. The board will have the necessary power to acquire such land. In the matter of contracts, also, such as those entered into for the hiring of apparatus and appliances used in control, prevention, or eradication work, the Act as amended will provide unrestricted business facilities at the Board's disposal. The same will apply in the sale of chemicals—a trading activity for which specific provision is made in the Act. It is pointed out that the particular powers granted under section 8 may be exercised subject to the Minister.

The remaining amendments in the Bill are in relation to contributions to the protection fund contained in section 11. Originally the Act provided for varying amounts to be appropriated from the Consolidated Revenue Fund to enable the board to carry into effect the objects and purposes of its establishment. Each amount was set at a minimum figure being prefixed by the words "not less than." It transpired that when the Act was amended to pool these contributions to enable expenditure to be varied under the specific heads in order to meet the cost of the most urgent of them from time to time, the words "not less than" were inadvertently omitted from the amending Bill. As a result, the "pooled" figure was set at £105,000; and, as the qualification previously referred to was omitted, expenditure beyond that amount would require special approval.

Expenditure in excess of £105,000 has, in fact, been incurred; and with a view to containing this within the provisions of the Act, the time is appropriate for reinsertion of the omitted words, and this is provided for in clause 3 of the Bill.

Another amendment in the third clause of the Bill will distinguish as between the Western Australian Government Railways Commission and the Consolidated Revenue Fund portions of contributions which, as at present drafted, remain somewhat obscure.

This brief Bill has then as its objective the tidying up of the Act to enable smoother administrative procedures to prevail.

Debate adjourned, on motion by The Hon. W. F. Willesee.

HEALTH ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.52 p.m.]: I move—

That the Bill be now read a second time.

This Bill has been passed in another place and, as will be seen, contains several amendments to the Health Act. The first amendment of importance comes in clause 3, which is anticipated by the drafting provisions contained in clause 2, and anticipates the several amendments contained in clauses 6 to 19 relating to the running of boarding and lodging houses.

In particular, sections 146 to 159 of the Act deal with boarding and lodging houses. It has been suggested by the City of Perth that separate definitions and separate treatment of these places in the Act and by-laws have become unnecessary and confusing. The Bill proposes deletion of the term "boarding-house," and its substitution by a new comprehensive definition of "lodging-house." The new definition covers lodging and boarding-houses as well as so-called apartment houses.

Premises used as a boarding school approved under the Education Act were excluded from the present definition of "boarding-house," and they have also been excluded from the new definition. The exclusion of licensed premises has been retained. Buildings comprising residential flats are not included in the definition.

The present definition of boarding-house means premises in which more than six persons excluding the family of the keeper are harboured, lodged, or boarded. The definition of lodging-house at present

covers premises in which not more than six persons excluding the family of the keeper are lodged. The new definition defines a "lodging-house" in sufficiently broad terms to cover, as previously mentioned, lodging, boarding, and apartment-houses, and provision is made for lodging or boarding more than four persons exclusive of the family of the keeper.

The Hon. G. C. MacKinnon: Would that mean the number that could be lodged, or were, in fact, lodged?

The Hon. A. F. GRIFFITH: I think it means the number that could be lodged, if there were more than three. But the new definition does not include, as previously indicated, licensed premises, residential flats, or approved school boarding premises.

It is considered the new approach to this type of accommodation will simplify the legalities in so far as both local authorities and lodging-house keepers are concerned. The amendment liberalises the law by permitting householders to have four boarders or less without requiring registration. That covers Mr. MacKinnon's interjection. In some circumstances, even two lodgers can, under the present law, make the householder liable to registration.

There are provisions in clause 14 for a register of lodgers to be kept. This is introduced through the repeal of section 157 and its substitution by more comprehensive measures for control by local authorities; and these measures also could well be of assistance to the police at an appropriate time in tracing missing persons.

Under section 157 at present the keeper of a lodging-house must from time to time report, if required by the local authority, the name of every person accommodated during the preceding day or night.

The new section 157 contained in this Bill requires the keeper of a lodging-house to enter in a register the name and previous address of every lodger for the time being in the lodging-house and the date of commencement of his lodging; and these to be verified by the signature of the lodger. The register of lodgers will be open to inspection at any time to members of the Police Force or an inspector.

Subsection (3) of the new section 157 retains in identical form the present obligation under that section on the lodging-house keeper to report on lodgers from time to time, if required, to the local authority.

There is to be an appropriate, and recurring, penalty for neglect to keep the register up to date, or for false entries, or for refusal to produce the register for inspection as required under the Act. It might be mentioned that native hostels run by the Department of Native Welfare are not bound by the amendment. They are Crown institutions not covered by the Act.

Another amendment proposes the abandonment of the system of financing treatment of patients suffering from several specified infectious diseases. The present system is considered wasteful and confusing. It entails a dual system of charging, while diagnosis is often presumptive or unconfirmed. As a result, inequalities exist and confused situations arise. It is submitted that the pattern of control at present required under the Act is unreal in the light of modern knowledge of disease transmission and control.

The types of diseases to which this amendment refers are enumerated in section 316A of the Act. Patients suffering from these diseases are charged a standard daily rate. This meets but a fraction of the total cost. The balance is shared between the Government (two-thirds) and local authorities (one-third). There is no difference made in other States between a diphtheria patient and a road accident victim. It is submitted there is no possibility now of relating the incidence of disease to the degree to which local authorities neglect sanitation standards. Mass immunisation has altered the situation entirely.

It is appreciated the abandonment of this system of local government and central government sharing losses on a one-third to two-thirds basis will result in a loss of revenue at present derived from the local authorities. An amount of some several thousands will be involved, but that disadvantage is accepted in favour of the advantages of having all patients being treated in public hospitals receiving treatment on a common financial basis.

The next amendment will remove the limitation on the existing fee of 10s. paid to the Commissioner of Public Health for each registration of a private hospital. The Grants Commission has been critical of us as a claimant State retaining this and other examples of comparatively low fees. The amendment in the Bill provides for the introduction of a sliding scale of fees to be prescribed in the regulations. No firm proposal in this regard has been framed but it may be envisaged that the maximum fee to be suggested would be about £15. The sliding scale operating in New South Wales fixes fees between £5 and £30 per annum.

The cost of departmental supervision of private hospitals is much greater than the amount received from fees. At least four routine visits are paid by departmental officers each year to each private hospital. There are calls for inspectors from time to time for a variety of reasons. Inspections are necessary in connection with the general cleanliness, care of patients, the poisons carried, and, generally, to see

the hospitals are run to approved standards—in fact, to determine whether a hospital should continue to be registered. The increase in revenue which the department has in mind would not fully cover the cost of State obligations to registered private hospitals, but would greatly reduce the loss now being sustained on account of the services rendered.

The next amendment provides the Commissioner of Public Health with the authority to prohibit the publication of any information, notice, or advertisement relating to any appliances, the use of which is purported to protect, safeguard, maintain, or aid the health of any person if the commissioner finds them to be ineffectual, unsafe, or useless, or likely to be so to an extent that a danger to the health or life of the user exists. Furthermore, the commissioner will be empowered under this amendment to prohibit the sale of such appliances or their distribution, or, in fact, their use.

The provisions in the amendment which is contained in clause 22 of the Bill could be applied in respect of such apparatus as aqualungs and respirators. During recent years we have heard of deaths and mishaps resulting from faulty safety apparatus of this nature. In a recent case, an industrial respirator, which was represented as giving protection against various dangerous dusts and gases, was found to be quite ineffective. The person who, in accordance with the manufacturer's claims, relied on the respirator for protection would expose himself to a dangerous hazard, perhaps even to the point of risking his life. Unfortunately, the Health Act gives no control over such a situation or the repetition of such an event. In order that the public health of the community may be protected in future, the power of control provided in this Bill to reside in the Commissioner of Public Health is considered necessary.

Some local authorities have asked that section 100 of the Act authorise the provision of baths, sinks, and troughs on the instalment payment scheme when a property is served by a septic tank. When an owner requests a local authority to connect his home to a sewer on the deferred payment scheme, the work can include the supply and installation of baths, sinks, troughs, and suchlike. The amendment contained in clause 4 of the Bill will permit similar installations to be made under the deferred payment scheme where septic tanks are concerned.

The final amendment in the Bill which I shall endeavour to explain to members is contained in clause 5 amending section 101 which regulates the number of sanitary conveniences which should be installed in workshops and factories, taking cognisance of the proportion of employees of either sex. The section at present requires trade or business premises to be provided with sanitary conveniences according to the number considered necessary by the local authority. The section goes on to provide that separate and proper accommodation be provided for each sex.

It has transpired that a local authority has interpreted and administered the section as placing on it an obligation to require separate accommodation for the sexes even when two men and one female are employed in a small business, such as a dentist's surgery.

It has been the practice throughout the State for the Public Health Department and local authorities to take a realistic view of standards, as is done by the Factories and Shops Department, by not requiring separate conveniences where suitable and convenient alternative arrangements can be made—such as sharing facilities with adjacent premises.

On the other hand, the local authority previously mentioned claims with complete justification that no discretion in the administration of these provisions is allowed under the Act. The amendment in this Bill will avoid what could amount to an unnecessary and expensive imposition on the owners of very small businesses which employ both sexes. The amendment will make it clear that local authorities may exercise a wise discretion where the provision of separate conveniences is not necessary.

Debate adjourned, on motion by The Hon. R. H. C. Stubbs.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Justice) [5.6 p.m.]: I move—

That the Bill be now read a second time.

The Crown Solicitor is permitted under the 1948 amendment to the Legal Practitioners Act to have two articled clerks at any one time. Two graduates are at present so employed, and another graduate is employed as a temporary officer to whom articles have been promised when a vacancy arises at the end of this year.

Recruiting of articled clerks is, however, being hindered by a provision in the Act which prohibits them from practising on their own behalf after admission as legal practitioners, unless they have undertaken and completed 12 months' experience in the office of a practitioner in private practice. On the other hand, a graduate articled to a private practitioner is entitled on admission to the bar to practise forthwith on his own behalf.

Consequently, it is understandable that graduates, unless intending to make a permanent career in the Public Service, are loth to apply for vacancies in the Crown Solicitor's office. The fact that we

have never had a waiting list of more than one graduate, though offering more generous remuneration, is an indication of our recruiting difficulties.

This Bill has been drafted in order to remove this obstacle to our recruiting of sufficient clerks of the required standard. It is submitted that by limiting the operation of the proviso requiring 12 months' experience in a private practitioner's office to a period of five years next following admission as a legal practitioner, beneficial recruiting results could be achieved and we might expect to receive more applications than the number of vacancies offering.

The next amendment, which appears in clause 3 of the Bill, has reference to the taking out of university degrees in law before a graduation ceremony. Prior to 1958 it was required under section 15 of the Act that persons "take out" the degree of law of the University before entering into articles. As students qualified at the end of the calendar year, it was necessary for the University to make special arrangements for them to take out their degrees before the graduation ceremony, which is held in the following April-May, to avoid delaying their admission into articles.

In 1958, Parliament amended section 15 (d) to enable an eligible person to enter upon articles before actually taking a degree, but added the final proviso that "where the person shall not take the degree within six months of entering upon his term of articles, he shall be required as a condition of admission to serve a full term of two years under articles after taking the degree." The purpose of this proviso was to discourage any major delay in completion of training as a legal practitioner after the passing of the final examinations in law; it enabled graduands to take out their degrees at the normal graduation ceremony.

However, two graduation ceremonies were held in 1963: one in April, and the second in November, conducted in conjunction with the jubilee celebrations of the University. Two honours graduands in law, who had completed their examinations at the top of their class at the end of 1962 and had then entered upon articles, agreed to have their degrees conferred at the November graduation ceremony and, in fact, then took out their degrees. Unfortunately, it had not been noticed that this delay brought them within the scope of the final proviso of section 15 (d), in consequence of which they will both have to serve the full term of two years under articles following their taking of the degree in November, 1963, in addition to the period already served—in one case, eight months, and in the other, 11 months.

The Registrar of the University has pointed out the necessity, because of increasing numbers of graduands, to hold two graduation ceremonies in the one year; and, therefore, it is likely that other law graduands will be faced with similar difficulties.

The amendment in clause 3 vests in the Barristers Board a discretion by resolution to waive the application of the final proviso in any particular case. The amendment has retrospective application in order to cover the cases just mentioned. I commend the measure to members.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

INQUIRY AGENTS LICENSING ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 9th September, on the following motion by the Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. J. DOLAN (West) [5.11 p.m.]: In this Bill there were two groups of people referred to. In the first group are those who require a license to carry on business as inquiry agents, and in the second are those who do not require such a license.

The Minister gave very good reasons why the first group—that is, those requiring a license—needed an amendment to the Bill in order that they may be controlled. However, he did not make it clear to the House why two extra groups have been added to those who are not required to hold a license. I would ask the Minister to let us know in his reply why it has been found necessary to add these groups.

The Hon. A. F. Griffith: To which two are you referring?

The Hon. J. DOLAN: The first is contained in paragraph (b) of proposed new section 3 (2) covering members of the defence force. I feel that as 10 years have elapsed before this group has been included, there must be some very good reason for its inclusion now. I feel they would be adequately covered by the Commonwealth Act—the defence of the realm Act. I think there is such an Act. The other group is that referred to in paragraph (f) which reads—

> (f) any person genuinely carrying on the business of insurance or of any insurance adjustment agency or any employee or agent of such a person in the exercise of his functions as such.

I feel that an explanation is desirable so we know exactly why they have been added to the list.

The Hon. A. F. Griffith: I think you are a little mistaken.

The Hon. J. DOLAN: I have looked at the Act and can find no reference to them.

The Hon. A. F. Griffith: If you read proposed new subsection (2) you will find that this Act shall not be construed as requiring these people to hold a license.

The Hon. J. DOLAN: That is right. I want to know why these two have been added to the list of those who do not require a license.

The Hon. A. F. Griffith: I see. I am sorry.

The Hon. J. DOLAN: I would like the Minister to let us know in his reply. We support the Bill because it is desirable, first of all, that these inquiry agents should be controlled; and, secondly, that there should be no loophole to allow anyone who steps out of bounds to raise himself above the law.

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [5.14 p.m.]: I thank the honourable member. I will make some inquiries about this matter before we proceed with the Committee stage, to ensure that I give the correct answer.

Question put and passed.

Bill read a second time.

BILLS (2): RECEIPT AND FIRST READING

1. Chiropractors Bill.
2. Presbyterian Church Acts Amendment Bill.

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

BILLS (4): RETURNED

1. Sale of Liquor and Tobacco Act Amendment Bill.
2. Local Courts Act Amendment Bill.
3. Justices Act Amendment Bill.
4. Evidence Act Amendment Bill.

Bills returned from the Assembly without amendment.

ELECTORAL ACT AMENDMENT BILL

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 5 put and passed.

Clause 6: Section 17 repealed and re-enacted—

The Hon. F. J. S. WISE: During the second reading debate I drew attention to the words "for six months continuously" which appear in paragraph (b) of this clause, and pointed out that although they were incorporated in many Statutes it was not in my view a wholly satisfactory requirement of the law. My contention is that the words could mean that a person returning to this State who was of any age above 21, and therefore in other respects competent to be enrolled, may not, if he were, say, 25 years of age, have been in the State for 24 years.

I think it is essential that since the six months' provision is considered to be required as a residential qualification, it should be made that he be here for a period of six months immediately preceding the date of his claim to be enrolled. We have illustrations in a Commonwealth sense where persons who resided previously in Australia, but who had been absent for many years, have, on their return, been able after one month's residence in Australia, to nominate as candidates for Federal politics. Members will recall that happening in the Federal seat of Fremantle.

This is not a parallel in so far as it affects the nomination of a candidate; but I think it is important that a person should have lived in this State in recent times to have the requisite qualification. Therefore, I move an amendment—

> Page 3, lines 28 and 29—Delete the words "six months continuously" and substitute the words "a period of six months immediately preceding the date of his claim to be so enrolled".

The Hon. A. F. GRIFFITH: When I examined this amendment, and when I listened to the honourable member speaking to the second reading, I thought the amendment had merit; and I still think the suggestion has some merit. However, by the same token, I can see there could be a time when people would be completely disadvantaged by such a provision. I think the best example I could give in regard to this—and frankly I do not know how near to, or far from, the mark I am—is the case of the honourable member who moved the amendment. He left Western Australia to go to the Northern Territory, where he became the Administrator; and it would have been a pity if he had not been able to become a candidate for the Legislative Council simply because he had not lived in Western Australia for six months continuously following his return from the Northern Territory. I repeat: It would have been a pity if the honourable member had been debarred from nominating for a Legislative Council seat because of a provision such as this.

The other point he raised was that it was not a parallel in respect of nominations. The section I was trying to find—and unfortunately I cannot lay my hands on it at the moment—deals with the requirement of a person who is going to be a political candidate having to be on the Legislative Assembly roll. If I am right in regard to this then, of course, the person to whom we are referring could not get on the Legislative Assembly roll until he had spent six months in the State.

When we weigh it all up, I think it would be a good idea to leave the Bill as it is. The words are already to be found in the Act in section 17 (b) (i) and they have stood the test of time. I do not regard the matter as very important and I hope the honourable member will not press the point.

Amendment put and negatived.

The Hon. F. J. S. WISE: The words "three months" in line 33 on page 3 prescribe the time a person has to live in a district or a subdistrict if he wishes to be enrolled as an elector. I propose to move to delete those words for the purpose of inserting the words "one month" to bring the provision into line with Commonwealth law in this particular.

There are many inconsistencies and difficulties associated with the two electoral laws not being parallel on this point, and when discussing the matter a day or two ago with my colleague, Mr. Strickland, he reminded me of the situation of many people who are Commonwealth electors and who, for the time being—and a lot of them permanently—are living in the Wyndham district—either at Kununurra, Wyndham, or other such places.

These peaple have been here long enough to be enrolled, and to change their enrolment for the Commonwealth, but unless they have stayed here for three months, even though they intend to be at these places permanently, they are not entitled to be enrolled for a State seat. Therefore the situation in this connection is one not merely for consistency between the two laws, but one which would help, and continue to help, a lot of people moving from other states into this State as a place of permanent residence. I move an amendment—

> Page 3, line 33—Delete the words "three months" and substitute the words "one month".

The Hon. A. F. GRIFFITH: I would first like to assure the Honourable Mr. Wise that there were no secrets between the Clerk and myself a moment ago. He was good enough to point out a section I was trying to find.

The Hon. F. J. S. Wise: I had a look at it while you were speaking.

The Hon. A. F. GRIFFITH: This is another section we have had in our Act for some time, but I will not say that because we have had it for some time we should not have a change. Nor will I agree that because the period for the Commonwealth is one month we should have one month. This approach seems a contradiction in terms to the previous amendment moved by Mr. Wise.

The Hon. F. J. S. Wise: One refers to the State and the other to the district.

The Hon. A. F. GRIFFITH: But there is another requirement that must be fulfilled before we come to this, if it is changed to one month. At the moment the Act states a person who has lived in Western Australia for six months and been domiciled in one district for three months is entitled to be enrolled. Mr. Wise seeks to change it from three months to one month.

It would be a contradiction in terms if we said, "You must live here six months immediately prior to getting on the roll, but once you have done that you can go anywhere you like from month to month." I feel there is a degree of security if a person has to live in a place for three months rather than one month. There is a point at which he becomes domiciled. He moves into his place of residence, is there for three months, and qualifies to get on the roll.

If he moves to another place, he is in that place with a degree of permanency for three months before he moves again. If an election takes place in the meantime —and that will occur whether the period is one month or three months—and he has no opportunity to bring his name from one roll to the other, he votes for the roll on which he was previously placed.

I hope the Committee will leave this as it is. The honourable member said an undertaking was given in another place that this would be looked at. I checked this and found it was given without any commitment that it would be done. We have always adhered to the point that it would remain at three months, and I hope it continues to do so.

The Hon. F. J. S. WISE: The Minister has not advanced sufficient argument against this principle. The Committee has agreed on the voices to the provision for six months' continuous living within this State prior to a person being entitled to enrolment. It is conceivable that a person's duty may cause his place of abode to be shifted. He may be a civil engineer, a doctor, an accountant, or he may follow some other avocation. He may shift from Bunbury to Harvey, from Harvey to Albany, or from Perth to Kalgoorlie. I think it can be strongly contended that a person should be entitled to vote for his new district or subdistrict after being there one month. It is not a case of his hopping from place to place month after month. It is to provide the person who has moved from his place of residence to a new place of residence with the qualification of one month.

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

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. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Laverv	Hon. J. D. Teahan

(Teller.)

Noes—14

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

Pair

Aye	No
Hon. E. M. Heenan	Hon. C. R. Abbey

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clauses 7 to 24 put and passed.

Clause 25: Section 70 amended—

The Hon. F. J. S. WISE: I propose to move an amendment to this clause for reasons I gave on the second reading. If this clause were passed in its present form, it would mean that a conjoint election, or one held under the provisions of the Act, with particular reference to section 66, which was amended by clause 24, could not be held under a five to six weeks' period. The Act specifies the North Province, and says there shall not be an election in less than 35 days from the date of nomination to election day. Under the new system, it would continue to mean that elections must be held on the same day.

The Hon. A. F. Griffith: Not must be.

The Hon. F. J. S. WISE: No, but conjoint elections would be held on the same day; though in other cases it would not be so. In any case, for elections for both Houses the provision would continue to apply that five weeks must elapse from nomination day to polling day because of the amendment set out in clause 25.

There are four seats in the north-west area—the Murchison, the Gascoyne, the Pilbara, and the Kimberley districts. Since the elections must be held on one day, the elections for the other 46 would have to be held not earlier than five weeks from nomination to polling day. That is unrealistic in today's circumstances. The discretion should be left entirely with the Government and not taken from it.

If the Government wants to be on the hustings for longer than section 71 provides it does so at its own discretion. But I suggest that no government enjoys giving and taking at election time for periods of up to five weeks. Elections are serious and strenuous things. It is strenuous enough for the candidate, but for the executive it is very strenuous; and I think we should leave this discretion, because the Electoral Act provides for not less than 21 days or more than 45 days.

If my amendment is accepted, a discretionary power will be in the hands of the Government. There was a time in the horse-and-buggy and camel days, and days of less frequent callings at stations by milk-run aeroplane services, when a longer period may have been justified, but I suggest that because of the provisions of the Electoral Act that provide for registered votes, and because of there being one mail in and one out, a person is enabled to vote; and there is ample time now within a period of three weeks to effectively and efficiently conduct an election in any outback or far-flung electorate. I move an amendment—

> Page 9, lines 11 to 15—Delete all words after the word "by" down to and including the figures "1947" and substitute the words "deleting the proviso".

The Hon. A. F. GRIFFITH: I see this particular section in the Act has been amended a couple of times, in 1948 and 1952.

The Hon. F. J. S. Wise: The 1952 amendment was just a couple of words.

The Hon. A. F. GRIFFITH: Yes. I am going to agree to the amendment, but there are one or two things I would like to make clear. The proviso reads as follows:—

> Provided that the date fixed for the nomination of candidates for any election in the North Province shall be not less than thirty-five days before the date fixed for the polling.

Once we take that out, the section will contain only these words—

> The date fixed for the nomination of candidates shall be not less than seven nor more than forty-five days from the date of the writ.

We will still have that maximum period, but there will be no minimum.

The Hon. F. J. S. Wise: In section 71 there is a minimum.

The Hon. A. F. GRIFFITH: There is no minimum in relation to 35 days for the north.

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

The Hon. A. F. GRIFFITH: The other point I would like to make is this: Clause 24 of the Bill, which repeals section 66 and re-enacts it, reads as follows:—

> In the case of a general election for the Council or the Assembly, the same day shall be fixed by the writ for the polling in each Province or District as the case requires.

That does not mean that all elections will be held on the same day.

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

The Hon. A. F. GRIFFITH: It means that all the elections for the Council will be held on the same day and all the elections for the Assembly will be held on the same day; and if there be a conjoint election, which is described earlier in this Bill, naturally the whole thing will occur on the one day.

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

The Hon. A. F. GRIFFITH: I think the suggestion is a worth-while one and it will bring the north into line with the rest of the State. I cannot see any objection to it and I support the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 26 to 39 put and passed.

Title put and passed.

Bill reported with an amendment.

ADMINISTRATION ACT AMENDMENT BILL

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.

Clauses 1 to 11 put and passed.

Clause 12: Section 140 amended—

The Hon. F. J. S. WISE: I am wondering if the Minister and his officers are content that the provisions of this clause will mean that the whole of the proceedings have been satisfied. Is it likely there would be anything else outstanding at the time the provision for the granting of probate or administration had been sealed by the court; or would all requirements have been cleared at that point?

The Hon. A. F. GRIFFITH: The notes I have in regard to clause 12 state that the proposals in the clause provide for the issue under section 140 of office copy grants without annexure of copies of relevant wills. Section 140 contains requirements concerning records of grants, filing procedures, and so forth, required to be maintained by the master. The proposal contained in clause 12 to enable the copy of a grant of probate or administration to be issued under seal, with or without the annexure of a copy of the will, if any, and issued as sufficient evidence of that grant without further proof, has been considered by the Chief Justice and the Master of the Supreme Court, who can see no objections to it.

When these administrative changes are being made, the views of the Chief Justice, judges, or the Master of the Supreme Court are, as far as possible, obtained.

The Hon. F. J. S. Wise: I was concerned about where this thought originated, but I am quite happy about it.

Clause put and passed.

Clause 13 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 5.58 p.m.

Legislative Assembly

Wednesday, the 16th September, 1964

CONTENTS