

booksellers or from somewhere around town before the statutory requirements can be complied with.

I feel this is one of the niggardly little things that turn so many executives against many types of legislation. I think that if, in common with other government departments, the Companies Office could, in future, make available, free of cost, ample supplies of the various forms to the accountants who have to use them, it would do much to assist in the ready lodging of the returns and would create a much more co-operative feeling between the accountants and the department; and I think that in the ultimate it must result in something which will be good for the department itself.

The amendment which has been referred to by Mr. Watson has, I feel, a lot of very good substance in it. Those companies which have been operating in the last few months in the same way as they have been in years gone by—although there has been talk about new legislation being operative as from the 1st October—would not in many cases have conducted their proceedings in such a way as to comply with the requirements of the new legislation. I therefore think that if the amendment which Mr. Watson suggests is adopted, then that again will assist the business community of this State very considerably; and I do hope that if and when it comes before the House it will be accepted.

The Hon. A. F. Griffith: I understood Mr. Willesee to say that commerce was geared to accept these amendments.

The Hon. R. C. MATTISKE: I hope this particular amendment is accepted by the House. In general terms I think the Bill before the House at the present time is a good one, but I put forward the proviso, as it were, that further amendments should be accepted from the commercial world in the next 12 months—after it has had an opportunity of operating under the new legislation. I support the measure.

Debate adjourned, on motion by The Hon. A. F. Griffith (Minister for Justice).

House adjourned at 10.29 p.m.

Legislative Assembly

Tuesday, the 11th September, 1962

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The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

MIGRATION

Arrivals in and Departures from Western Australia

1. Mr. GRAHAM asked the Premier:
How many persons, as shown in statistical returns, have (apart from temporary absence)—
(a) arrived in W.A. from overseas;
(b) departed from W.A. for overseas destinations;
(c) arrived in W.A. from other parts of Australia;
(d) departed from W.A. for other parts of Australia?

Mr. BRAND replied:

Western Australia: Recorded Arrivals and Departures

Year Ended the 31st December, 1961

Total Movement

	Males	Females	Persons
Overseas arrivals	8,855	8,297	17,152
Overseas departures	6,426	5,820	12,246
Interstate arrivals	51,278	33,505	84,783
Interstate departures	50,883	34,314	85,197

Note.—Interstate movement by road is not recorded and is therefore not included in above figures.

Long Term and Permanent Movement

	Males	Females	Persons
Overseas arrivals	4,373	4,124	8,497
Overseas departures	1,579	1,586	3,165
Interstate	Not available		

RAILWAY EMPLOYEES

Dismissals in Past Three Years

2. Mr. BRADY asked the Minister for Railways:

- (1) How many employees of the Railways Department have been dispensed with in the past three financial years, in similar circumstances to those of Paul Jigerow, the new Australian with over ten years' employment in the per-way?
- (2) In what departments of the railways were the dismissed men working?

Transfers to Light Duties

- (3) How many employees during the past three financial years, were transferred to light duties on a doctor's certificate recommending light work after an accident?
- (4) In what departments were the employees engaged?

Mr. COURT replied:

- (1) 19.
- (2) Civil Engineering Branch 15
Mechanical Branch 2
Traffic Branch 2
- (3) 12.
- (4) Civil Engineering Branch 4
Mechanical Branch 2
Traffic Branch 6

WEMBLEY TECHNICAL TRADES SCHOOL

Disruption of Electrical Equipment

3. Mr. HAWKE asked the Minister for Works:

- (1) Is he aware of the disruptions to the electrical equipment at the Wembley Technical Trades School being caused by alterations in the electrical system and which have been going on almost continuously since the new sections were occupied in January, 1962?
- (2) Why have these alterations been considered necessary?
- (3) Is the contractor responsible for these alterations as part of the original tender?
- (4) Are the alterations supervised by Government engineers or by private engineers?

Consulting Engineer's Fees

- (5) If the alterations are supervised by a private consulting engineer—
(a) what fees were paid to him?
(b) what is his responsibility in regard to disruptions to the electrical equipment?

Mr. WILD replied:

- (1) Yes.
- (2) Alterations were necessary because of remodelling of the school. During the course of the carrying out of the electrical work it was found that certain portions did not comply with—
(a) Standards Association of Australia Wiring Rules which are mandatory; and
(b) job specifications.
- (3) Yes.
- (4) The complete work is the responsibility of the architect commissioned to carry out the work who, in turn, commissioned a consulting engineer to design and supervise the electrical installation.
- (5) (a) The fees paid to the architect include £573 electrical consultant's services.
(b) The whole of the work, including the electrical installation, is the responsibility of the architect.

ROAD JUNCTION ELIMINATION

*Milford Street-Albany Highway-
Welshpool Road*

4. Mr. JAMIESON asked the Minister for Transport:

- (1) Has any final plan been arrived at for the effective elimination of the undesirable junction of Milford Street, Albany Highway, and Welshpool Road?
- (2) Would he lay on the Table of the House a sketch plan of this proposal if same exists?

Mr. CRAIG replied:

- (1) Yes.
- (2) Yes.

The plan was tabled.

PETROL OUTLETS

Oil Companies' Monopoly

5. Mr. FLETCHER asked the Minister for Labour:

- (1) Is he aware that the "one brand tied marketing" system applying to service stations has brought about the following situation:—
 - (a) An invasion by oil companies into the retail trade by—
 - (i) the building of new company-owned outlets;
 - (ii) the purchase of existing freehold stations;
 - (iii) exclusive contracts of varying types with privately-owned outlets?
 - (b) That the small freehold businessman who pioneered this trade is now finding business uneconomic to the extent that he faces the alternative of going out of business, or of being acquired by an oil company?
 - (c) That any competition which exists is in regard to favourable retail sites and not in price of fuel?

Legislation to Prevent Unfair Trading

- (2) To protect the freedom of private enterprise and the preservation of the small businessman, will he consider the introduction of legislation to prevent unfair trading in this and other industries?

Mr. WILD replied:

- (1) and (2) I am not aware of the circumstances referred to by the honourable gentleman, and can therefore see no reason for the introduction of any legislation.

FISH IN ALBANY ZONE

Weights of Catches

6. Mr. HALL asked the Minister for Fisheries:

What was the total weight of fish caught in the Albany zone for the years 1958, 1959, 1960, 1961, and 1962 to date?

Mr. ROSS HUTCHINSON replied:

Year.	lb.
1958	5,036,000
1959	4,991,500
1960	3,554,300
1961	3,366,100
1962 to date	Not available.

COAST HIGHWAY

Mt. Many Peaks to Marra Crossing: Road Formation

7. Mr. HALL asked the Minister for Works:

- (1) How many miles of the Coast Highway has been formed from Mt. Many Peaks to Marra Crossing?
- (2) What mileage of the same highway between Mt. Many Peaks and Marra Crossing, remains to be formed?

Marra Crossing to Ravensthorpe: Road Formation

- (3) What mileage of Coast Highway has been formed between Marra Crossing and Ravensthorpe?
- (4) How many miles remain to be formed, and when will the same be completed?

Completion of Marra Crossing Bridge

- (5) Has the Marra Crossing bridge been completed; if not, when will it be completed?

Completion of Road Work

- (6) Is it contemplated carrying out priming, sealing, and bituminising of any portion of the coast road this financial year; and if so, how many miles, and which portion of the Coast Highway will be so completed?

Mr. WILD replied:

- (1) 46 miles.
- (2) The whole length of the road has been formed.
- (3) 111 miles.
- (4) The whole length of the road has been formed.
- (5) No. It is expected that it will be completed by about mid-November.

- (6) Assuming the question refers to the road between Mt. Many Peaks and Ravensthorpe, then the following lengths of priming and sealing will be carried out this financial year—

Priming:

- 9 miles south of Jerramungup.
- 11½ miles east of Jerramungup.

Sealing:

- 4 miles west of Mt. Many Peaks.
- 9 miles south of Jerramungup.
- 1 mile west of Ravens-
thorpe.

ELECTRICITY SUPPLIES

Concession to Pensioners

8. Mr. HALL asked the Minister for Electricity:

Will he give a concessional rate for electricity charges to pensioners, who live entirely off their pensions, and who receive no concessions by way of electricity charges being incorporated in rent?

Mr. NALDER replied:

No. In the commission's standard rate schedule there is no provision for concessional rates for electricity for pensioners.

NATURAL THERAPY

Royal Commission's Recommendations

9. Mr. TONKIN asked the Minister for Health:

Is it the intention of the Government to introduce this session legislation to give effect to any of the recommendations of the Royal Commission on Natural Therapy?

Mr. ROSS HUTCHINSON replied:

Considerable thought has been given to this matter, but at the present time it is not the intention of the Government to introduce legislation.

10. *This question was postponed.*

BEAUFORT-BRISBANE STREETS INTERSECTION

Installation of Traffic Lights or Crosswalk

11. Mr. HEAL asked the Minister for Transport:

- (1) Is it intended to install traffic lights at the corner of Beaufort and Brisbane Streets?

- (2) If not, will he investigate the possibility of installing a crosswalk at the same corner?

Mr. CRAIG replied:

- (1) No.
- (2) In accordance with the usual procedure the Perth City Council will be requested to make a preliminary count of vehicles and pedestrians at this intersection in order to ascertain whether there is a warrant for a more detailed examination by the Main Roads Department.

BENTLEY HIGH SCHOOL

Intake from Manning and Koonawarra Schools

12. Mr. D. G. MAY asked the Minister for Education:

- (1) Will he indicate if any children from the Manning and Koonawarra State Schools will be attending the Bentley High School as from February, 1963?
- (2) If the answer is "Yes", will he advise the numbers and standards applicable for each school?

Transport for Pupils

- (3) As the only bus service available from Manning would be via Canning Highway and Victoria Park, will he indicate if adequate transport will be supplied to cater for the children in this area?

Five-year Status

- (4) If the answer to No. (1) is "Yes", will he give the reason and also if this means that further consideration has been given to raising the status of Bentley High to a five-year high school?

Mr. LEWIS replied:

- (1) Yes. All students commencing high school in 1963 ex Manning Park and Koonawarra primary schools will be directed to Bentley High School.
- (2) 79 from Manning Park, 55 from Koonawarra, from Grade 7 in each case.
- (3) Endeavours are being made to arrange bus transport from Manning Park and Koonawarra to Bentley High School.
- (4) The establishment of further five-year high schools is under constant review by the Education Department. The position at Bentley High School and other high schools is being carefully watched.

HOUSING*Erection of Homes in Canning Vale-Riverton Area*

13. Mr. D. G. MAY asked the Minister representing the Minister for Housing:

- (1) Has he had any advice of a private company negotiating for the building of approximately 600 homes in the Canning Vale-Riverton area?
- (2) If so, will he indicate the proposed locality and whether any Government land has been made available for this purpose?

Mr. ROSS HUTCHINSON replied:

- (1) No.
- (2) Answered by No. (1).

GOVERNMENT BUILDINGS*Work by Private Architects, and Costs*

14. Mr. DAVIES asked the Minister for Works:

- (1) Since this Government assumed office in 1959, how much money has been paid to private architects for work done on behalf of the Government?
- (2) What are the names of such architects and the amounts of money they have each been paid?

Mr. WILD replied:

- (1) £137,003.
- (2)

	£
Brand Ferguson & Solarski	2,358
K. Broadhurst & Partners	1,827
W. Purich	5,170
Ean McDonald & Whittaker	1,900
Marshall Clifton	2,440
J. W. Johnson & Assoc.	2,883
Hargrave & Moran	3,150
Peter Grigg	1,944
Colin Rule	15,516
J. W. Hawkins	1,704
R. Blatchford	22,480
Eric Moyle	3,608
George Locke	167
Raymond Jones	2,430
F. McCardell	1,106
Forbes & Fitzhardinge	2,441
Cameron Chisholm & Nicol	1,718
Hobbs Winning & Leighton	3,933
Hawkins & Sands	3,122
Oldham Boas & Ednie	
Brown & Partners	1,390
Krantz & Sheldon	741
Duncan Stephen & Mercer	982
Silver Fairbrother & Assoc.	15,021
Bennett & Assoc.	4,255
Summerhayes & Assoc.	2,984
Parry Rosenthal & Assoc.	26,817
Howard Bonner & Assoc.	3,220
Henderson & Thompson	1,696
	<hr/> £137,003 <hr/>

HIRE-PURCHASE AGREEMENTS*Control of Finance Companies' Activities*

15. Mr. DAVIES asked the Minister representing the Minister for Justice:

- (1) Is he aware that many people are being duped by what are purported to be legal hire-purchase agreements but are, in fact, straight-out applications for loans from finance companies?
- (2) Is he aware that such persons are thereby deprived of the protective provisions afforded by the Hire Purchase Act?
- (3) Will he give consideration to bringing down legislation to overcome this position?

Mr. COURT replied:

- (1) to (3) The Crown Law Department has not received any complaints regarding such transactions. If the honourable member will furnish particulars in relation to specific cases, the matter will be examined.

TOTALISATOR AGENCY BOARD*Powers and Obligations of Agents*

16. Mr. TONKIN asked the Minister for Police:

- (1) Does the Totalisator Agency Board Betting Act permit any agent of the T.A.B. to wager otherwise than for and on behalf of the board?
- (2) Does the Act permit an agent of the T.A.B. to wager on credit?
- (3) Is he aware that a substantial amount of wagering by agents of the T.A.B. is being done on a credit basis?
- (4) When a bettor makes a wager with an agent of the T.A.B. subject to the provisions of section 20 (subsections (1) and (2)) does he bet through, or with, the board?

Mr. CRAIG replied:

- (1) No.
- (2) Yes, as provided under sections 33 and 34 of the Act.
- (3) No; but it is reasonable to assume that some restricted credit is being given to backers by agents who in turn account to the board in cash.
- (4) Whilst this matter possibly bristles with many legal points, I believe that when a bettor makes a wager with an agent of the board, he is betting both through and with the board.

GOVERNMENT TRANSPORT SERVICES

Free Passes and Concession Fares

17. Mr. GRAHAM asked the Premier: What categories of persons are eligible for free passes or concession fares on Government rail and road transport services?

Mr. BRAND replied:

W.A. Government Railways

Free passes—

Members of Parliament, their wives and children under 16 years of age.

Ex-members of Parliament who qualify by reason of service in Parliament.

Judges of the Supreme Court.

Victoria Cross winners.

Disabled ex-servicemen (75% disablement).

War blinded ex-servicemen.

Civilian blind persons and escort.

Collectors and representatives of various charitable, religious, ex-servicemen's and other public bodies.

Permanent heads of Government departments.

Personnel of visiting naval vessels (metropolitan area).

Ambassadors, consuls-general and distinguished visitors.

Indigent persons travelling for special medical treatment.

Railway employees (provided in industrial awards).

Retired railway employees.

Widows of retired railway employees.

Visiting railway employees from other railway systems.

Concession travel—(Available on all rail services and on road bus services only when no alternative rail service exists.)

Apprentices.

Railway employees.

Civilian blind persons.

Boy Scouts and Girl Guides.

Convalescent patients.

Delegates to conferences.

Drovers.

Grooms, jockeys, and attendants.

Goldfields and Murchison districts employees.

Maternity cases.

Nurses and trainee nurses on leave.

Rabbit-proof fence employees.

Red Cross workers.

Retired railway employees.

Students and school clubs.

Sporting and athletic bodies.

St. John Ambulance personnel.

Water supply pumping stations employees.

Wooroloo Sanatorium (near relatives visiting patients in).

Certain classes of social service pensioners (concession available on all rail and road bus services).

Metropolitan Transport Trust

Free passes—

Disabled ex-servicemen (75% disablement).

War blinded ex-servicemen.

Civilian blind persons.

Civilian blind persons' escorts.

Collectors and representatives of various charitable, religious and other public bodies.

Indigent persons travelling for special medical treatment.

Members of the Police Force.

Metropolitan Transport Trust employees.

Concession travel—

Social service pensioners (certain classes).

Students (14-18 years of age).

Retired Metropolitan Transport Trust employees (25 years' service retiring at age 65 years).

MANGANESE MINING RIGHTS

Holders, Deposits Mined, and Forfeiture Conditions

18. Mr. BICKERTON asked the Minister representing the Minister for Mines:

- (1) Who holds the mining rights for each major deposit of manganese in W.A., and what are the approximate tonnages of each deposit?
- (2) How many of these deposits are being mined at this date, and which are they?
- (3) Are the mining rights of manganese deposits subject to forfeit if not worked?
- (4) If so, on what grounds can application for forfeit be substantiated?
- (5) What are the conditions under which rights to mine manganese ore are granted?

Mr. BOVELL replied:

- (1) There are major manganese deposits at—

- (a) Horseshoe, Peak Hill Goldfield.
- (b) Mt. Fraser, Peak Hill Goldfield.
- (c) Ripon Hills, Pilbara Goldfield.
- (d) Woodie Woodie, Pilbara Goldfield.
- (e) Skull Springs, Pilbara Goldfield.

- (f) Mt. Cooke, Pilbara Goldfield.
- (g) Bee Hill, Pilbara Goldfield.
- (h) Mt. Sydney, Pilbara Goldfield.
- (i) Balfour Downs, Pilbara Goldfield.
- (j) Mt. Fraser, Pilbara Goldfield.
- (k) Nimingarra, Pilbara Goldfield.
- (l) Naendip, south-west of Ravensthorpe.

Deposits are held by—

The B.H.P. Co. Pty. Ltd. at (a), (h), and (j).
 Westralian Ores Pty. Ltd. at (a), (b), (c), (e), (f), (h), and (l).
 Bell Bros. at (e) and (f).
 D. F. D. Rhodes at (e), (f), (g), (h), and (i).
 Northern Mineral Syndicate at (c), (d), and (h).
 Hancock & Wright Prospecting Ltd. at (j).
 Metal Traders (Aust.) Pty. Ltd., Greenwood, Harvey, and Henderson at (c).
 Pindan Pty. Ltd. at (k).

Estimated individual tonnages are not available, but a Commonwealth-State review in 1959 estimated a total of 3.9 million tons of 40% + Mn and a further 3.2 million tons of 30% — 40% Mn.

- (2) Reports for the quarter ended June, 1962, indicated production of manganese from deposits located at Woodie Woodie, Mt. Sydney, Skull Springs, and Horse-shoe.
- (3) Yes.
- (4) Non-compliance of labour conditions if not exempted from such conditions.
- (5) Manganese deposits can be applied for as prospecting areas, mineral claims, or mineral leases.

COMMONWEALTH GAMES VILLAGE

Aggregate Contract Price of Houses

19. Mr. GRAHAM asked the Minister representing the Minister for Housing:

- (1) What was the aggregate contract price for all the houses at the Games Village?
- (2) What is the total cost to date?
- (3) What is the anticipated total cost yet to be met?

Cancellation of Contracts, and Financial Implications

- (4) How many contractors, and how many houses were affected by the cancellation of contracts?

- (5) What period elapsed in each case between cancellation of contract and commencement of work on site by the new contractor?
- (6) What sum additional to the original contract price was involved in each case, where completion was being effected by another contractor?
- (7) Who is responsible for meeting this additional cost?
- (8) If original contractors are required to bear the cost, what are the names of the contractors concerned, and what is their total liability in each case?
- (9) Have any efforts been made to recover these sums, and if so, with what result?
- (10) In what major particulars did specifications, standards, and conditions differ from normal S.H.C. requirements?

Mr. ROSS HUTCHINSON replied:

- (1) £745,490. This aggregate contract price does not include fencing, driveways, or architectural fees.
- (2) The sum of £614,231 has been paid in respect of the contract price, plus a sum of £10,267 part payment of architectural fees, making a total payment to date of £624,498.
- (3) £192,931, consisting of the following amounts:—
 Fencing £18,000;
 Driveways £7,500;
 Balance of architects' fees £21,172;
 Balance of contract payments £131,259, plus an amount of £15,000 to cover variations to design features and consequent structural changes, such as additional wall and floor tiling to bathrooms and w.c.'s, feature garden walls, coloured basins, etc.
- (4) Three contractors and eleven houses.
- (5) (a) 14 days;
 (b) 23 days;
 (c) 20 days.
 This time lag takes into account calling of quotes and signing new contracts.
- (6) (a) £686, representing 3 houses;
 (b) £5,489, representing 4 houses.
 (c) £3,890, representing 4 houses.
- (7) The original contractor.
- (8) D. Harris—£686.
 Carr Bros.—£5,489.
 A. Bondelmonte—£3,890.
- (9) These amounts are recoverable from contract retention sums held or from future progress payments.

- (10) Normal contract conditions applied except where necessary to cover the architects' designs and methods of construction.

20. *This question was postponed.*

QUESTIONS WITHOUT NOTICE

STATE SHIPPING SERVICE

Increased Freights, and Tabling of Captain Williams's Report

1. Mr. BICKERTON asked the Minister for the North-West:

Is it a fact that shipping freights to the north-west are to be increased; and, if so, by how much? Is this as a result of the report of Captain Williams; and, if so, in view of the fact that the Government must, by now, have had time to study that report, involving shipping increases, will he table the report?

Mr. COURT replied:

In answer to the member for Pilbara, firstly, in connection with the question of freights the Premier has already given some public indication that the matter of freights on the State Shipping Service is under consideration; likewise, that of fares.

It is well known that this arose from the very close inquiry made by the Grants Commission and the criticism expressed by the Grants Commission in respect of north-west freights and fares, having regard for the very heavy deficit incurred by the State Shipping Service. No final decision has yet been made.

In connection with the report, it is a very complex one. There are many facets of the shipping service which have to be considered and decided upon before it is thought desirable to release the report. As to when it will be released, I cannot say at this moment, but recommendations on most of the points in the report are before Cabinet at the present time.

LOAN COUNCIL

Allocations to South Australia and Western Australia

2. Mr. HAWKE: It was reported recently that the Minister for Health had stated as a result of recent Loan Council meetings South Australia had been granted £11,000,000 more of loan money than Western Australia. Could the Premier tell the House whether the reported amount of difference between the two States is correct; and, if so, could he give

the House any reasons why South Australia should receive such a very much greater amount than Western Australia?

Mr. BRAND (Premier): Yes. There is a very simple answer. We receive something over £23,000,000—I do not know the exact figure—and Sir Thomas Playford, from South Australia, receives £34,000,000, making £11,000,000 more.

It may be of interest to this House to know that we receive something over £5,000,000 more than Tasmania. The reason for this is the application of the formula under which the loan funds are distributed—just that and nothing more.

I might point out to the House that as this is part of the Financial Agreement, there is very little hope of having this situation altered, for the simple reason that under the formula, if Western Australia is to get more, some States must get less. After the Loan Council has agreed to a total amount of borrowing, and in some cases it is supported by the Commonwealth Government itself, there is a definite sum of loan money to be allocated. It is distributed under a formula, and the result is that South Australia receives £11,000,000 more than we do in respect of loan moneys.

PETROL OUTLETS

Oil Companies' Monopoly

3. Mr. FLETCHER asked the Minister for Labour:

Concerning my question No. 5 on today's notice paper, has he read an article headed "Petrol, a Decade of Monopoly Development," which was reprinted from the April issue of the "Service Station and Motor Trader of W.A."? I am assuming that he, as well as other members, received the publication. If he read it, will he give further consideration to my question No. 5 on today's notice paper?

Mr. WILD replied:

No; I have not seen the publication. If the honourable member will let me have a look at it, I will give consideration to it.

METROPOLITAN MARKET ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Nalder (Minister for Agriculture), and read a first time.

BILLS (7): THIRD READING

1. Town Planning and Development Act Amendment Bill.
2. Metropolitan Region Town Planning Scheme Act Amendment Bill.
Bills read a third time, on motions by Mr. Lewis (Minister for Education), and transmitted to the Council.
3. Cemeteries Act Amendment Bill.
Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and passed
4. Child Welfare Act Amendment Bill.
5. Guardianship of Infants Act Amendment Bill.
6. Justices Act Amendment Bill.
7. Interstate Maintenance Recovery Act Amendment Bill.
Bills read a third time, on motions by Mr. Craig (Minister for Transport), and transmitted to the Council.

**BP REFINERY (KWINANA)
LIMITED BILL**

Second Reading

Debate resumed, from the 4th September, on the following motion by Mr. Court (Minister for Railways):—

That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [5 p.m.]: The purpose of this Bill is to enable the company known as BP Refinery (Kwinana) Limited to become a company deemed to be incorporated in Western Australia. This company is now wholly controlled within Western Australia, and I understand all the directors are located here, and naturally all meetings of the board of management, or the board of directors, are held in Western Australia. Therefore, there seems to be every good reason why the Bill should be approved by Parliament and the company given the incorporation which it has requested.

I understand that as a result of action taken in the Legislative Council, after the Bill was introduced there, and during the committee stage, the amount of fees to be paid by the company following the registration of the company's incorporation, will be £500, as against the £100 which would have been the amount had the Bill passed through Parliament in the form in which it was first introduced into the Council. The only question I want to ask in connection with the measure is whether stamp duty fees will have to be paid in addition to the fees for the registration of incorporation; and, if so, what amount of stamp duty the company will be required to pay to register it as a company established and operating in Western Australia? I support the second reading.

MR. COURT (Nedlands—Minister for Railways) [5.3 p.m.]: I thank the Leader of the Opposition for his support of the Bill. The specific question he raised was in connection with stamp duty as distinct from registration fees. My understanding is that stamp duty does not arise in this case, because there is no transfer of assets. The company will have already paid any stamp duties that were attracted by the laws of the State in connection with its business.

Mr. Hawke: Would the Minister have a check made and advise us absolutely at the third reading?

Mr. COURT: I shall do that before the third reading. The point is that it is purely a transfer of the constitution of the company so that it becomes a Western Australian company within the meaning of our Act instead of registering as a foreign company. Therefore, the question of the transfer of assets does not arise. It is rather a similar situation to that which arises in connection with the transfer of shares, where the assets, together with the liabilities, automatically pass and only the actual share title transfers. However, I will check the point at issue and report on the third reading.

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.

MENTAL HEALTH BILL*Second Reading*

Debate resumed, from the 6th September, on the following motion by Mr. Ross Hutchinson (Minister for Health):—

That the Bill be now read a second time.

MR. NORTON (Gascoyne) [5.8 p.m.]: The Minister, when introducing this Bill and the other complementary Bills, did not give us a very long explanation. He said that he introduced the same measure last year and referred us to the speech he made at that time. It is very interesting, when one has a look at the legislation, to find that the Bill has similar provisions to those which are already in the Acts being repealed by it. The two principal Acts being repealed are the Lunacy Act and the Mental Treatment Act. Both of those Acts have to be read in conjunction with each other. I think it is a compliment to the Governments of those early days that those two Acts, one of which was introduced in 1903 and the other in 1917, have not had a great many amendments made to them.

Now, owing to changing times, it has been found necessary to introduce new legislation, and this is modelled to a great extent on those two Acts. The reasons which have made the introduction of this legislation necessary are the changing methods of treating mental illness. At one time mental illness, which was known as insanity, was considered incurable; and it was a disease which the average person or family tried to cover up. In the past, a person has more or less had to be certified for admission to a hospital before treatment could be given, and this has applied even up to the present; although under the Mental Treatment Act, which is being repealed by this legislation, a person can apply to a justice of the peace to be admitted to a hospital. That in itself was quite a step forward, but it is not really in line with this legislation.

This Bill will bring mental illness into line with ordinary physical illnesses, and under it a person will be able to apply to his medical practitioner and then be recommended to a specialist for treatment. That is what happens today with the ordinary physical illnesses. A person gets advice from his medical practitioner, who recommends him to a specialist or a hospital for further treatment. It will certainly be a great step forward, in regard to mental sickness, if a person will be able to get treatment without having to be certified or without having to get the permission of a justice of the peace, as has been the position in the past.

Under this legislation there will be three different methods of admission to an approved hospital. Firstly, there will be the voluntary method, under which a person is referred for further treatment by a doctor; secondly, there will be the compulsory method under which if a person appears to be insane he can be admitted to a hospital for examination; and, thirdly, a person can be referred to a hospital for treatment through the action of a judge or jury, or the Criminal Court, because of some criminal act. However, in each case, before a person is admitted he must be examined by the controller and a psychiatrist, and must be observed for no longer than 72 hours. That gives the patient every opportunity of having, as it were, a fair trial in connection with his mental illness.

As regards the provision relating to compulsory admittance, where a person has been found wandering, or is creating a hazard to himself, I notice that the legislation requires the authority of only one justice of the peace to direct the admittance of the person concerned to an approved hospital. Under the Lunacy Act it requires two justices of the peace and, where practicable, two medical officers to certify that such a person shall be sent to a mental hospital. In the Mental Treatment Act, which has to be read in

conjunction with the Lunacy Act, there is a different provision altogether, and why there is a difference I have not been able to fathom. Maybe the Minister can explain it when he replies to the debate.

Under the Mental Treatment Act it requires the order of only one justice on the recommendation of two medical officers. Personally, I do not think it is quite right that one justice of the peace should have the responsibility of sending a person to a mental hospital for examination and treatment.

Mr. Ross Hutchinson: Plus the doctor.

Mr. NORTON: I will go on. I consider that at least two justices of the peace should be required, in conjunction with at least one medical officer, and perhaps two if they are available, to examine the case. I say this because there may be in an area which is remote from Perth a patient who has to be sent down for treatment, probably under escort. The ordering of a person to be conveyed to Perth for treatment is a great responsibility for one justice to shoulder. When he is replying to the debate, I would like the Minister to set out his reasons why it has been considered that only one justice is necessary for this purpose.

I also note that the order of a justice is valid for 28 days. Why there should be such a time lag, I do not know. One could understand such a condition in years gone by when transport was slow, but not in modern times when we have fast transport and when a patient can be transported to Perth without any trouble.

Clause 29, on page 16 of the Bill, reads as follows:—

(1) If, upon the application of any person, made in the prescribed manner, a justice is satisfied that a person is suffering from mental disorder and that it is in the interest of that person or of the public that he should be admitted to an approved hospital for treatment under this Act, the justice may, by order in the prescribed form under his hand, order that the person be taken, conveyed to and received into an approved hospital.

I understand that this provision does not state that any person suffering from a mental disorder shall be received into the hospital. As far as I can judge, he is only ordered to the hospital for examination, and it is provided that the examination can take up to 72 hours before he is actually received into the hospital. Do the words "received into the hospital" mean that he is admitted as a patient, irrespective of what the commissioner and the other psychiatrist have determined in the meantime? The words "to be received into" are ordered by the justice. As I understand this provision, the justice cannot order a patient to be received into the hospital for treatment.

Mr. Ross Hutchinson: The medical superintendent has control over the admissions into the hospital.

Mr. NORTON: The clause reads—

... the justice may, by order in the prescribed form under his hand, order that the person be taken, conveyed to and received into an approved hospital.

(2) The justice shall not make such an order as is mentioned in subsection (1) of this section, unless it appears from the referral of a medical practitioner, in the prescribed form, that he has, during the space of fourteen days immediately prior to the application, personally examined the person in respect of whom the application is made . . .

I am wondering whether the Minister can explain why a justice has the right to direct that a person shall be received into the hospital.

Mr. Ross Hutchinson: I think it is a question of interpretation.

Mr. NORTON: Yes; and I am interpreting it one way, and many other people could interpret it in the same way. It is essential, therefore, that we should make the interpretation clear.

Mr. Ross Hutchinson: There are qualifications in other clauses.

Mr. NORTON: Yes; there are certain qualifications. The next clause reads as follows:—

Where a complaint on oath is made before a justice that a person who appears to be suffering from mental disorder—

- (a) is without sufficient means of support; or
- (b) is wandering at large; or
- (c) has been discovered under circumstances that denote a purpose of committing an offence against the law,

the justice may, by order in the prescribed form under his hand, require a police officer or some person duly authorised in that regard, by the Minister, to apprehend the person in respect of whom the complaint was made and forthwith cause him to be examined by a medical practitioner.

That is done on the complaint of one person. It is allowing quite a bit of latitude one way or the other, and, in my opinion, the provision could perhaps be tightened. I have no amendments in mind at the moment, but I am raising these points so that when the Minister replies he may be able to enlighten us on them.

Clause 59, on page 32 of the Bill, deals with the writing of letters by inmates of mental hospitals, and it reads—

Every letter, written by a patient and addressed to—

- (a) the Governor; or
- (b) the Minister; or
- (c) a member of the Parliament of the State; or
- (d) a judge or the Court; or
- (e) the Board or a member of the Board; or
- (f) the Director,

shall be sent forward by the superintendent, without being opened, to the person to whom it is addressed.

Can the Minister tell me why, in this clause, the next of kin or the guardian of a mental patient is not included in that list of people to whom letters can be sent without their being opened by the superintendent? Also, why a legal practitioner should not be listed? Those that are listed are not directly concerned with the patient, and therefore I think it is only right that the guardian or next of kin of the patient should be included in that list. I would be extremely pleased if the Minister would give us some further information on this clause when replying.

There is another point upon which I would like clarification by the Minister, and it is covered by clause 55 on page 29 of the Bill. That clause reads as follows:—

Any person may make application to the Court, by way of originating summons, for an order that a person, who—

- (a) is detained as a patient in any approved hospital; or
- (b) is discharged, or continues as a patient discharged, to after-care,

be discharged from status as a patient, on the ground that the patient is not suffering from mental disorder or that, in all the circumstances of the case, it is in the patient's interest and proper that he be discharged . . .

The point I am raising is in respect of the provision contained in paragraph (d) of subclause (2) of this clause which reads—

order that a sufficient sum be made available out of any moneys or property of the patient, for the purpose of enabling the patient or some other person to make an application under this section.

What I am asking in regard to this provision is whether, if a patient is indigent, he can still take out an originating summons to have his case heard in the same way as could a person who has money lodged with the Public Trustee? It seems

unfair that only a person with assets should be able to make application to the court for an examination to ascertain whether he is sane and to call the necessary witnesses to the court when the case is heard. I think that is a point that needs clearing up; and, in my opinion, some further provision needs to be inserted in that clause whereby an indigent patient can be given the opportunity to seek some redress through the courts should he so desire.

Another provision I would like to bring to the notice of the Minister relates to private hospitals and is contained in clause 21 on page 12. Subclause (4) reads as follows:—

Where a permit issued under this section is revoked or surrendered, or the permit holder dies or becomes incapable of conducting the hospital, the Minister may issue a permit to some other person approved by the Minister; but, unless a permit is issued to some other person within one month of the revocation, surrender, or being no longer in operation, by reason of the death or incapacity of the permit holder, the hospital in respect of which it was issued shall, at the termination of that period, cease to be an approved hospital; and the Director may, thereupon, transfer and convey any patient therein to any approved hospital.

Does not the Minister think that a period of one month is rather a long time to wait before appointing another permit-holder? What is to become of the patients in the hospital whilst there is no-one in actual control? A hospital of this nature requires more supervision than a general hospital and the patients have to be controlled differently from the patients in a general hospital. When the manager of such a hospital, or the person holding the permit, dies, becomes incompetent, or surrenders his permit because of ill-health, there should be some provision to enable the Minister to appoint immediately another controller to that hospital.

Mr. Ross Hutchinson: Of course, action could be taken, you know.

Mr. NORTON: These are points that have occurred to me during my study of the Bill in a reasonable and logical manner and I have raised them in an endeavour to put the Bill into a tidy form if necessary.

In conjunction with this measure, as the Minister has told us, there are three complementary Bills which are to be introduced to tidy up the whole legislation, those Bills being the Public Trustee Act Amendment Bill, the Criminal Code Amendment Bill and the Prisons Act Amendment Bill. When all these Acts are tidied up and the other thirteen Statutes

are repealed in order to make way for this legislation we will have an excellent consolidated Act which will afford to those people suffering from mental disorders a greater sense of security than they have had in the past.

When this legislation is passed such people will be imbued with the feeling that they can have treatment in the early stages of a mental disorder without stigma; whereas, in the past, they had to be committed to a mental institution, and this always left a stigma on them. The principle behind this legislation is the elimination of words such as "lunacy", "insanity", and so on; and, in the ultimate, to try to encourage a person suffering from a mental disorder to seek the advice of his doctor at an early stage and, if necessary, be admitted to a hospital for treatment in order to make him fit and well and so ensure his return to normal health.

MR. FLETCHER (Fremantle) [5.29 p.m.]: Before the Minister replies to the second reading debate, I also would like to mention a point to which the honourable member who has just resumed his seat made reference.

Mr. Ross Hutchinson: To which clause are you referring?

Mr. FLETCHER: Clause 29, which appears on page 16. The honourable member who has just resumed his seat queried the use of the word "order". I also want to refer to it, and I shall give the reason.

Mr. Ross Hutchinson: You can do that in the Committee stage.

Mr. FLETCHER: If the Minister is prepared to consider an amendment in the Committee stage, I shall leave my comments until then. I also consider that a word different from "order" should be used in this clause. I make this known to the Minister so that the consideration of this clause will not be hastened in Committee.

MR. GUTHRIE (Subiaco) [5.31 p.m.]: The only parts of this measure on which I am competent to speak are contained in clauses 62 to 78, dealing with the administration of estates. There is one feature which should be borne in mind: Initially, lunacy was part of the inherent jurisdiction of the Court of Chancery vested in the Lord Chancellor, without any statutory fetter at all. The Lord Chancellor had power to do almost anything in connection with the estate of an insane person, using the phrase which was used in those days.

With the passage of the Lunacy Act of 1890 of the United Kingdom—and the Act of this State of 1903 was, as far as I know, more or less a copy of that English Act—it was considered to be a tentative approach

to the administration of the affairs of the unfortunate persons whose estates came under control. It was laid down by the textbook writers that the inherent jurisdiction of the Court of Chancery still remained, and any weaknesses or gaps in the lunacy law, so far as the administration of estates was concerned, could be filled in by resorting to the old jurisdiction. That, to my knowledge, has applied in this State.

It is somewhat noticeable that in 1959 the British Parliament passed the Mental Health Act of that year. Just how similar that Act is to the legislation contained in the Bill before us I know not; but it has been stated, since the passage of that legislation in 1959, that it is very doubtful whether the inherent jurisdiction of the Court of Chancery exists any longer, because Parliament has taken upon itself a much more extensive power.

I raise this point for one particular purpose only: because certain estates of persons mentally afflicted are of considerable substance, and it is possible to maintain those people out of the income arising from the investment of such estates. It is true that the Lunacy Act did not include any specific power to enable the committee or manager, whichever he was, to invest the funds in trustee investments; but nevertheless he did invest the funds in that manner, and it was approved by the Master of the Supreme Court on the passing of accounts, and securities were normally accepted by the Commissioner of Titles. I would assume that that power of investment arose under the inherent jurisdiction.

Having the doubts which I have as to whether the inherent jurisdiction will be with us after the passage of the Bill, I would like the Minister to consider—with the object of amending the Bill, if need be, in another place—whether the specific power of investment of funds is not needed. I notice that the English legislation does contain a specific power for a manager to acquire property, but there is not a similar provision in the subclause relating to this matter in clause 68 of the Bill.

I have not seen the English legislation; I have only read the short statement contained in *Halsbury's Laws of England* which states that there is power for a manager to acquire property, and that such power of acquisition might be sufficient to enable the investment of surplus funds. I do not propose to raise this matter in Committee, because I realise it is one on which the Minister will have to seek advice. However, he should look into the matter with the object of making an amendment to the clause, if need be, in another place.

Debate adjourned, on motion by Mr. Brady.

PUBLIC TRUSTEE ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 6th September, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

That the Bill be now read a second time.

MR. NORTON (Gascoyne) [5.36 p.m.]: This Bill is complementary to the one which has just been dealt with, and relates particularly to the clauses mentioned by the member for Subiaco. Part VI of the Mental Health Bill deals very fully with the care and management of estates of incapable persons; but it is necessary for the terms and conditions set out in the Bill before us to be enacted in the Public Trustee Act. It is for that reason the Minister has introduced the Bill.

The first amendment deals with the definitions, and seeks to bring this legislation into line with the provisions of the Mental Health Bill. Clause 63 and the following clauses of the Mental Health Bill seek to give power to the Public Trustee to take over and to manage estates of incapable persons, or to ensure that they are properly managed by those administering such estates if they are vested with the power to do so—such as in the form of a power of attorney.

Clause 5 of the Bill seeks to amend the Public Trustee Act to enable the Public Trustee to administer the provisions relating to the estates of incapable patients. It seeks to repeal division (4) of part II and to re-enact it; this is one of the most important parts of the Bill. This new division seeks to confer a power under the Public Trustee Act, which has not hitherto been conferred. A similar amendment has also been sought to be included in the Mental Health Act.

This power gives the Public Trustee the right, in conjunction with his counterparts in the other States and territories of the Commonwealth, to administer the estates of incapable persons who are residents of other States. For instance, if a person from Victoria became an incapable patient in Western Australia and was admitted to an institution, it would be possible for the Public Trustee in this State to notify his counterpart in Victoria, who would be given the power to take over the care and management of the estate in question.

This is quite an important feature of the legislation, and it is a wonder to me that a provision such as this has not been enacted in the legislation before this time. I understand that a similar provision has been included in the relevant Act of each State of the Commonwealth. Division (4) is being repealed and re-enacted to bring the Public Trustee Act into line with the mental health legislation.

Debate adjourned, on motion by Mr. Guthrie.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed, from the 6th September, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

That the Bill be now read a second time.

MR. NORTON (Gascoyne) [5.41 p.m.]: This is the second of the complementary Bills to the Mental Health Bill, and it contains quite a number of amendments to the Criminal Code, all of which tie up with the provisions in the Mental Health Bill. The first amendment seeks to repeal and re-enact section 149, to bring it into line with the requirements of the mental health legislation. The marginal note in the existing provision is, "Rescuing of insane persons," and all that the amendment seeks to achieve is to bring the terminology into line with that used in the Mental Health Bill.

The next section proposed to be amended is section 334, which relates to the giving of false certificates by officers charged with duties affecting the liberty of a person. It is proposed to add the words "or other document" to that section; so that if an officer gives a false certificate or other document he will become liable under the Act. This means that people will be given greater security than if only the word "certificate" were in the Act.

The next section to be amended by the Bill is section 335. This amendment deals with the concealment of persons who are confined. It is sought to include the words "detained or," and this amendment will widen the scope of the provision in the Act, so that anyone who attempts to conceal or detain a person who is required for examination becomes liable under the Act. It is to the benefit of afflicted persons that they should not be concealed or detained; they should attend to receive medical treatment, if that is necessary. This provision will widen the scope of action by the police to prevent people from detaining persons who are required to undergo a mental health examination.

The next section dealt with is No. 336 and this again deals with the person who gives a false certificate or document in respect of a person who is apprehended or detained. I think this is a very good safeguard for the person who is mentally ill, because if a person issues a false document or false certificate, then that person should be liable for prosecution under the Act. This amendment will tidy up the Act and give that extra protection under the Criminal Code against anybody who is malicious enough to issue a false document or false certificate.

Section 337 is repealed and re-enacted. This is purely to bring it into conformity with the Mental Health Act, and to all

intents and purposes has the same effect as that existing in the Criminal Code at the present time.

Another new section which is added is No. 669A. This section gives a stipendiary magistrate the right to commit an inebriate to an institution for a period not exceeding 12 months. Here again, we are getting down to something in which we can see some progress. In the past very little has been done for the person who is an inebriate. There seems to have been quite a controversy over the years as to whether an inebriate's condition is mental or physical.

I note that under this proposed new section a person will not necessarily be committed to an approved hospital—or what is known as a mental hospital today—but may be sent to a rehabilitation centre, such as the one the Minister described and which is being built near Gosnells and is called Karnet. At this centre he can be rehabilitated under medical care. As I understand it, he will be given work to suit him and every opportunity to rehabilitate himself under the best methods that are available. I think this scheme will be highly successful, as I know of persons who have been rehabilitated after having been inebriates for many years. This amendment to the Criminal Code will give the power that is required to commit a certified inebriate to a home for rehabilitation.

Debate adjourned, on motion by Mr. Brady.

PRISONS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 6th September, on the following motion by Mr. Ross Hutchinson (Chief Secretary):—

That the Bill be now read a second time.

MR. NORTON (Gascoyne) [5.49 p.m.]: This is the final complementary Bill to the Mental Health Bill. It deals specifically with convicted inebriates and adds a new section to the Prisons Act. It gives the prison authorities the right to run or control reform prisons or homes for the rehabilitation of inebriates.

It is also interesting to note that this Bill sets out that any person who is an inmate of such a hospital or reform centre has the right, if the controller so grants, to obtain leave for the following reasons:—

- (a) for the purpose of being treated at any hospital; or
- (b) for the purpose of visiting a relative believed to be dying; or
- (c) for any other reason which appears to the officer-in-charge to be sufficient.

I think that is a good idea; and it gives the prisoner the knowledge that, if it is necessary, he can, under certain terms and conditions, get out on parole for a specified period. But the Bill also sets out that if he breaks the terms and conditions he can be convicted in a court of law. The condition under which a person could be convicted is that he escaped or attempted to escape from the custody of any police constable, gaoler, or officer.

To explain that further, I would point out that he may be placed under the custody and care of those persons but not necessarily, as I understand it, under direct control. They would be responsible for his whereabouts, and he would have to report to them during his parole. If he did not report to the institution immediately on the expiration of the period mentioned in the order, or was guilty of any breach or condition of the order, he could be arrested by any member of the Police Force, or any other person authorised in writing.

Again, I think this is a safeguard to the person who is being rehabilitated and is a reasonable condition. It should be included in the Act, because the inmate would then know he could get out for special reasons with these provisions. A person who is being rehabilitated should not have any inclination to break the bond on which he is placed for parole when these provisions are in the Act.

Debate adjourned, on motion by Mr. Brady.

House adjourned at 5.53 p.m.

Legislative Council

Wednesday, the 12th September, 1962

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

QUESTION WITHOUT NOTICE

TIMBER WORKERS: DISMISSALS

Statement by Union Secretary

The Hon. J. MURRAY asked the Minister for Housing:

- (1) Has the Minister read the statement in tonight's *Daily News* with reference to sackings in the timber industry, and the union secretary's comments thereon?
- (2) Further, would the Minister get a copy of the statement made in relation to the same matter to the A.B.C. by the Conservator of Forests, Mr. Harris, and advise the House?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) I have not seen the statement referred to by the honourable member. However I have seen the Press report, and the only comment I would like to make upon reading the report is that I regard the statement by the union secretary in connection with the sackings, wherein he states that they may be as a result of the Empire Games Village, to be fallacious. I cannot possibly see what the Empire Games Village would have to do with the situation. However, there is a tendency on the part of some people to believe that the State Housing Commission, or the Government, is the only contracting authority in the State. That