whether the local authorities will receive their funds from another source—obviously from the Government in that case.

It is interesting to note that when the hon. member for Wembley Beaches contacted members regarding the financial proposition to get support for his proposed Bill, he gave us an indication of where he thought the funds could come from. It is very interesting to note that on the metropolitan area he proposes a rate of ¾d. in the £. From that he would get £119,490 per annum, a total in round figures of £120,000. From the country, at a rate of ¾d. in the £ he estimates to get £68,055; and the Government subsidy, from road funds—£25,000—makes a total of £212,545; and in five years the grand total would be £1,052,725. I should imagine the Treasurer commended him for that.

Mr. Brand: How to raise £1,000,000 in three easy lessons.

Mr. COURT: It was a question of raising £1,000,000 with the Treasurer escaping virtually unscathed, and the poor old maligned property owner bearing the burden. There is a rather quaint twist about this method of raising funds because during the discussions on the Local Government Bill there was much criticism of the property owner—this so-called big, bad wolf, the man who should be deprived of any special franchise rights. But when it comes to raising money everyone says, "Let us have a rate" whether it is to get rid of ants or to establish beach trusts or anything else.

Mr. Kelly: You anticipated that, I suppose.

Mr. COURT: It is rather interesting to note the use that the poor old property owner has for money-raising purposes. I am sure it is not intended that a notice shall be placed on the beach, "Non-ratepayers keep off" because that would really start trouble.

Mr. W. Hegney: They would not be in the swim.

Mr. Marshall: Rigby illustrated that in "The Daily News."

Mr. COURT: I should imagine that, in the case of people coming from the country, it would be rather amusing trying to distinguish between those who had paid their ¾d. in the £ and those who had not. It would probably be necessary to invent some distinguishing feature—perhaps we could ask them to wear different types of bathers.

Whilst we might be facetious about this, there is a serious side, because it is the poor old property owner who would be called upon to pay this rate. To raise that tax in the country would meet with great hostility, particularly as this trust was branded, both in the motion and in the Bill, as a metropolitan beach trust; there was no suggestion at that stage that it should be a State-wide beach trust. The Government foreshadowed amendments making this a State beach trust, instead of a metropolitan beach trust. However, I can see no point in opposing the Minister's motion for the deletion of this word with a view to inserting the word "consider". In due course somebody on this side of the House will be submitting an amendment in an endeavour to express more clearly our policy which is aimed against the establishment of such a trust, particularly at this point of time.

On motion by Mr. O'Brien, debate adjourned.

House adjourned at 9.45 p.m.

Legislative Council

Thursday, 4th September, 1958.

CONTENTS

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

QUESTIONS ON NOTICE.

RAILWAYS.

Closure of Lines.

1. The Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) Was he correctly reported in the issue of "The West Australian" of Monday, the 1st September, as having told a meeting at Beacon that "the Government had never been satisfied that the closure of the Burakin-Bonnie Rock line, the Hyden line or any other wheat-growing line was a good thing"?

(2) Does he agree that the responsibility for deciding which lines were included in the rail service discontinuance motion submitted to Parliament rested solely with the Government?

The MINISTER replied:

(1) The meeting was told that the Government had never been completely satisfied that suspension of services on wheat lines was a good thing.

The meeting was also told that for this reason the proposals were submitted to Parliament for final decision.

(2) An interdepartmental committee appointed to investigate the problem of road and rail transport finally recommended the closure of 1,980 miles of railways. The Government rejected 1,138 miles and submitted for Parliament's consideration the suspension of services, not closure, on 842 miles of railways.

Both Houses approved, with large majorities.

No. 2. This question was postponed.

ROADS.

Marvel Loch-Southern Cross Section.

3. The Hon. A. F. GRIFFITH (for the Hon. J. M. A. Cunningham) asked the Minister for Railways:

(1) Is he aware of the taking of a traffic poll on the Marvel Loch-Southern Cross road, 12 miles south of the town, between the hours of 7 a.m. and 7 p.m. for seven days, by the Yilgarn Road Board?

(2) Is he aware that 499 vehicles were checked as passing this check point in this time, which averages 71-2/7ths vehicles per day?

(3) Seeing that at this time of the year no seasonal carting, such as water, wheat, or wool is being done, it is correct to assume that a heavy increase on this surprisingly high rate of traffic may be expected, and as the heavy ore cartage from the mine to Southern Cross is not diminishing, the already shocking condition of the road cannot improve with patchwork repairs, will the Minister give consideration to paving this important road with permanent bitumen surfacing, as the continued development and prosperity of this district depends on this main roadway to railway siding at Southern Cross?

The MINISTER replied:

(1) The traffic poll was taken one and a half miles south of Southern Cross, not 12 miles.

Details were handed to the Commissioner of Main Roads 10 days ago and five days after the count was taken, during an inspection of the road.

(2) The count showed 499 vehicles during the week as stated; 16% of the vehicles were heavy trucks and semi-trailers.

(3) This road is being continually improved, £9,500 having been spent during the last three years, and this year an additional £4,000 is about to be spent. The road is in reasonably good condition.

GOVERNMENT BUILDINGS.

Tenders, Builders, Architects and Costs.

The Hon. A. F. GRIFFITH asked the Minister for Railways:

(1) Will he provide the following information in respect to the building operations listed below, tenders for which, according to the answer to Question No. 2 of the 2nd September, 1958, were called—

(a) the particulars of tenders submitted including the name of the builder and the amount of the tender;

(b) did the Public Works Department make an assessment of the cost of each construction? If so, what were assessments—

Transport Board, Parliament Place, No. 1;

Watheroo school;

Welshpool—Offices of Department of I.D.;

Mosman Park Deaf and Dumb School additions—hall?

(2) What was the reason for calling tenders for the above buildings?

(3) Why were tenders not called for the remainder of the buildings listed in Question No. 2 of the 2nd September, 1958?

The MINISTER replied:

(1) (a) W.A. Transport Board—alterations and additions to premises at 36 Parliament Place:

Tenders received:	£
Gaunt & Fogliani	5,500
Barnard & Associates	5,500
A. E. Hoskins	5,980

Let to Barnard and Associates at £5,500.

Watheroo School—additions.

Let to Jennings Constructions for £6,813. This was a private tender on deferred payment.

Department of Industrial Development—new office block, Welshpool:

Tenders received:

	£ s. d.
Concrete Industries	4,205 0 0
Courtenay Travis & Homan	4,377 5 0
Jennings Constructions	4,409 0 0
F. T. Wells	4,463 0 0
C. P. Swan & Co.	4,487 0 0
G. H. Fairbanks & Son	4,548 0 0
R. W. Nash	4,653 0 0
W. H. Ralph & Son	4,803 0 0

Let to Concrete Industries for £4,365.

Increase in contract price over tender due to increases in costs between date of tender and acceptance.

Mosman Park Deaf & Dumb School —new hall:

Tenders received:

	£
Geo. A Esslemont	13,120
Jennings Constructions	13,183
Missen & Mills	13,617
Smith & Cribb	13,924
Gaunt & Fogliani	13,970
W. Fairweather & Son	14,083
C. T. L. Pillage Pty. Ltd.	14,540
P. T. Murphy Pty. Ltd.	14,580
E. Baxter	16,431

Let to Geo. A. Esslemont for £13,120.

(b) Yes. Departmental estimates were prepared in each case:

	£
Transport Board	5,755
Watheroo School	7,000
Offices for the Dept. I.D.	4,150
Mosman Park Deaf & Dumb School hall	13,080

(2) Departmental convenience.

(3) Government policy.

The Hon. A. F. Griffith: That's right.

HEALTH ACT.

Disallowance of Fire Guards Regulation.

THE HON. G. C. MACKINNON (South-West) [2.23]: I move—

> That Regulation No. 12, made under the Health Act, 1911-1956, as published in the "Government Gazette" on the 20th November, 1957, and laid on the Table of the House on the 26th November, 1957, be and is hereby disallowed.

The reason why I asked for the postponement of the first motion on the notice paper is that although this is a fire brigade matter, the regulations appertaining to fire brigades as such are formally a matter of payment; whereas the operational regulations are those that have been gazetted under the Health Act. I think members will recall that these particular regulations were laid upon the Table of the House last year, very late in the session, leaving only three days for their consideration.

At that time the hon. Mr. Griffith moved for the disallowance of almost all the regulations and the matter was debated in this House; indeed, Sir, one of the last speeches you made was on this subject, in which you dealt with the unfortunate practice of bringing down important regulations so very late in the session. Those who have looked at the regulations will probably have noticed that, on this occasion, I have moved for the disallowance of only one regulation, namely, Regulation No. 12. This is quite a large regulation.

I will confine my remarks almost entirely, when speaking against this regulation to Clause (d), and to the first two lines of Clause (e) of the regulations as gazetted. In explanation of that I will have to spend a short time on the others to explain why I consider that the retention of the others is desirable. Indeed, on reading all the speeches made last year, I feel that the retention of the remaining clauses, and, added to that, the suggestion I would like to make, would meet the objections of all those who spoke last year.

The purpose of the regulations in toto is to ensure that every theatre, showing either a motion picture or stage shows, should have a fire guard in attendance. For the purpose of the regulations, the fire guard can be either an employee of the theatre, who has been passed as medically fit and has been granted a certificate of competency, or a member of a volunteer fire brigade.

Whether we use the one or the other depends on the locality in which the theatre is situate. I think we all agree that it is desirable that some person, who has been adjudged as competent, should be at the theatre to take charge in the event of a fire breaking out. That person should, of course, be sufficiently healthy, young enough and fit enough, to do the jobs necessary in the course of an emergency. That matter is covered by the fact that a certificate of competency must be issued. It is also covered by virtue of the fact that a log book must be kept in the theatre, in which the fire guard is used, so that if he leaves, another fire guard would automatically take his place. As I say, I think we must agree that this is a desirable feature. Strangely enough, it is probably more desirable, if anything, in relation to a stage show, under present-day circumstances, than at a motion picture theatre. At a repertory production it is possible that very flimsy costumes may be worn, and the props and scenery could be made of very inflammable material. Apart from that, in close proximity to

the stage one invariably finds a considerable amount of electrical apparatus, such as spot lights, stage lights, footlights and so on. However, with the theatres, the bulk of the film used today is of a non-inflammable type and smoking is prohibited. Therefore, it could be argued that the risk of fire is less under these circumstances than in those which I have related as pertaining to a stage show.

I think I have explained adequately the work of the fire guard, who has passed his exam and has been issued with a certificate of competency. He can be used in any district where there is no volunteer fire brigade. If a person happens to have a theatre where there is no established volunteer fire brigade, he uses a man on his staff whom he sends along to pass the examination. However, if a person has a theatre within the area of a volunteer fire brigade he must, as the regulations are at present framed and because of Clause (d) in Regulation 12, employ a volunteer fireman.

The Hon. G. Bennetts: Are there any areas that would not have a volunteer fire brigade?

The Hon. G. C. MacKINNON: There are quite a few in the metropolitan area.

The Hon. A. F. Griffith: More have not than have.

The Hon. G. C. MacKINNON: The hon. member has just interjected that more have not than have.

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

The Hon. G. C. MacKINNON: The position is that the captain of a local fire brigade works out a roster and sends a volunteer to the local theatre; probably a different volunteer each night.

I wish to refer to some answers which I received to questions the other day. I asked if the Minister were aware that the present regulations discriminated between localities. I also asked if the Minister knew of any hardship or anomalies that existed. He said that he was unaware of any hardship; that he would not agree to meet the interested parties, and that he was not aware that any injustice had been created. Despite this, I have with me answers to letters which have been written from country areas, pointing these matters out to the Minister for Health; and in my bag I have a letter from the Minister in charge of fire brigades (the hon. G. Fraser), in answer to a letter written by me. The hon. G. Fraser points out that he has received notification of these anomalies and difficulties which exist.

We find that a large city theatre in Hayst. uses a man who is on its staff as a fire guard. This man has taken his exam; a log book is kept and that is all right. I also think it is a satisfactory arrangement. However, we find, in a town in my electorate, in regard to a small theatre, owned and operated by a fellow in the town, that because there is a volunteer fire brigade, he has a different fire guard virtually every night. He pays this fire guard officer 25s. which is, in turn, paid into the funds of the local fire brigade. In the heart of the city there are no volunteers available for the fire guard duty.

Take the repertory club at Bunbury: Despite the fact that every other person who works for the club does so on a voluntary basis—the scenes are made by volunteers, the producer is a volunteer, as are the actors and door-keepers—they have to pay 25s. to the fire guard officer, which, to say the least of it, does create an anomaly.

I notice that this particular matter was apparently of some concern last year to the hon. Mr. Bennetts. If it is going to be the policy that the owners of these theatres have to pay, surely some of the large theatres in the metropolitan area are infinitely better able to do so. If there is no volunteer fire brigade established, as is the case in the heart of Perth, they do not have to employ a volunteer.

The Minister does realise, despite the answers he has given me, that an anomaly exists. An arrangement has been made, under which the various officials have agreed that volunteer firemen can be made to do certain duties at a theatre; they can act as doormen, taking tickets and handing out pass-outs.

I have a considerable amount of material which has been given to me by some disgruntled theatre managers. However, I have no intention of using it, because I know there are probably difficulties on both sides and that some theatre managers may not have gone out of their way to make some of the volunteer firemen as welcome as they could have. It could be that in some circumstances, the volunteer firemen on the job may not have made it easy for the manager to be pleasant to them either. Be that as it may, let us look at the matter objectively. We must appreciate the difficulties of a theatre manager, when he has a different man every night to look after the door, take the tickets, open the doors at the close of the show and switch on the appropriate lights. These are jobs which are given to them. The particular man may have had a very hard time at his work during the day and, quite conceivably, he might sleep while waiting for the show to end; and the doors might not be opened as quickly as they should be.

I have endeavoured to bring to the notice of hon. members some of the difficulties that could arise. The necessity to have a different man every night presents difficulties. In some towns there is a certain amount of shift work—that applies in Bunbury and Collie, for instance—and a railway employee, as an example, might at the last moment find he had to get someone else to do the job, with the result that on occasions the person concerned might

arrive late, or perhaps not at all. Strangely enough, that situation is acting to the disadvantage of the volunteer fire brigades. They have—we sincerely hope they will continue to have—a high place in the regard of the people of this State because, as I have previously said in this Chamber, the volunteer fire brigades, together with the surf lifesaving clubs, are two volunteer organisations which are unique to Australia, but which have been copied by many other countries of the world.

With the anomaly at present existing, the feeling is growing that certain theatres are being put upon and that repertory clubs are at a disadvantage also, because if they have to pay the one person, with a 10-night season they probably have to have a different person each night. A feeling of antagonism against the volunteer fire brigades is definitely growing in some towns and I think it is to be deplored.

The Hon. G. E. Jeffery: In which towns?

The Hon. G. C. MacKINNON: Collie, Bunbury, and a number of others. Another factor is that the volunteer fire brigades are becoming, to some extent, reliant on the finance raised from this source, and in thus depending on it I think that the easy way out has been taken. I feel that it is not a very satisfactory source of finance for this purpose. It would appear, from a study of overseas trends, that the picture theatre business is in a not very happy state. Fortunately, in this State at all events, live shows and repertory club activities are markedly on the increase. In 1948 there were eight active repertory clubs in Western Australia, but there are now 52 in this State—a remarkable increase. But these repertory clubs still show for only limited seasons and at different times during the year; and so the regular income of the volunteer fire brigades in this regard is derived from the picture theatres.

No one yet knows what will be the effect of television on the moton picture industry in this State, although a fairly well-informed guess can be made from a study of overseas conditions. If some of the theatres in the smaller suburbs and the country towns experience any further drop in attendances, the fire guard officer, with his 25s. per night, might easily find himself the highest paid member of the staff; because, in the case of an owner-run theatre, the fire guard will be the only member of the staff whose fee cannot be reduced.

The Hon. H. K. Watson: Hoyts are offering 14 theatres for sale in New South Wales.

The Hon. G. C. MacKINNON: That sort of thing is happening all over the Eastern States. It behoves the Government to seek another source for the raising of finance—if it is necessary—by the volunteer fire brigades. I believe the present situation is, in some towns, having an injurious effect on the previously happy relations between the people and the volunteer fire brigades. One can imagine a travelling live show, wishing to perform in a town but not having a fire guard on the staff. In those circumstances it would be obligatory on the mangagement to engage, if possible, a member of the local volunteer fire brigade. I see no reason why it should not be obligatory to engage a volunteer fireman, if there is not a competent fire guard on the staff. In short, where there is not a fire guard with a certificate of competency available on the staff, I think it is reasonable that they should get a member of the volunteer fire brigade to do the work, if and when available.

I can see no logical reason why, just because of the locality in which one lives, one should be faced with the added expense of having to engage a volunteer fireman. As I have said, I think it is an unrealistic method of raising finance for the fire brigades and one which I feel sure will, within a few years, show a considerable drop in the return. The hon. Mr. Watson, by interjection, pointed out that Hoyts are offering 14 theatres for sale in New South Wales alone.

The Hon. G. Bennetts: It is like the protection you pay for when you pay your local road board for the fire brigade service.

The Hon. G. C. MacKINNON: That is fair enough. As the hon. Mr. Bennetts has pointed out, one pays for protection through the local road board, and in that case all concerned pay the same amount; yet all districts do not receive the same return. The local authorities pay two-ninths, but they are not all receiving the same return. That still does not justify the fact that if a man starts a circuit in a country town he may live in town No. 1 and does not have to have the volunteer fireman to do the work, as he is able to use the services of a qualified man already on his staff, whereas if he goes to town No. 2, even though his certified fire guard is with him, if that town has a volunteer fireman available he must be engaged, at an additional cost of 25s. That does not make sense.

The Hon. A. F. Griffith: The distribution of reimbursement is quite without equity.

The Hon. G. C. MacKINNON: That is so. We have heard a great deal about taxes and imposts and this is a case where we can correct an anomaly in that regard, because we are dealing with the necessity for the volunteer fire brigades to have some form of finance for their activities, annual competitions and so on. The position is the same in the case of the surf life-saving clubs; and so I think the Government should give attention to finding a satisfactory and equitable way of raising funds for this purpose. The method of raising funds for the volunteer surf life-saving

clubs would parallel that of the volunteer fire brigades, if those clubs had the right to demand £1 from each grocer's shop in the locality concerned. The provision to which I object is contained in (d) and the first two lines of (e); which necessitate the removal of Regulation 12, under our Standing Orders. If this anomaly is corrected the whole thing should be able to work with equity and fairness throughout the State. I would suggest that where there are still volunteer fire brigades established, the owners of picture theatres or other shows could elect to use their own employees or call upon a fire guard from the volunteer fire brigade if they so desire. Those are the reasons why I have moved that this particular regulation should be disallowed

On motion by the Minister for Railways, debate adjourned

FIRE BRIGADES ACT.

Disallowance of Regulations.

THE HON. G. C. MacKINNON (South-West) [2.52]: I move—

> That regulations made under the Fire Brigades Act, 1942-1951, as published in the "Government Gazette" on the 20th November, 1957, and laid on the Table of the House on the 26th November, 1957, be and are hereby disallowed.

I do not wish to speak to this motion, for the reasons I have already given. All I desired to do was formally to move the motion.

On motion by the Minister for Railways, debate adjourned.

LOCAL COURTS ACT AMENDMENT BILL.

Introduced by the Hon. E. M. Heenan and read a first time.

LICENSED SURVEYORS ACT AMENDMENT BILL.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [2.54] in moving the second reading said: This Bill seeks to effect a very small amendment. The parent Act, which was assented to in 1909, controls the practice of licensed and registered land surveyors. Following a special resolution passed unanimously at the Conference of Reciprocating Surveyors' Boards of Australia and New Zealand, in Sydney, in December, 1954, a reciprocal agreement has now been reached between these boards and the Land Surveying Division of the Royal Institute of Chartered Surveyors, London, whereby licensed surveyors registered with any of the Australian boards or with the New Zealand Board, and subect to certain requirements, may be admitted to professional membership of the Land Surveying Division of the Royal Institute of Chartered Surveyors and vice versa. On the 7th August, 1957, the recess committee advised that the reciprocal arrangement was in force.

Section 10 of the principal Act provides that the Western Australian Land Surveyors' Licensing Board may enter into reciprocal agreements with the surveyors' boards or other competent authorities of any State, colony or dominion. All such agreements may contain conditions stating that the persons applying shall furnish additional evidence of character and competency. This provision, however, does not include the United Kingdom or Great Britain in reciprocal arrangements, and the Crown Law Department has advised that though the agreement concluded is in order as an agreement, an amendment to the Act is necessary to enable the Western Australian Board legally to conclude the agreement. This Bill, therefore, is designed for this purpose.

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

LEGAL PRACTITIONERS ACT AMENDMENT BILL.

Second Reading.

THE HON. E. M. HEENAN (North-East) [2.56] in moving the second reading said: The reference to "other purposes," in the long title of the Bill, is there because the Bill affects the control of the Law Library, under Section 4 of the Law and Parliamentary Library Act, 1889, and I will deal with this first.

The Law Library was originally part of the library established under the Law and Parliamentary Library Act, 1873, and was placed under the control of a committee consisting of the Chief Justice, the Attorney General, and an elected member of the Legislative Council. The composition of the committee was slightly varied by amending Acts passed in 1881 and 1885.

Under the Law and Parliamentary Library Act, the committee was required to divide the books in the library into two classes—law books and books for the Legislative Council—and to deliver the law books to the judges of the Supreme Court. The judges, in turn, were required to combine such books with another library already existing in "The Court House of the Supreme Court," to form a consolidated library to be called "The Law Library."

On completion of its task, the committee was to go out of existence. The last minute in the committee's minute book shows that this task ended on the 22nd April, 1890. Since that date, and up until 1898, there are no records of the control of the Law

Library. Subsequently, it appears that the Barristers' Board controlled and managed the Law Library.

A board minute of 1901 discloses an instruction to the secretary of the board to increase the existing insurance policy on the Law Library from £1,000 to £2,000, and for that purpose to take out an additional policy for £1,000 and to have both policies endorsed with the name of the board. It is believed that the board continued to exercise exclusive control and management of the library, and it has in fact done so for very many years. In recent years the board has been spending an average of about £800 annually for the purposes of the Law Library, and for several years the insurance of the library has stood at £50,000. However, since the 1889 Act vests the control of the library in the judges, the present board is doubtful as to its legal standing, in regard to both the control of the library and to any claim it may wish to make under its insurance policy.

The Bill will regularise the position which has obtained for about 60 years, by enabling the board to make rules for the control and use of the library. The Bill will also remove doubts as to whether or not the board has a proper insurable interest in the library, by vesting in the board the books, furniture, pictures, etc., in the Law Library.

Another clause in the Bill is designed to benefit law students and the university. At present law students, who complete their examinations at the university, are not entitled to commence their two years' articles of clerkship until they actually graduate. The graduation ceremony is normally held in the March following the passing of examinations in the December of any year.

However, in order to avoid the delay of some three months, between the passing of the examinations and the conferring of the degree, the university has adopted the practice of conferring degress upon law students immediately after they have passed their examinations in December. This has enabled students to obtain registration of articles with the Barristers' Board in December, and thus to be admitted as legal practitioners at the December sittings of the Full Court of the Supreme Court, two years after the registration of the articles; otherwise they would have to wait until the court sittings in the following March.

The university, however, would much prefer law students to receive their degrees at the graduation ceremony in March of the year following the passing of the examinations, together with all other students who graduated in the various categories.

The Bill, if passed, will enable the Barristers' Board to accept the registration of articles as at present, provided that the student in fact receives his degree within six months of entering upon his articles.

The request for the amendment originated from the university and has been supported by the Barristers' Board. The amendment in fact approves the existing practice, but enables law students to receive their degrees at the graduation ceremony in March; that is, the public graduation ceremony in that month, instead of having it conferred in a more or less minor way in December.

The third provision in the Bill originated from a request by the Law Students' Association. Under existing law, the students are required to pay 30 guineas to the Barristers' Board on their admission to the bar; which admission, amongst other privileges, entitles them to the use of the Law Library. In most cases, however, an articled clerk, at the time of his admission, is unable to afford the fee. Generally he is forced to borrow the money from his parents, who have supported him for six years prior to his admission. There are also other expenses which a newly admitted practitioner has to face.

The Barristers' Board, in order to facilitate the admission of new practitioners who have the necessary qualifications, is agreeable to the abolition of the admission fee, provided this will apply only to our own students.

The relevant clause in the Bill effects this abolition, but anybody coming, say, from another State, will, under the amendment, still have to pay the 30 guineas admission fee; and so will a practitioner who is struck off the roll and who subsequently applies for readmission.

Another amendment proposes to enable practitioners who have been struck off the roll, or suspended from practice, to become employed by practising practitioners, with the consent of and subject to conditions approved by the Barristers' Board. The parent Act at present requires that no certificated practitioner should in any manner employ or engage or permit or suffer to be employed or engaged in or about his office or affairs, any person who has been or should hereafter be struck off the roll of the Supreme Court, or suspended from practice, until such person is readmitted, or such suspension is removed.

It will be seen that the paragraph operates as a complete prohibition against the employment of a disbarred practitioner. In the view of the Barristers' Board, this operates too harshly in certain circumstances. For instance, a disbarred practitioner might rehabilitate himself after a while and wish to engage in employment in the office of a practising solicitor, because he is not really suited for employment otherwise.

The obvious object of the existing paragraph in the Act is to protect the public and the legal profession; but the board

feels that, by imposing safeguards, there would be no departure from this principle. It is therefore provided that the written consent of the board must be obtained, before a certificated practitioner can employ any person who has been struck off the roll and who has not been readmitted, or who is suspended from practice under the Act. The board is also empowered to impose conditions of employment. This provision is similar to that in the English Act.

The Barristers' Board considers that the English provision is more humane than is our local provision and yet provides adequate safeguards for the public and for the profession. It is understood that the Chief Justice approves in principle of the proposed amendment.

The final amendment in the Bill increases the maximum penalty, provided for a breach of the Act, from £20 to £50. This is in keeping with present-day money values. I move—

That the Bill be now read a second time.

On motion by the Hon. G. C. MacKinnon, debate adjourned.

PLANT DISEASES ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. F. D. WILLMOTT (South-West) [3.9]: This is only a small Bill, which seeks to amend Section 8 of the Plant Diseases Act. All it seeks to do is to allow, under Section 8, which deals with the registration fees of orchards, the registration fee to be paid for a period of five years, if so desired by the person seeking the registration. The idea behind it, of course, is to lessen the work in the department. For the sake of a 2s. registration fee they have to send out notices to the effect that the registration fee is due, and so on.

The Hon. H. K. Watson: I would say the Bill is about five years overdue.

The Hon. F. D. WILLMOTT: Yes, I would agree to that. In fact, I think that other amendments should be made to this self-same section; because the money which is collected from registration fees—as members no doubt know—is used for the control of fruit-fly. The proceeds go into the fruit-fly eradication fund, for the use of the Fruit Fly Control Board.

During my Address-in-reply speech I had a good deal to say in regard to the control of fruit-fly, and only yesterday the Minister made some comments in regard to what I had said—or rather, I should say, the Minister read some comments; I do not think they were the Minister's own, but were no doubt prepared by some departmental official. I am afraid that I cannot agree with some of those comments, one of which was to the effect that figures I had quoted in regard to the condemnation of fly-infested fruit were not soundly based. I do not agree with that, because I used those figures only to demonstrate how quickly the build-up of the fruit-fly infestation can come about and they say, at the department, that such a build up has occurred before. I know it has, but that does not alter the fact that it does demonstrate just how quick the build-up can be. I followed on this with these words:—

Obviously fruit-fly infestation is in-increasing—

The PRESIDENT: Is the hon. member reading from a debate which has occurred previously this session?

The Hon. F. D. WILLMOTT: It is from my own speech, Sir.

The PRESIDENT: The hon. member cannot quote from a speech made during the present session.

The Hon. F. D. WILLMOTT: Very well, Sir. I need not quote, because I know what I said. I followed on to say that this build-up could be increased very greatly if we had two or three years of favourable seasons. I am not trying to prophesy that we are going to have two or three favourable seasons; but it is possible, and the build-up of fruit-fly would be such that it would be a grave danger to our fruit export industry. So that, to say that the inference I drew from those figures was not soundly based, is contrary to what I believe.

Hon. members will, no doubt, remember that I advocated a steep increase in the fee that we are dealing with now, which is at present only 2s., and the department alleged that my idea of increasing the fee for the non-commercial grower to £1 for registration would be too severe on householders—or backyard orchardists, if you like to call them that—completely overlooking the fact that I, at the same time, advocated that the responsibility of control should be put in the hands of the department, rather than left in the hands of the owner of the tree. This was the whole basis of my idea for the increase and it has been completely disregarded by the department. I still think that if we are going to get any sort of reasonable control over backyard orchards, the matter will have to be put in the hands of the department.

As I have said before, it is not every householder who is interested in the eradication, or control of the fruit-fly. Some are, but many are not. I say again, that I cannot agree that the proposed increase is too steep, when it is considered that the department would be asked to take over the complete responsibility. The Minister for Agriculture has himself said that eradication of this pest is the ultimate goal, but I fail to see how this will be achieved, in view of the present meagre sum which

is collected from the registration fees. I repeat what I have said before and that is: That I consider that the small amount of money—or the comparatively small amount—being spent at present, is being poured down the drain and not achieving anything; not even control, let alone eradication. Therefore I cannot agree with the department's attitude.

The department also said that South Australia had spent a considerable amount of money—more than I quoted. That may be so. I think quite possibly it is so. It also had something to say about the matter of reinfestation. I said, in my speech, that South Australia had been subject to reinfestation, but I also pointed out the advantageous position this State is in, by virtue of its isolation. I do not think that this statement of mine is wrong. I still feel we are in an advantageous position as regards reinfestation, if fruit-fly were eradicated in this State.

I did not claim that the scheme I outlined was 100 per cent. right. Perhaps alterations to it would be necessary, but I think the scheme in general was soundly based; and if we intend to do anything worth while, such a scheme will have to be inaugurated sooner or later in this State. I do hope the Government and the growers of this State will give serious consideration to this idea, before it is poohpoohed and thrown aside. I can only deplore the fact that when hon. members come forward with suggestions, they are often just pooh-poohed by the department concerned. That was evidenced yesterday in the replies that the Minister read out in answer to suggestions made by hon. members in this House.

It would appear that suggestions made here are taken by the department as criticisms. This is not necessarily so. These suggestions are not meant to criticise the department. In regard to fruit-fly control; I consider the department has done a very good job, with the limited resources that have been available to it, but I feel that it could do a far better job if more money was made available, and my suggestion was a means of getting that money without the Government having to pay it all, as so often occurs. Therefore I feel that suggestions such as these should be better received by the department and given a little more thought before being ignored as unworthy of consideration.

In fact I feel sorely tempted to move an amendment to this section, which deals with the amount of money to be paid as a registration fee. However, I feel that this matter will be raised again and although there are views different to mine on the subject, I trust that consideration will be given to it. I do not think I need to delay the House any longer on this measure. I support the second reading and I ask hon. members to do the same; although I think that further amendments could have been made to this Act.

THE HON. R. C. MATTISKE (Metropolitan) [3.20]: I rise to support the measure because, like the hon. Mr. Watson, who, by interjection, stated that the Bill is well overdue, I feel that something might have been done prior to this; however, I am glad that action is now being taken.

There is one particular aspect to which I would like to refer—a matter mentioned by the hon. Mr. Willmott, in his speech, when he said that he thought the fees should be increased to an extent which would enable the department to have sufficient funds to fight an all-out war against fruit-fly. During the Address-in-reply debate, certain hon. members raised this question, and it was mentioned that in some cases drastic action should be taken, such as the complete destruction of trees within a certain area. Although that remedy was successful in South Australia, conditions there were very different in that the area affected at that time in South Australia was very small, compared with the area of infestation in this State. I do not think that is the answer to our problem.

I believe that there are many people in the metropolitan area, in the outer suburban areas and in the country, who have fruit trees which are reasonably clean, even though they are within a district that is generally infested; and this is because the owners of those trees take all precautions to keep the fly down. People who value their trees, and who value the fruit that they get from them, are entitled to consideration. On the other hand, there are many who pay their 2s. registration fee each year and then completely disregard the fruit-fly menace, and do not take the precautions which are laid down in the Plant Diseases Act. People like that are the real menace and, if they are to continue to have fruit trees in their backyards, they should be made to pay a fee sufficient to enable someone to look after their fruit trees properly. If a fruit tree is worth having, it is worth a fee of something in the vicinity of £1 a year.

The payment of such a fee, instead of the annual registration fee of 2s., would enable the department to carry out proper control of fly, such as the necessary baiting, spraying and so on. The department could well assume that responsibility, and make sure that all trees were properly treated. Together with other hon. members, I hope something will be done in that direction, because in my opinion that is the answer to the control of fruit-fly, rather than to have all backyard trees destroyed.

THE HON. A. F. GRIFFITH (Suburban) [3.24]: I should like to make one or two brief comments about this matter, arising out of the suggestions that have been put forward by the hon. Mr. Willmott. I look

at the position from the point of view of a suburban dweller, and also in the interests of the State. It would be a shocking thing if fruit-fly developed to such an extent that it became as big a menace as the Argentine ant was in the metropolitan area a few years ago. In that case the Government was obliged to take over the financing, at a very high cost, of an Argentine ant eradication programme.

In his speech on the Address-in-reply last night, the Minister mentioned something about the very high cost that would be involved in a programme of this nature. He said that Western Australia's programme should not be one of eradication, so much as one of control.

Looking at it from a householder's point of view, this is what takes place: I am an average individual, who has a couple of fruit trees in his garden. I am obliged to pay a registration fee of 2s. each year, which, being just an average sort of person, I forget to pay, with monotonous regularity, until someone finally reminds me. Then I am obliged to go to the shop and buy one of those patents that are put on the market, in an attempt to eradicate or control the fly that gets into the fruit on my trees. I carry out, to the best of my ability, the necessary work and I spray every five or six days, as is required.

The spray that I buy to apply to the trees cost me pounds and the amount of energy I put into the work, measured in terms of money, also costs me pounds; and I finish up having to destroy the fruit, because I have not been successful in my attempt to get rid of the fly. I suppose every hon. member in this House, if he examines his own position, will find that the same thing happens to him—although I hope it does not.

I think the hon. Mr. Willmott's suggestion is a very good one; I would be quite prepared to pay the sum of £1, or even £2 a year, if I knew that officers of the department were carrying out a programme of fruit-fly eradication and that my trees would be sprayed regularly. Firstly I would be relieved of the job of trying to keep down fruit-fly—that would be done for me by men who knew what they were doing—and the work would be done more cheaply. In addition, I would probably get some fruit from my trees, whereas I get nothing at present. If I did not feel inclined to pay a registration fee of £1, I could pull my trees out.

At present, no matter how hard I may try to keep down the incidence of fruit-fly—or my next door neighbour tries—if either one of us is careless and does not carry out the necessary baiting and spraying, the fly is liable to spread. In my opinion eradication or control must be carried out on an overall basis throughout the metropolitan area. The suggestion that has been put forward should not be glossed over. The Minister should ask the Minister who is in charge of the appropriate department to have the suggestion investigated and, if necessary, I would like the hon. Mr. Willmott to go on with his proposition of amending the legislation to cover that aspect. However, I suppose, Mr. President, you might rule it out of order, because you would regard it as a charge on the Crown.

The menace of fruit-fly is becoming increasingly important and a registration fee of 2s. from every orchardist, backyard or commercial, is not nearly sufficient to enable the department to employ sufficient inspectors, who are most conscientious at their work, to travel around the metropolitan area inspecting trees. The amount received from these fees would not even cover administration costs. I realise that the purpose of this Bill is to allow people to pay their fees every five years, instead of each year; but I still do not think that is the answer to the problem. I am of the opinion that the answer lies in having somebody in authority carrying out the work of eradication, rather than leaving it to the average householder. to do.

On motion by the Hon. J. M. Thomson, debate adjourned.

BROKEN HILL PROPRIETARY STEEL INDUSTRY ACT AMENDMENT BILL.

Received from the Assembly and read a first time.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL.

Second Reading.

THE HON. G. E. JEFFERY (Suburban) [3.31] in moving the second reading said: Owing to various amendments made during the debate on the Housing Loan Guarantee Bill last session, Section 7, Subsection (4), became mutilated, and part of paragraph (a) was deleted; paragraphs (b) and (c) were re-designated (a) and (b). The intention of the original paragraph (c) was to limit the interest rate on second mortgages to that of the first mortgage, as it was considered there was no greater risk where the loan on second mortgage was guaranteed.

However, with some first mortgages, such as war service home loans, where the interest is 3¾ per cent., it is unlikely that a second mortgage could be obtained at the same rate. It is therefore desirable that discretionary power be given to the Minister to approve of a higher rate of interest in these cases. The Bill gives effect to the original intentions of this paragraph and the legislation as passed last session. I move—

That the Bill be now read a second time.

THE HON. H. K. WATSON (Metropolitan) [3.35]: As the hon. Mr. Jeffery has explained, when the Housing Loan Guarantee Bill was before the House last session, it was decided that loans which could be guaranteed should extend to second mortgages, as well as to first mortgages, subject to the condition that the interest rate on the second mortgage should not exceed the rate of interest payable on the first mortgage.

Upon reflection, the Government apparently decided that such a condition would be too onerous, and therefore it was felt that a provision should be inserted, to the effect that the interest on the second mortgage could be higher than the interest on the first mortgage, subject to the Minister's consent. It so happened that the words, "subject to the Minister's consent," were inserted in the wrong paragraph of the relevant clause. It has been said that even Homer sometimes nods, and it would appear that this House of Review, last year, did not live up to its usual reputation. In extenuation we can only say that the amendment was moved by the Chief Secretary, presumably with the assistance of his legal advisers.

Question put and passed.

Bill read a second time.

In Committee.

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

STATE HOUSING ACT AMENDMENT BILL.

Second Reading.

THE HON. G. E. JEFFERY (Suburban) [3.31] in moving the second reading said: Section 60A of the State Housing Act, 1946-56, was inserted in 1956, to allow the commission to grant second mortgage assistance to eligible applicants who desire to erect their own homes, but find difficulty in raising the difference between the first mortgage advance and the capital cost. By strict interpretation of the section, the commission is precluded from granting second mortgage assistance to those who, by using their own funds, have commenced to build their own homes.

A restriction on those who were willing to help themselves, but could not do so, particularly through circumstances beyond their control, was never intended. Therefore this section is sought to be amended, to give the commission power to assist this class of eligible applicant. It is also considered by the commission that second mortgage assistance should be extended to those individuals who have encountered some unforeseen financial difficulty, after making arrangements for the purchase of an individual home.

Therefore the amendment incorporates a clause empowering the commission to assist this class of genuine applicant, who is purchasing, or desires to purchase, a dwelling which has not been occupied since its completion, or which, if it has been occupied, has not been occupied for more than six months, and then only by the applicant and his dependants. I move—

That the Bill be now read a second time.

On motion by the Hon. H. K. Watson, debate adjourned.

RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS ACT AMENDMENT BILL.

Second Reading.

THE HON. R. F. HUTCHISON (Suburban) [3.40] in moving the second reading said: This is a small Bill to amend the Reciprocal Enforcement of Maintenance Orders Act. The object of the principal Act, which came into force in 1921, is to facilitate the enforcement of maintenance orders made in other parts of Her Majesty's Dominions and Protectorates. The other Dominions and most Protectorates possess reciprocal legislation enabling them to enforce Western Australian orders. Now that India and Pakistan are no longer part of the Queen's Dominions, maintenance orders made in those countries cannot be enforced here. If the parent Act is amended to provide this reciprocity, the Indian and Pakistani authorities are prepared to enforce Western Australian maintenance orders against husbands who are now living in those countries.

A particular case is a Western Australian jockey, who is earning large sums in India, and who left his wife destitute in Western Australia. Similar circumstances will obtain when other parts of the Queen's Dominions, such as Ceylon, Singapore, the Malay Federation and South Africa, obtain independence. To meet this situation, the Bill proposes to extend reciprocity not only to other parts of the Queen's Dominions, as now provided in the parent Act, but also to other countries.

I understand that Victoria and other States have come into line with this amendment. Therefore, I do not think there will be any objection by hon. members to this Bill. I move—

That the Bill be now read a second time.

On motion by the Hon. J. M. Thomson, debate adjourned.

CONSTITUTION ACTS AMENDMENT BILL.

Second Reading.

THE HON. H. C. STRICKLAND (Minister for Railways—North) [3.42] in moving the second reading said: Section 41A

of the principal Act provides that a member of Parliament, appointed to a Select Committee or a Royal Commission, may receive travelling expenses, without the risk of losing his seat on the ground of accepting an office of profit under the Crown. As hon. members will be aware, the rate of travelling expenses payable is fixed by regulation. From time to time, the position arises, however, where members are selected to represent the Parliament of Western Australia, but cannot be reimbursed their travelling expenses because the circumstances are not covered by Section 41A. A member in such cases cannot accept the payment of expenses except at his own risk.

Examples of this are—visits of members of Parliament to Commonwealth Parliamentary conferences in other parts of Australia or overseas; visits of members of Parliament to the Civil Defence Training School at Macedon, Victoria; and the visit of the Speaker of the Western Australian Parliament to the Centenary Celebrations of Responsible Government in South Australia. It is felt that in instances of this nature, the member concerned is legitimately entitled to the payment of expenses.

This Bill proposes to include in Section 41A provision for expenses to be paid to a member who is approved by the Governor as a representative of either House of Parliament, or of the Commonwealth Parliamentary Association. The amount of the expenses will continue to be fixed by regulation.

Hon. members are well aware of the circumstances which I have just related, and I am sure that very little consideration will be required for the House to recognise the need for an amendment of this nature. I move—

That the Bill be now read a second time.

THE HON. A. F. GRIFFITH (Suburban) [3.44]: I do not see any reason why the House should delay consideration of a measure such as this. The explanation given by the Minister was indeed a simple one. The examples he gave us involved members, Speakers and Presidents, who were obliged to pay their own expenses whilst away in other parts representing Western Australia. It is quite legitimate that reimbursements should be made to hon. members in these circumstances.

I am a great advocate of members of Parliament visiting other parts of the world, other parts of the country and, for that matter, travelling as much as they can, in order to gain the experience and education which comes from travel. It it quite foolish to think that hon. members can deliberate upon things which affect their own country, without knowledge of what is going on in other parts of the world.

I would like to see Governments set aside a certain sum of money each year to make it possible for a limited number of members to visit various other parts of the world, in order that they might gain in experience and education.

This Bill goes a small way towards implementing that idea and will enable a member to receive a reimbursement of expenses. I have much pleasure in supporting the Bill.

THE HON. A. L. LOTON (South) [3.47]: I feel that the history leading up to the introduction of this Bill should be made available to hon. members. Early in 1957, Mr. Speaker and I were invited to attend the centenary celebrations of responsible government in South Australia. Unfortunately I was not able to accept the invitation, but Mr. Speaker did. Two years previously he and I participated in a tour of New South Wales, also at the invitation of the New South Wales Government at that time. Mr. Speaker said that the time was now opportune for him, as representative of the Parliament, in another place, and the President, as representative —if I had gone—of the members of this Chamber, to be entitled to receive out-of-pocket expenses, particularly as Ministers attending these functions had their expenses met by the Treasury.

He wrote to the Premier (the Hon. A. R. G. Hawke) in that strain, asking if he would give consideration to the meeting of out-of-pocket expenses. The hon. the Premier replied that he would refer the matter to the Crown Law Department. A ruling was received from the Solicitor General as follows:—

> If, before the Hon. Speaker had incurred the expenses to which he refers, the Government had agreed to meet his request and to pay the whole or part of those expenses, then the agreement, if it had any effect at all, would probably have been an "agreement" within the meaning of s. 34 of the 'Constitution Acts Amendment Act, 1899, and the seat of the Hon. Speaker would have been void. If, however, the expenses are or have been incurred without any promise, express or implied, that the Government will reimburse them in whole or in part, then, in my opinion, there being no contract, agreement, commission or office of profit involved, if the Government should subsequently make any such reimbursement ex gratia, there would be no infringement of the said Act.
>
> 2. However, there is no statutory authority for making reimbursement of such expenses, and the approval of Parliament therefore is accordingly necessary. If the reimbursement is made before that approval is given, it may have the appearance of being

made pursuant to a contract or agreement, instead of being made ex gratia. The safer course (and the one contemplated by s. 72 of the Constituton Act, 1889) is therefore to obtain Parliament's sanction before the reimbursement is made.

When Mr. Speaker discussed the matter with me, a query immediately arose in my mind as to what would be the position of members who had attended Empire Parliamentary conferences or interstate conferences of the Commonwealth Parliamentary Association. I therefore wrote to the Hon. the Premier in these terms—

12th June, 1957.

The Hon. the Premier,
Premier's Department,
Perth.

Dear Sir,

Payment of Expenses to Members of Parliament.

I refer to the minute of 3rd May, from the Solicitor General, forwarded to the Hon. the Speaker, by the Under Secretary, Premier's Department, on 9th May, 1957.

In the opinion of the Solicitor General, the payment of expenses to Mr. Speaker in connection with his recent official visit to South Australia would have constituted an "agreement" under Section 34 of the Constitution Acts Amendment Act, 1899, and Mr. Speaker's seat would, in consequence, have been void.

This immediately raises in my mind the question of the payment of expenses to members in connection with tours, arranged by the Commonwealth Parliamentary Association. You will recall that when members have been proceeding on these tours you have approved, at the request of the Committee, of an out-of-pocket allowance being paid.

I have discussed these two matters with the Solicitor General, and I feel that there is a need for detailed legal examination, to ascertain whether members receiving such expenses are infringing Section 34 of the Constitution Acts Amendment Act, 1899, or the provisions of the Members of Parliament, Reimbursement of Expenses Act, 1953, which specifies a maximum amount that a member may receive as expenses in connection with his parliamentary duties.

Could I ask you therefore to have these inquiries made; and if it is considered necessary, to have legislation introduced to validate payments already made, and to provide for future occasions?

Yours faithfully,

A. L. Loton,
President.

That is the story, and I am pleased that the hon. the Premier has now brought down this legislation. I have pleasure in supporting the Bill.

THE HON. G. BENNETTS (South-East) [3.52]: I have heard the hon. Mr. Loton refer to the Speaker and himself having been invited by the Speaker in another State to visit the House of Parliament in that State, in connection with some official matter, and I agree with the payment of expenses in such circumstances, or in connection with any conference that might take place; but I wonder what this Bill might lead to if an individual private member received an invitation to visit some other State. Would this measure be the means of giving him out of pocket expenses while on that visit?

The Hon. A. F. Griffith: You cannot go away on the cheap.

The Hon. G. BENNETTS: I do not want to. I go all over the Commonwealth, practically every year.

The Hon. E. M. Heenan: This might cover you.

The Hon. G. BENNETTS: I neither need nor want it; I am looking after the interests of the State. However, I feel that when members have to travel interstate to attend conferences or other official business, some payment is necessary. Members know that when they travel in country areas in company with public servants, those public servants are paid their expenses, while members of Parliament are not. I support the Bill.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [3.55]: The Bill proposes to enable the Governor to approve of payment of expenses to a member who is representing either House of Parliament or the Commonwealth Parliamentary Association, on the business of either House or of that association.

Question put.

The PRESIDENT: I have assured myself that there is more than a constitutional majority of members present and voting in favour of the motion. I therefore declare the question carried in the affirmative.

Question thus passed.

Bill read a second time.

In Committee.

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

House adjourned at 3.57 p.m.