include the proposed scale. We have increased fines in the Police Act from $100 to $1 000, which is a public acknowledgment of the fact that we are $900 behind and that represents many years of inefficiency. Simplicity is the key to my amendment.

Mr SKIDMORE: It seems to me to be evident from the presentation by the member for Mt. Hawthorn, that the sheer simplicity of what is proposed should be accepted, not only by those people who receive fees, but also by those who have to work out losses sustained by witnesses. I cannot accept the attitude of the Minister because the amendment will not create any problems. It will, in fact, create less work.

Mr O'Neil: The member forgets that this Bill covers witness fees paid by the Crown. He is moving into the field where witness fees are paid by other people. Does he want the Crown to supervise the whole area?

Mr SKIDMORE: Negotiation between parties, on the question of witness fees, is something which enters this area. The Minister said he was advised that the proposal set out in the amendment would not work. The amendment proposes that the exercise of working out fees will have to be done only once, instead of seven or eight times.

Mr O'Neil: My advisers tell me that witness fees for civil matters have never been set down. They are worked out by negotiation.

Mr SKIDMORE: I am not raising that point. The Minister said that his advisers considered the proposed amendment would create problems but I am suggesting the simplicity of the amendment will remove the problems. The matter of actual fees is a different argument.

The Minister challenged us, on this side, as being a party which has said that government should not be by regulation.

Mr O'Neil: I said that Opposition always criticise government by regulation.

Mr SKIDMORE: I agree that Oppositions generally do as the Minister has suggested. I accept the Minister's remarks that Oppositions claim government should not be by regulation, but that is drawing a long bow.

Mr O'Neil: I can, now that I am on this side.

Mr SKIDMORE: Surely the Minister does not suggest the proposed amendment will mean government by regulation. The amendment will establish by regulation, the fee to be paid to people, as distinct from government by regulation.

Mr O'Neil: I am talking about the principle.

Mr SKIDMORE: That is right. I think the Minister drew the long bow.

We are suggesting this amendment clears the way for the making up of income to people who lose money by virtue of being witnesses in certain courts. We say if loss is to be sustained the same loss should apply to all people. The sheer simplicity of the amendment proposed does away with the types of witnesses and ensures that witnesses in those other jurisdictions get the same amount by way of fee.

Mr O'Neil: Would your proposal mean the same percentage fee to everybody?

Mr SKIDMORE: No. The two types of witness—the professional and the ordinary witness—would be on different scales. I suggest the amendment will not be difficult to implement. I would have to agree this has never been done before, but surely we can be a little innovative and give justice to people with our innovations. That is what our amendment would do, and surely any Government would give consideration to it. Witnesses have sustained a tremendous loss because the fees have not been increased for a long time. I put this forward in a preliminary way with a view to suggesting the Minister accept the amendment.

Progress

Progress reported and leave given to sit again, on motion by Mr O'Neil (Minister for Works).

House adjourned at 6.04 p.m.

Legislative Council

Tuesday, the 9th September, 1975

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (11): ON NOTICE

1. EDUCATION

Schools Commission: Grants

The Hon. R. F. CLAUGHTON, to the Minister for Education:

(1) Would the Minister advise the grants allocated to this State from the Schools Commission in the following categories—

(a) general buildings;

(b) libraries—primary and secondary;

(c) disadvantaged schools; and

(d) special schools?

(2) Would the Minister further advise the amounts claimed in each category, and the final date by which all amounts must be claimed?

The Hon. G. C. MacKINNON replied:

(1) (a) Schedule 1.

Column 2: General Buildings —$8 419 000.

(b) Schedule 3.

Table 1: Libraries in Government Schools.

Column 2: Primary—$1 501 000.

Column 3: Secondary—$1 339 000.

Table 3: Library Training Courses and Related Replacement (all schools).

Column 2: Library Training (all systems)—$91 000.

Column 3: Teacher Replacement (all systems)—$242 000.

(c) Schedule 4. Grants for Disadvantaged Schools.

Column 2: Building Projects —$1 314 500.

Column 4: Recurrent Expenditure—$1 164 000.

(d) Schedule 5. Grants for Special Schools.

Table 1: Building Projects—$1 777 000.

Table 2:

Column 2: Recurrent Expenditure 1974 $361 000; 1975 $641 000—$1 002 000.

Table 3: Training Courses and Replacements.

Column 2: Special Education Training (all systems)—$89 000.

Column 3: Teacher Replacement (all systems)—$714 000.

(2)—

	Advances Claimed $
Schedule 1.	
Column 2	8 419 000
Schedule 3.	
Table 1:	
Column 2	1 257 571
Column 3	712 429
Schedule 3.	
Table 3:	
Column 2	76 000
Column 3	236 000
Schedule 4.	
Column 2	771 000
Column 4	1 068 000
Schedule 5.	
Table 1	1 530 000
Table 2:	
Column 2	796 000
Table 3:	
Column 2	67 000
Column 3	584 000

Final date to claim advances is 31st December 1975 but there is provision in the Act for capital funds on committed projects to be carried over.

2. EDUCATION

Television Equipment

The Hon. R. H. C. STUBBS, to the Minister for Education:

(1) How many schools in—

(a) the metropolitan area; and

(b) country areas;

have television sets?

(2) What criteria are used to assess the availability of television sets to schools?

(3) What is the method of financing the provision of television sets in schools?

The Hon. G. C. MacKINNON replied:

(1) (a) All.

(b) All country schools within 130 kilometres radius of a national television transmission station. Some country schools located outside the 130 kilometre radius zones but located in areas of good day time television reception are provided with a television set and antenna installation.

(2) Good day-time reception from a national television transmission station. Good reception is generally obtained within the 130 kilometre radius zones of the national transmitters.

New secondary and primary schools are provided with two and one monochromatic television set/s respectively.

(3) Monochromatic television sets and antennae installations are provided from Consolidated Revenue funds.

3. TRANSPORT

Bus Services

The Hon. LYLA ELLIOTT, to the Minister for Health representing the Minister for Transport:

(1) Why have the following reductions been made in the number of trips on the MTT Bus Route No. 268—

	Timetable dated 16th Feb. 1975	Timetable dated 10th Aug. 1975	Reduction
Weekdays	52	45	7
Saturday	47	38	9
Sunday	42	22	20
Public Holidays	47	28	19?

(2) Are similar cuts being made in MTT bus services on other routes?

(3) If so, which ones?

(4) As the reduction of any public transport services is against the best interests of both the public and the MTT employees, will the Minister take action to restore the services that have been deleted?

The Hon. N. E. BAXTER replied:

(1) Because of declining patronage resulting in new timetables being introduced.

Figures quoted for Sunday and Public Holidays should read:

	Timetable dated 16th Feb., 1975	Timetable dated 10th Aug., 1975	Reduction
Sunday	42	40	2
Public Holidays	47	47	—

(2) Yes.

(3) South Perth, Como, Shenton Park, Bayswater, Cloverdale and Redcliffe. Others are being planned.

(4) No M.T.T. employee has become surplus because of timetable adjustments. They have been absorbed in extensions into the newer areas.

4. FARM TRACTORS

Licenses

The Hon. H. W. GAYFER, to the Minister for Health representing the Minister for Police:

Further to the answer to my questions on the 27th August, 1975, concerning farm tractor licenses—

(1) (a) Why is it necessary to give size of farm when completing a "Declaration and Application to License a Farm Tractor or Tractor Plant" form; and

(b) what is the difference between a farmer and a farmer grazier as suggested by the reply to part (b) of question (1)?

(2) If a tractor driver has not the concessional license papers in his pocket or about his person when he drives the tractor across the road, down the road, or turns at the end of an orchard run—

(a) how long has he to produce those papers; and

(b) to where does he have to produce them?

The Hon. N. E. BAXTER replied:

(1) (a) This question was answered previously on Wednesday, 27th August, 1975. The expression "farming or grazing" occurs in Section 19, sub-section (15) of the Road Traffic Act 1974 as:

"The Authority shall issue a licence for a tractor, other than a prime mover, that is owned by a person carrying on the business of farming or grazing and that is used, or will during the currency of the licence be used, solely in connection with the owner's business of farming or grazing, on payment of a licence fee of four dollars per annum."

To ensure compliance with the Act a declaration is necessary which specifies that the vehicle will be used solely for the purpose for which the concession license is intended.

(b) Farmer—one who cultivates or tills the soil.

Grazier—one who feeds cattle for market. (Definitions from the Concise Oxford Dictionary.)

(2) (a) Within a reasonable time after demand.

(b) To a member of the Road Traffic Authority.

5. ROAD TRAFFIC AUTHORITY

Housing in Country

The Hon. R. H. C. STUBBS, to the Minister for Health representing the Minister for Traffic:

(1) Has the Road Traffic Authority requested any local authorities to use their borrowing powers to provide finance for housing in country areas for their staff or patrolmen?

(2) If so, what councils have been approached?

The Hon. N. E. BAXTER replied:

(1) No, but any offers of assistance of this nature are referred to the Government Employees' Housing Authority.

(2) Answered by (1).

6. ARTIFICIAL INSEMINATION

Sperm Imports

The Hon. C. R. ABBEY, to the Honorary Minister representing the Minister for Agriculture:

(1) Has the Minister seen the report in *The Sunday Times* dated the 31st August, 1975, that a German company has found a way around the Australian veterinary regulations, as the report states that

three of the company's bulls are now in the Irish Republic, which is not covered by the Australian ban?

(2) If this report is correct, is there any danger to Australian agriculture in this apparently undesirable way of dealing with animal sperm imports?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) If the report is correct, there is no danger to Australian agriculture in importing semen from this source. All cattle imported into the United Kingdom or the Irish Republic are rigorously screened prior to entry with respect to disease, and undergo a period of quarantine in the importing country. Before being eligible to provide semen for Australia, any bull must be resident in a licensed A.I. centre for six months. The entire country must be retrospectively free of bluetongue and foot and mouth disease. The bull must be free of all significant infectious agents as revealed by exhaustive tests and the semen must be held in storage for a further period of six months during which time the country must remain free of major exotic disease. Only then can the semen come into Australia.

7. LOCAL GOVERNMENT

Road Construction

The Hon. R. F. CLAUGHTON, to the Minister for Health representing the Minister for Transport:

(1) Do local authorities seeking financial assistance from the Australian Bureau of Roads make application through the Main Roads Department?

(2) Is this information collated by the Main Roads Department before forwarding to the Australian Bureau of Roads?

(3) (a) Are priorities within a local authority for road construction decided by that authority; or

(b) are these priorities finally determined by the Main Roads Department?

(4) What is the programme of works within the City of Stirling for which funds have been allocated by the Australian Bureau of Roads for the financial years—

(a) 1974-1975; and

(b) 1975-1976?

The Hon. N. E. BAXTER replied:

(1) and (2) The Commonwealth Bureau of Roads has no authority to grant financial assistance for roads.

(3) (a) and (b) Both the Federal and State Ministers for Transport, on the recommendation of the Main Roads Department, determine priority for road construction financed by Government grants. Priorities for other works are determined by the local authority.

(4) Although the Commonwealth Bureau of Roads does not provide funds, I will arrange for a copy of the approved programmes utilising Commonwealth funds derived from the Roads Grants Act for the City of Stirling to be supplied to the Member tomorrow.

8. LOCAL GOVERNMENT

Bush Fire Costs

The Hon. R. H. C. STUBBS, to the Honorary Minister representing the Minister for Local Government:

(1) What was the total cost to each of the shire councils servicing the Eyre Highway, Eastern and Northern Goldfields, in the recent disastrous bush fires that occurred?

(2) (a) How were these costs arrived at; and

(b) to whom were they due?

(3) How much was reimbursed to councils from Government and departmental sources?

(4) What was the total cost to the respective ratepayers of the councils?

The Hon. I. G. MEDCALF replied:

(1) Amounts which have been accepted as allowable bush fire expenditure under the State Government assistance scheme are as follows—

		$
Town of Kalgoorlie	....	1 136
Shire of Boulder	....	57 622
Shire of Dundas	....	6 947
Shire of Menzies	....	11 503
Shire of Leonora	....	9 622
Shire of Coolgardie	....	9 047
Shire of Wiluna	....	7 278
Shire of Laverton	....	3 984

The following expenditure is still under consideration—

		$
Shire of Boulder	....	8 928
Shire of Dundas	....	9 217
Shire of Laverton	....	103

(2) (a) and (b) Allowable expenditure includes direct wages, hire of council plant at Main Roads Department hire rates, amounts paid to contractors, etc., plus a loading of 12½% for general administrative overheads.

(3) The State assistance scheme is based on councils being recouped to the extent of two-thirds of their expenditures. The following grants have been paid under this scheme to the present time—

	$
Town of Kalgoorlie	757
Shire of Boulder	38 414
Shire of Dundas	4 631
Shire of Menzies	7 668
Shire of Leonora	6 415
Shire of Coolgardie	6 031
Shire of Wiluna	4 852
Shire of Laverton	2 656

In addition a special grant of $6 200 has been paid to the Shire of Boulder from the Local Authorities Assistance Fund.

(4) This information could be supplied only by the councils concerned.

9. PRE-PRIMARY CENTRE

Busselton

The Hon. R. F. CLAUGHTON, to the Minister for Education:

(1) What outside play equipment has been provided for the Busselton pre-primary centre?

(2) What further equipment is to be provided?

(3) (a) Is the Government providing funds for this purpose; and

(b) if so, what is the amount?

The Hon. G. C. MacKINNON replied:

(1) The outdoor play equipment provided at the West Busselton pre-primary centre includes—

pyramid trestle, gym set, assorted drums, ladder, motorcar tyres and tubes, rope, hessian, balls, outdoor blocks, plastic buckets and spades, rake, baskets and bins, water trolley, water trays, assorted plastic tubing, funnels, jugs, tins, brushes, bubble pipes and sieves, assorted wheel toys and wagons, carpentry bench, vice, tool rack and clamps, assorted hammers, saws, nails, bottle tops and scraps of timber.

(2) Further equipment will be provided as part of the development of the playground. Playground development and landscaping will include the planting of lawns and trees, provision of a sand pit, digging patch and swing frame. Wooden logs will also be provided for the "adventure playground".

(3) (a) Yes.

(b) $500.

10. TRADE

USSR

The Hon. R. F. CLAUGHTON, to the Minister for Education representing the Premier:

(1) What steps is the Government taking to encourage local businessmen to gain advantage from the favourable trade relationship built up by the Australian Government for expanding trade with the USSR?

(2) What action has the Government taken to ensure Western Australian primary producers share in the expanded export market for beef to the USSR?

The Hon. G. C. MacKINNON replied:

(1) The Government has always maintained a policy of encouraging local industry to take advantage of trading opportunities wherever markets are known to exist, and endeavours to ensure that the capabilities of Western Australian companies are taken into account when trade missions, displays, or trade contracts are entered into by the Commonwealth Government.

It is also pertinent to add that access to the USSR markets is not something new since the advent of the present Government in Canberra.

We carefully assess the areas of opportunity for Western Australian exports and recently reorganised the office of the Agent-General in London to assist in further penetration into the European market.

(2) When the recent contract between the Australian Meat Board, and PRODINTORG, the USSR buying agency, was announced, the board advised all meat exporters in Western Australia of the requirements of the contract, and all were given the opportunity to tender.

Western Australia obtained only a small portion of the orders because prices of Western Australian meat at that time were higher than those in other States.

To the best of my knowledge, no further contracts have been signed with the U.S.S.R.

The Department of Industrial Development maintains a close contact with the Commonwealth Department of Overseas Trade, and with commodity boards.

11. LOCAL GOVERNMENT

Rates and Charges: Report

The Hon. R. F. CLAUGHTON, to the Honorary Minister representing the Minister for Local Government:

(1) When is it expected that the report of the inquiry into local government rates and charges will be tabled in Parliament?

(2) (a) On what date did the inquiry commence; and

(b) on what date did the taking of evidence conclude?

The Hon. I. G. MEDCALF replied:

(1) Cabinet will consider the report in the near future, following an interdepartmental study of it. A decision will then be made about the date for tabling of the report.

(2) (a) 20th August, 1974.

(b) 25th March, 1975.

The report was presented to the Premier's Department on 12th August, 1975.

LEAVE OF ABSENCE

On motion by the Hon. V. J. Ferry, leave of absence for 12 consecutive sittings of the House granted to the Hon. R. J. L. Williams on the ground of Government business overseas.

BILLS (2): THIRD READING

1. Mineral Sands (Western Titanium) Agreement Bill.

2. Mineral Sands (Allied Eneabba) Agreement Bill.

Bills read a third time, on motions by the Hon. G. C. MacKinnon (Minister for Education), and passed.

STATE HOUSING DEATH BENEFIT SCHEME ACT AMENDMENT BILL

Third Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.53 p.m.]: I move—

That the Bill be now read a third time.

THE HON. S. J. DELLAR (Lower North) [4.54 p.m.]: In the second reading debate I asked the Minister to clarify certain points which related to the amount of benefits payable to children under this legislation. The Minister indicated he would give this information on the third reading.

THE HON. G. C. MacKINNON (South-West—Minister for Education) [4.55 p.m.]: I thank the honourable member for bringing this matter to my attention again. The answer I gave at the time was correct, and the notes prepared for the Minister for the introduction of the second reading should have shown the figure of $200. It was a case of an across-the-board transposition, and the "£" sign was used instead of the "$" sign.

Question put and passed.

Bill read a third time and passed.

CRIMINAL CODE AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Honorary Minister), and passed.

PHARMACY ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [4.56 p.m.]: I move—

That the Bill be now read a second time.

Some of the principal amendments in this Bill are the limitation of the sale of goods in pharmacies; the reference to the standard of qualifications relevant to the course of training now conducted in the State; the strengthening of control over ownership of pharmacies; limitation of the number of unqualified assistants to the number of qualified pharmacists in dispensaries; and the updating of certain penalties for offences. In addition the Bill contains a number of other amendments.

The Pharmacy Act came into being in 1964. Prior to that, and extending back to 1910, the regulation of the profession of pharmacy was coupled with the control of poisons.

In 1964 these functions were covered under separate legislation. The Pharmaceutical Council continued to regulate the pharmaceutical profession, but poisons control became a responsibility of the Public Health Department.

The prime need for legislation to regulate the practice of pharmacy, or of the chemist and druggist as he used to be called, is to ensure that the public is protected.

The pharmacist is a highly qualified person. His professional responsibility is high. He must be scrupulously accurate, and conform to a strict code of ethical conduct.

It is because of these facts that the Pharmaceutical Council has traditionally been armed with far reaching power to act as guardian over the practice of the profession generally and of the conduct of its members.

Since 1964 the council has had time to take stock of its position and to study the effects of its legislation and the changes to which the profession has been subjected.

There are something like 700 new drugs being placed on the market each year. Many of these have names so similar as to require the closest personal attention of a qualified pharmacist. Drugs with similar names can have very different characteristics and purposes.

No chemist shop exists solely on the filling of prescriptions and the sale of medical supplies. All combine their activities with trade in toiletries, cosmetics, and sundry lines which we have come to associate with retail chemists' establishments.

If it were not for these sidelines many districts would be without a local pharmacy as the practice of pharmacy alone would not provide a living.

In the average business a qualified pharmacist is able to provide these additional facilities without neglect of his professional responsibilities. These must, at all times, remain paramount, in the public interest.

It is unfortunately the case with the profession of pharmacy, as with other community groups, that one or two persons step out of line, to the embarrassment of the majority.

One of the major features of this Bill is to limit pharmacists to the range of activities which could be found in a pharmacy in the State at the 1st July, 1975.

This allows a very wide scope indeed, but the new provision would ensure that the profession of pharmacy is not relegated to a back corner of a department store masquerading as a pharmacy.

If this can be avoided I do not believe that any of us would like to see developed in Western Australia or in Australia what are termed drug houses in the United States of America, where anything goes at all in a pharmacy. We would not want to step down to that position in Australia, and certainly not in Western Australia.

It should be borne in mind that, with a very few exceptions, only a qualified pharmacist may own and operate a pharmacy. This protection of the pharmacist should be matched by a guarantee of protection for the public.

The exceptions to which I refer are some 10 shops registered under the Friendly Societies Act and a few companies which had been in business for many years. Each is required to appoint a qualified pharmacist to manage its establishment. Neither companies nor friendly societies are permitted to open additional premises. I will deal further with this subject when discussing the clauses concerned.

Other matters dealt with concern the standard of qualification for registration, with particular relevance to the fact that the course of training in this State is now conducted by the Institute of Technology, and the apprenticeship system has been terminated.

Some strengthening of control over the ownership of pharmacies is proposed. The present Act limits a pharmacist to an interest in not more than two pharmacies. The council seeks more detailed power to enforce this limitation.

A further proposed change is to limit the number of unqualified assistants who may be employed to the number of qualified pharmacists. At present each pharmacist is permitted two unqualified assistants. The council believes that under today's conditions one pharmacist cannot guarantee to give adequate supervision over the work of two assistants as well as give attention to his own duties. Prescription labels now contain information as to the name, strength, and dosage of a drug which was previously not required by law. This information must be checked by the pharmacist before the drug is delivered to the customer.

The opportunity has also been availed of to update certain penalties for offences which were fixed in 1964. I will now refer to the Bill in detail.

Clause 2: As certain regulations will require to be amended on the passage of this Bill, it is proposed that the date of operation be fixed by proclamation.

Clause 3: Paragraph (a), subparagraph (i) amends the reference to the new title of the Dental Act. Subparagraph (ii): Throughout the Act there are various references to the practice of pharmaceutical chemistry. Different expressions are used. A standard definition of "the practice of a pharmaceutical chemist" is proposed. The Bill provides for the adoption of this standardised expression in various sections which will be specified.

Paragraph (b) substitutes a new subsection (2) to section 5 of the Act. The existing subsection has become almost meaningless, and conflicts with the new definition of "the practice of a pharmaceutical chemist" to which I have made reference. Friendly Society Chemists are registered as friendly societies in the same way as are lodges such as the Oddfellows and others. They are, however, retail businesses without any of the trappings with which the term "friendly society" is customarily associated.

The new subsection specifies that the exceptional right which these businesses have been given to engage in retail pharmacy will not entitle the organisation to offer goods and services which a qualified owner would be prohibited from giving.

Clause 4 amends subsection (2) of section 12 of the Act. The purpose of the subsection is to deny for all time the right of a registered pharmacist to seek election to the Pharmaceutical Council if any one of several conditions apply to him.

The conditions are serious matters in the main. They include conviction for an indictable offence, infamous professional conduct, bankruptcy, or permanent incapacity to perform his duties. The Bill seeks no change in these conditions. The condition which it seeks to delete is that which makes the commission of any offence against the Act a life-time bar to election.

This means that a technical breach of the rules limiting advertising, or the display of a notice which did not conform to specifications, would for all time disqualify the pharmacist from council membership. The clause proposes that words which impose this limitation be deleted, and other words added so that only an offence which has resulted in the suspension of a license to practise or the striking off of a name from the register will disqualify a pharmacist from seeking membership of the council.

Clause 5: The maximum penalty for disobeying a summons to attend before the council is $100. The amendment seeks to increase this to $200.

Clause 6 proposes several changes to section 21 of the principal Act. This section is the one which sets down the conditions which must be met by anyone seeking to register with the council and to practise in Western Australia.

The first change is effected by subparagraphs (i) and (ii) of paragraph (a). The purpose is to require future graduates to qualify in first aid. Many incidents can and do happen in the life of a pharmacist which require him to deal with minor emergencies by giving first aid. The council recognises this and seeks to have training in first aid inserted in the Act as a compulsory subject.

Subparagraph (iii) relates subsection (1) (b) of the section to the next subsection, which is to be amended. Subparagraph (iv) acknowledges a recent and growing practice for pharmacy registration boards in other States and overseas to supply certificates of identity to pharmacists who move to other States and countries. These documents are now accepted along with original diplomas to establish eligibility for registration.

Subparagraph (v) seeks to add a new condition to the registration of pharmacists who have qualified outside the State. Such applicants will have to produce evidence showing that they have practised pharmacy for not less than one year in the area where they qualified, and also that they have worked under supervision within the State for a period of four weeks and gained a knowledge of the local law as applied to their profession.

There is a popular movement to advocate the admission of professional people from overseas to this country. The Pharmaceutical Council acknowledges the benefit which could be derived from an inflow of overseas graduates, but quite rightly wishes to ensure that an applicant is in good professional standing in the country he has left, and is competent to practise within our local laws.

Further amendments to section 21 involve subsections (2) and (3). Subsection (2) refers to persons who have qualified under the apprenticeship system, which terminated in 1968. The amendment removes words which have become redundant.

Subsection (3) makes it obligatory for a foreign graduate to produce a certificate that he has passed an examination in the English language at the local standards. In many cases this is unnecessary. The amendment would reserve the right of the council to ask for such a certificate if it felt this was warranted.

Clause 7: The wording of subsection (2) of section 22 requires the council to prescribe a fee for the issue of a certificate that a pharmacist is registered. It is not the current policy of the council to make a charge. It therefore seeks a variation in the provision so that its policy will be valid, but if in future a fee is required, one may be fixed.

Clause 8: In my introductory remarks I drew attention to the newly inserted definition of "the practice of a pharmaceutical chemist". Subsection (1) of section 23 has been redrafted to incorporate this expression and to remove the superfluous words in the first two lines of the section relating to the date of operation. It also makes good an omission in subsection (3) by providing that the currency of a registration of a pharmacy lapses if the registration is suspended. The existing provision provided only for cancellation.

Two further subsections are added. These are set out in the Bill as subsections (5) and (6), and subsection (5) is important. It relates to my earlier comment on the limitation placed on every pharmacist to an interest in no more than two pharmacies. The council proposes to police this provision very strictly. The amendment would strengthen its hand to achieve this.

Subsection (6) makes it clear that no public hospital pharmacy is required to register. It was never intended that this be so, but the matter needs to be clarified.

Clause 9: Section 25 of the Pharmacy Act concerns the publication of a list of registered pharmacists and proof of registration in legal proceedings. The council is required to publish a list in the *Government Gazette* in January of each year. As renewal of registration becomes due on the 1st January, there is insufficient time to prepare a complete updated list. The amendment as proposed in paragraph (a) of clause 9 would give the council an extra month to publish the list.

The Bill provides for the deletion of subsection (2) which requires that all courts accept the list as prima facie evidence of registration. As a list is published only once a year it quickly becomes inaccurate due to retirements, deaths, and new registrations. It also fails to disclose any name which has been struck off, or suspension imposed, since the date of publication.

Any need to evidence current registration would be catered for in subsection (3) in the proposed amended form. This would require any pharmacist seeking to establish his registration status to obtain a certificate from the registrar. Such a certificate would be a far more reliable document in legal proceedings.

Clause 10 seeks the repeal of section 28 of the Act which specifies that a pharmacist shall not be involved in the ownership of more than two pharmacies. The purpose of this limitation is to prevent the entry into this State of a chain store type, pressure selling operation which subverts professional ethics and the public safety to promote profits.

We are fortunate indeed to have preserved the position where the family chemist and the family doctor complement one another. The family chemist can and does play an important role in community health care. The point in repealing the section is to permit a far stricter provision to be substituted so that the council can insist on the full observance of the law as it was intended to apply. An example of the council's problem can be given in the case of a chemist who may own, or be a partner in, two pharmacies. The same man may own a shop in a prime position which he is able to lease to another pharmacist.

It has been possible under the present section 28 for a lease agreement to demand an escalating rental according to turnover, specify the suppliers from whom the lessee shall obtain supplies, or refer to the trading policy of the pharmacy. The council sees this as breaching the principle of limited ownership, and as being inimical to the best interests of the public and the profession. As some such leases may be current, the amendment provides that a period of five years should be allowed for these to expire.

Clause 11: Section 29 of the Act requires that the address of a registered pharmacist be entered in the register. As this information is readily available from the annual licence to practise, it is proposed that this requirement be deleted.

Clause 12 is complementary to the preceding clause and amends the reference in section 30 of the Act.

Clause 13: The powers of the council to deal with offences under the Act, and the manner in which proceedings are instituted, are set out in section 32 of the Act The section refers to offences committed by pharmacists and the consequences which they can suffer.

In earlier remarks I have pointed to the fact that certain friendly societies and companies are permitted to operate retail pharmacies. The managements of these establishments must employ a qualified pharmacist, but by virtue of their ownership are able, if they so desire, to do things or direct that things be done which would constitute an offence if done by a pharmacist. This is undesirable and unfair.

The Bill seeks to substitute a redrafted and expanded section dealing with offences and inquiries so that friendly societies and company managements could be made accountable for breaches, in the same manner as a pharmacist. Even with the amendment proposed, the friendly society or company would have an advantage as the proposal is that the maximum penalty in these cases would be a fine of $500. A pharmacist could suffer the much more severe penalty of having his name removed from the register and thereby lose the right to practise his profession.

This is the major change sought, but in relationship to offences by pharmacists it is proposed that the maximum term of suspension be extended from one year to three years, and the maximum fine be raised from $40 to $500. Lesser penalties, including censure, are provided for appropriate offences.

Clause 14 proposes a new section 32A which would empower the council to take immediate action in the public interest in an emergency situation. The situation could arise from a variety of causes. It may arise in relation to premises from disasters such as fire, storm damage, or a major breakdown in drainage in an area. In relation to a pharmacist it could result from a sudden onset of a mental disorder, or continued alcoholic intoxication after it has been dealt with by the council. The power sought is of a temporary nature with a limit of 21 days. It is expected that within this period the council or the owner should be able to overcome the cause of the problem.

Clause 15 inserts a new section 32B under which any party aggrieved by a decision of the council in exercise of its disciplinary powers may appeal to a judge of the Supreme Court.

Clause 16: As section 32 of the Act is amended by this Bill it is necessary to delete references to the previous numbering, and to specify that where a license is issued it has no validity during any time in which it has been suspended.

Clause 17: The Act provides in section 34, that a person whose name has been erased from the register shall not be employed in a pharmacy in any capacity.

The amendment extends this prohibition to cases where a pharmacist has his license cancelled or suspended.

Clause 18: The provisions under which the ownership of pharmacies is restricted

to pharmacists and certain friendly societies and companies are set out in section 36, which this clause seeks to amend.

The amendment appears somewhat lengthy, but most of it is concerned with the alteration of many references which are affected by the new definition of "the practice of a pharmaceutical chemist" which has already been explained. I will deal with those parts of the amendment which do not relate to the adjustment of wording.

Firstly, the penalty for conducting a business as a pharmacy when not authorised by the Act is increased from $200 to $1 000.

A new subsection (1a) is inserted to further strengthen the purpose of subsection (1) of section 36, and to further clarify the limitation placed on pharmacists to participation in not more than two shops.

Subparagraph (i) of paragraph (d) of section (2) is deleted. This is because the existing law permitted one or two private individuals who were not qualified pharmacists to continue to own pharmacies. These businesses have long since passed into the hands of qualified pharmacists.

A further subparagraph is added to paragraph (d). This is designated (iv) in the Bill. It clarifies the position of a qualified pharmacist who owns an interest in not more than two shops.

A person whose only interest is that of being an employee of a pharmacy, or who grants a bill of sale in relation to a pharmacy is protected from action under the new subsection (3).

Clause 19: Section 37 establishes an offence where an unqualified person describes himself as being so qualified, or where dispensing is carried on other than at a pharmacy.

The amendment would raise the maximum fine for such offences from $200 to $1 000.

Clause 20: As is provided in earlier clauses, the wording of section 38 is adjusted to the new definition of "the practice of a pharmaceutical chemist".

Opportunity has been taken to increase the penalties for breaches of this section. The offence for which a penalty would be imposed would be conducting a business without having a qualified pharmacist on the premises to provide service and supervision.

Clause 21 re-enacts section 39 in somewhat shortened form. It incorporates one most important change. Hitherto each qualified pharmacist has been entitled to employ two unqualified assistants.

The Pharmaceutical Council firmly believes that adequate professional supervision cannot be given with this ratio of qualified to unqualified persons.

The proliferation of drugs, many of which are highly dangerous if taken by the wrong person, or not in strict accordance with directions, has narrowed the safety margin between the consumer and the medicine which has been prescribed. Dispensing must be very closely controlled to exclude the possibility of errors. People's lives and health could be at stake.

I support the council in the proposal which this Bill contains to limit the number of unqualified assistants to a number which does not exceed the number of qualified pharmacists.

Clause 22: The amendment to section 40 relates solely to the penalty for selling drugs through automatic machines. The existing penalty is a maximum fine of $100. The proposal is that this be raised to $200.

Clause 23: In my opening comments on the Bill I made reference to the proliferation of goods and services which tend to appear in some pharmacies, and the danger of allowing this trend to continue to the point where a pharmacy became a relatively small sideline in a department store.

In discussing other sections of this measure reference has been made to the very high degree of protection which has been given to the pharmaceutical profession. It has no reason to fear competition from numbers of unqualified businesses which might put profit before safety and service. This is a very proper protection and I hope that it will continue. If it does not, the public will be exposed to danger, and the control of traffic in drugs may well get out of control.

The protection of the pharmacist who conducts his own business is coupled with a tacit understanding that he will remain a professional practitioner first and foremost.

If he wishes to sell electrical goods, furnishings or clothing he should devote his attention to those pursuits and leave his profession.

A pharmacist is expected to provide a fully supervised pharmaceutical service. If he has time for other activities, the Bill gives him reasonable scope.

The proposal is that a new section 40A be inserted. This section would draw a line at the 1st July, 1975. A pharmacist would be able to supply any goods and services which were supplied through pharmacies in the State before that date.

He would be prohibited from using his premises to open new lines of business. The future picture should be that pharmacies should continue to serve the public much as they do today.

In developing and remote areas there could be need to grant dispensation from this limitation. Every community needs a pharmacy. If the dispensing service alone is insufficient to guarantee a satisfactory return for effort and investment, this needs to be supplemented.

A pharmacist in such an area could receive approval to operate other services and supply goods not existing in pharmacies as at the 1st July, 1975.

The approval could be limited to specified additional services and goods and for a limited period. If a dispute arose as to whether this concession should be granted, the Minister would be empowered to settle the matter.

Clause 24: The proposed repeal and re-enactment of section 41 is purely to simplify and make clear a section which is at present complicated and unclear.

The section creates an offence for false entries in the register and the presentation of false verbal or written evidence of qualification.

Clause 25: The amendment in this clause concerns section 45 of the Act. The general penalty for offences against the Pharmacy Act, where no other penalty is specified, is a fine of $50 and a daily penalty of $5 for a continuing offence. The amendment proposes that the limits be raised respectively to $100 and $10.

Clause 26: As in several instances already dealt with it is necessary to adapt section 46 of the Act to comply with the new definition of "the practice of a pharmaceutical chemist". In this case it involves only the substitution of one word.

Clause 27 proposes several minor amendments to subsection (2) of section 47.

The section confers on the Governor power to make regulations required for the administration of the Act. The amendments contained in paragraphs (a) to (g) of clause 27 are explained as follows—

(a) Paragraph (c) of the subsection already authorises fees to be prescribed for several specified purposes. The council provides services which are not covered by this authority and asks that the Governor's powers be extended to cover these matters.

(b) This extends regulatory power to cover suspension of registrations. Power already exists in paragraph (i) to deal with cancellation of registrations.

(c) Paragraph (j) authorises the making of regulations concerning appeals against council 'decisions'. Under the amendments proposed in this Bill the council may issue 'determinations'. The amendment extends the regulatory power to such actions of the council.

(d) Paragraph (k) regulates proceedings of the council in hearing disciplinary matters under sections 32 and 33 of the Act. The insertion of a new section 32A requires that this be included.

(e) The word 'practice' is inserted in paragraph (n) in lieu of the word 'business' to conform to the new definition of the practice of pharmacy.

(f) The council may direct the inspection of pharmacies and their records to police the activities of pharmacists in registered pharmacies. The amendment now sought to paragraph (o) would extend the council's power to premises not registered wherein there is reason to believe offences against the Act are being committed.

(g) The final amendment relates to the penalty for a breach of the regulations. This is currently expressed in the old currency. The amendment corrects this without change in the maximum.

Finally, it should be appreciated that each of the changes which have been outlined in this Bill are brought forward at the request of the Pharmaceutical Council; a body which has served the State well for very many years.

I trust members will show confidence in the council by supporting the Bill.

Debate adjourned, on motion by the Hon. R. Thompson (Leader of the Opposition).

BUILDERS REGISTRATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 3rd September.

THE HON. R. F. CLAUGHTON (North Metropolitan) [5.26 p.m.]: The most that can be said about this Bill is that it is a half-hearted effort to patch up the Builders Registration Act. The Minister told us that the patchwork of different measures arose as a result of representations by various interested groups. The Bill does not really do much to advance or develop the building industry itself.

I would commence by reminding members that there is a recent study of the building industry in this State—that is, the report of the inquiry into the building industry in Western Australia 1973-74, undertaken by Charles Smith, QC—which deals with the detail and with the broad scope of the industry and makes a number of recommendations for improvement.

Among these recommendations is one which the Premier promised he would introduce—and he has since gone back on his word—a liens Act. There has been agitation for this legislation particularly by the Master Plumbers Association, but more recently by the Contractors Association.

There is no doubt that a number of the problems in the industry would be overcome if legislation of that nature were introduced. The legislation in South Australia does apparently work quite well, and

the adverse comments against the South Australian legislation by the Law Reform Commission are denied by people in the industry in that State.

So I would suggest and urge the Government to see that a liens Act is in fact introduced to improve the situation of the building industry in Western Australia.

The Hon. Clive Griffiths: That has nothing to do with this Bill.

The Hon. R. F. CLAUGHTON: I do not know whether Mr Griffiths has read the Bill, but it does set out to attempt action against some problems that have arisen in the industry; and I am suggesting that some of these problems could well be attended to by the introduction of a liens Act. That is the relationship it has to the legislation before us.

The Hon. Clive Griffiths: It is pretty broad.

The Hon. R. F. CLAUGHTON: Had the honourable member listened to my opening remarks he would have heard me say that the Bill is a very half-hearted effort to deal with the building industry.

The Hon. Clive Griffiths: If you speak up I could hear you. You keep mumbling away and I do not know what you are saying.

The Hon. R. F. CLAUGHTON: I am sorry the honourable member did not attend to his ears before coming to the House this evening.

The PRESIDENT: Order!

The Hon. R. F. CLAUGHTON: It is quite obvious that he did not attend to his ears or he would have heard the remarks I made.

The Hon. Clive Griffiths: I tell you I cannot hear you.

The Hon. N. E. Baxter: Nor can anybody else.

The Hon. R. F. CLAUGHTON: The Government recently announced it would make changes in the system of apprenticeship training. Again, this is a matter contained in the Smith report and is an important aspect in the general well-being of the industry, because we must have available sufficient well-trained people to do the work. If members care to check the figures in the Smith report they will find Western Australia has been dependent on tradesmen coming into this State rather than on tradesmen who are actually trained within the State, and this has been one of the most contentious areas of the industry for a considerable time. The number of apprentices being trained is extremely low and falls well short of the number demanded by the industry in order to fill its needs.

The Hon. N. E. Baxter: You can't bring that in under this legislation, though.

The Hon. R. F. CLAUGHTON: Unless we have registered builders who are performing their functions fully in the interests of the industry, obviously it will not be possible to secure the number of apprentices necessary to maintain the number of tradesmen required.

The Hon. N. E. Baxter: Where is that in the Bill?

The Hon. R. F. CLAUGHTON: I am suggesting that, for instance, the registration of people who have had only five years' experience in the industry as supervisors will not help much to secure the necessary number of apprentices.

The PRESIDENT: Order! I cannot see that apprenticeships have anything to do with this Bill.

The Hon. R. F. CLAUGHTON: I will relate my remarks to the legislation before us, Mr President. In his second reading speech the Minister informed us that the provisions of the Bill were brought about as a result of representations by the Builders Registration Board, the Commissioner of Consumer Affairs, the Master Builders Association, and the Housing Industry Association. He did not inform us clearly which parts of the Bill were the subject of representation by each organisation, and I have reason to believe that not a great deal of discussion actually took place with all of those groups regarding the contents of the measure before us.

For instance, I am surprised that the Builders Registration Board would agree with the provision which states that managers and supervisors with five years' experience should be entitled to registration. I should have thought the board would be very much against that sort of proposal. However, we have no evidence to tell us of the attitude of the board to the matter.

Also, there has been very little discussion with the building unions about the contents of this Bill. In fact, I would say no discussions have been held with the unions at all. The first they knew of these proposals was when the Bill was introduced in this Parliament. Again, I suggest the Bill contains a number of provisions about which the unions would be very indifferent—to say the least—and there would be others they would probably oppose. We can see that in the main not a great deal of discussion has been undertaken with the wider building interests; although it could well be that one or two organisations had quite a deal to do with the proposals.

The provisions of the Bill are inoffensive in the main, with the exception of two proposals which I will seek to delete when the Bill is in Committee. It may be that after further discussion we may reach a compromise in respect of those provisions.

The Bill seeks to alter penalties in several instances. In one case the penalty is increased from $200 to $1 000 and, in the context of the offence, that is not unreasonable. However, other penalties contained in the Act seem to be inappropriate on present-day standards and I am somewhat bewildered that the Government seeks to amend only a few penalties and to allow others to remain as they are. For example, a penalty of $200 is equated with imprisonment for 12 months, and there seems to be very little relationship between those penalties in today's terms. One would have thought that 12 months' imprisonment would be equated with a monetary penalty much higher than $200; and I have placed amendments on the notice paper to amend those penalties.

I have no objection to the definition of a single storey building, and the Opposition does not intend to oppose it.

With regard to registration, the 1968 amending Bill deleted reference to supervisors in the Act, and it is rather interesting to read the comments of the Minister at that time. In fact, I will quote them in a moment. However, before I do so I would point out an amendment was made in the other Chamber in respect of architects and engineers to the effect that graduates in those fields after obtaining their qualifications were required to undertake a further five years' experience before being eligible for registration. It seems really anomolous to require people to undertake the amount of study required to obtain a degree in architecture or engineering, and then to undertake a further five years' experience before being eligible for registration, and then to say to others, "All you have to do is spend five years in the industry and we will give you the same status as those who have spent a great deal of time and study to obtain degrees."

I come back to the remarks made by the then Minister (the Hon. G. C. MacKinnon) when introducing the 1968 Bill to amend the Builders Registration Act. The following is to be found at page 2181 of the 1968-69 *Hansard*—

> Under section 10, applicants, on the basis of experience as a builder or supervisor outside Western Australia, can be entitled to registration.

He then used these words—

> It is inequitable therefore, that local residents who have been supervisors, must undertake a six-year course of study and pass their builders' registration examinations to quality for registration; whereas those who have been supervisors of building work overseas or in the Eastern States can immediately gain registration.

So the Minister in 1968 thought that situation was inequitable and the Government set about amending the Act to provide some equality. I suggest that, by the proposals in the Bill before us, we are again creating an inequitable situation. The Minister then went on to say—

> The Bill restricts the right of the latter category of persons to registration only if they satisfy the board that they have been builders outside the State, are competent to carry out building work to the satisfaction of the board, and were not resident in the State in 1961.

I think his reference to 1961 was deliberate because people in this State have known since 1961 that if they wish to become registered builders it is necessary for them to undertake the required training courses in order to gain qualification. The whole principle of the Builders Registration Act is that from 1961 onwards, in particular, the consuming public of Western Australia who have need of the use of builders should be protected from shoddy work and unqualified workmen. This is a principle that we apply to all fields of endeavour these days. For instance, we do not permit unqualified plumbers or electricians to undertake building work, and I believe the principle underlying this is a good one. The Minister went on further to say—

> Provision is also made to enable persons who have had experience as builders within the State, but outside the area to which the Act applies, and who in 1961, were not resident in the area, to which the Act applies, to make application for registration. This will allow genuine well substantiated builders operating in the country prior to 1961 to become registered. Many of these did not avail themselves of the registration rights accorded by the 1961 amendment Act, as the area governed by the Act embraced the metropolitan area only and, accordingly, they could well have reasoned that there was no point in applying for registration.

So we can see that the Government, in 1961, had in mind there was a need for this Act to apply not only in the area of jurisdiction of the Metropolitan Water Supply, Sewerage and Drainage Board, as defined in the Act, but also outside that area, and that builders outside the metropolitan area should take steps properly to qualify themselves. In 1968 the Minister said the amendments of that year were designed to encourage builders outside the defined area to become registered.

One of the amendments I have placed upon the notice paper seeks to extend the application of this Act throughout the whole of the State. I did not have time to place on the notice paper a further amendment to include a grandfather clause in that respect.

That amendment has now been prepared and a copy of it will be distributed to members. The wording of the amendment provides that the Act will apply over the whole State except for those parts

excluded by proclamation. Also the existing qualifications for persons who have been working outside the metropolitan water supply region have been reincluded. A further provision will provide that if the Government does not in fact accept this amendment—which excludes by proclamation some area of the State—at some time in the future, when the proclamation is revoked, the builders working in that region will come under the provisions of the grandfather clause as well.

The Hon. I. G. Medcalf: Mr President, may I ask through you whether the honourable member has distributed this amendment?

The Hon. R. F. CLAUGHTON: I am not sure whether the Clerks have distributed it but I am certain that they will ensure the honourable member receives a copy. That is one of the proposals I have made. I believe it is worth while for the Government to consider this amendment. It is seven years since the 1968 amendments when the Government took the view that the legislation should apply over the whole State, and I think it is time we took a further step in that direction. There are other sound reasons why that should be done but they can be debated further in the Committee stage.

I have already referred to the provision that will include managers and supervisors in that part of the Act which governs qualifications. I cannot believe that five years' experience is sufficient. Apart from other reasons, I suggest to the Minister that the existence of this particular clause—I hope other members will take an interest in this provision because it is most important—enables a person who wishes to become a registered builder merely to work for five years in the industry as a manager or supervisor. In those circumstances what incentive is there for him to undertake the course of study the Government is proposing in its plans for apprenticeship training?

The Government has told us it will set up an industrial training advisory council to investigate training; that the council will appoint advisory boards to cover, specifically, apprenticeship trades and industry leaders. The announcement in regard to that move by the Government was published in *The West Australian* on Monday, the 13th August, but not a great deal is said about it in the article. However, the Smith report deals with the matter more fully and emphasises the need to ensure that people who wish to become registered builders should have not only their trade training, but also training in business management methods which, obviously, is particularly important.

The Hon. H. W. Gayfer: One of the best builders in my area is a man who cannot even read or write English.

The Hon. R. F. CLAUGHTON: There are always exceptions to the rule. To say that that man cannot read or write English is not to say that he is unable to manage his business affairs competently with the use of his native tongue. He may well have done training in his own country.

The Hon. H. W. Gayfer: I would not like to see him being obliged to sit down and pass a written examination.

The Hon. R. F. CLAUGHTON: There is a provision in the Act already which will allow him to become registered. The board can make a judgment on a person who has come to this State from another country where the training and qualifications for registration are different from those in this State.

The Hon. H. W. Gayfer: But this party does not like someone else making a judgment over him. He performs a very good job.

The Hon. R. F. CLAUGHTON: No matter what is done, if someone has to undertake a professional or trade course, someone has to make a judgment on that.

The Hon. H. W. Gayfer: You keep it in the city; we do not want to see it in the country.

The Hon. R. F. CLAUGHTON: That is a different sort of argument.

The Hon. H. W. Gayfer: No it is not.

The Hon. R. F. CLAUGHTON: I am afraid it is. I am sure that in Geraldton the Geraldton Building Company is most anxious that this legislation shall apply to that area of the State. Also there are other major centres such as Bunbury and Albany.

The Hon. C. R. Abbey: The provision would bring about a closed shop.

The Hon. R. F. CLAUGHTON: This evening we have had presented to us the Pharmacy Act Amendment Bill, but surely we are not going to say that under the provisions of that Bill anyone who serves for five years in a chemist shop will be registered as a pharmacist.

The Hon. H. W. Gayfer: Two wrongs do not make a right.

The Hon. R. F. CLAUGHTON: I agree. Further, no-one would say that an air hostess who serves on aeroplanes in that capacity for five years should be eligible to be registered as a pilot.

The Hon. D. J. Wordsworth: Perhaps she could sit on his lap for five years.

The Hon. R. F. CLAUGHTON: Whilst it is possible that some person may be disadvantaged, in the general interest of the community, it is necessary to make such provisions. How can we expect anyone to concern himself about undertaking a long apprenticeship course, or to spend four or five years studying on an architectural or engineering course, when he has to spend only five years in the trade to gain registration?

The Hon. Clive Griffiths: You are missing a very important point.

The Hon. R. F. CLAUGHTON: The honourable member can have his say later on.

The Hon. Clive Griffiths: I cannot now, because you have used up all my time.

The Hon. R. F. CLAUGHTON: It is indeed a very important point, but people will have no encouragement to qualify themselves by undertaking these courses if this sort of thinking is allowed to creep into the legislation. It can hardly be assumed that a person who has sat in an office for five years organising building work could be regarded as being competent on technicalities of the building industry, any more than a person who has been out on the job for five years can be assumed to be competent in dealing with managerial matters. The two sides do not equate.

One would hope that a person wishing to become registered would undertake the necessary course, because it could be considered that his interest would move him sufficiently to undertake such a course.

On page 34 of the Smith report appears a table giving figures which relate to complaints against supervisors in the building industry.

The Hon. Clive Griffiths: Page 34 of what?

The Hon. R. F. CLAUGHTON: Page 34 of the Smith report. The table reads as follows—

Year	No of Complaints	Percentage relating to companies or firms employing a supervisor
		%
1970	353	76
1971	328	75
1972	315	74
1973	453	72

From that table it can be seen that where only a supervisor was employed the number of complaints was high. That is little encouragement for us to agree to the suggested amendment.

I can see no objection to that clause in the Bill which suggests that only the builder's registered number should be displayed, but I am sure the builder himself would be interested in displaying or advertising his name. I think it was suggested in another place that the inclusion of the builder's name on the sign erected on the work site may be reconsidered as a requirement of the Act, but we on this side of the House would not take a great deal of umbrage one way or the other.

In the proposals relating to companies the Minister told us that the amendments will tighten supervision. Again it is interesting to read the Smith report on the state of affairs following the 1968 amendments when it was also stated the amendments were designed to tighten up supervision. However, history did not prove that to be the case.

The main problem concerns not so much the legislation itself, but the lack of effective action taken against unsatisfactory builders. In very few cases has a builder been deregistered. If a builder is not performing to ethical standards, deregistration for a short period would be a summary lesson to him, even if he were not permanently deregistered. However, such action is not taken. As long as builders know they can get away with their unethical practices, we will continue to have problems, even with this amendment.

The provisions in the Bill dilute the responsibility of the registered builder in a company. He can delegate the supervision and therefore ultimately no improvement for the owners will result.

We are told that several provisions concern consumer protection. Clause 10 is a good one and deals with one of the items mentioned in the Smith report concerning the problem of the unregistered builder. If this amendment is designed to deal with the unregistered builder who can carry out work to a value of $2 400, it will be good for the public.

Under the provisions, if the board acts against an unregistered builder for faulty work, the builder will have a right of appeal, so the situation will be balanced out.

Clause 11 relates to frivolous complaints. In this regard I think the Government is using a sledge hammer to kill a flea, as the saying goes. I asked questions concerning the number of complaints over the last year, and portion of this year, and the number of those which were considered to be frivolous. I was told that of 504 complaints made in 1974, only 12 were considered to be frivolous. That is a pretty insignificant proportion of the total number. So far this year 247 complaints have been received of which only eight are considered to be frivolous.

Mr Clive Griffiths can compare these figures with those he disclosed at page 2397 of volume 181 of *Hansard* for 1968-69. He asked the following questions—

> For each of the years ended the 30th June, 1965, 1966, and 1967, what were the total number of complaints by home builders against registered builders submitted to the Builders' Registration Board?
>
> What was the number in each year that were found by the board's inspector to be justified complaints?

The Hon. Clive Griffiths: I received some interesting answers, didn't I?

The Hon. R. F. CLAUGHTON: He was told that for 1965 there were 400 complaints of which 311 were judged to be justified. If we compare those figures with the 504 complaints received last year

of which 12 were assessed to be frivolous, it would seem that the public is improving and therefore there is a reduced need for this legislation, when we compare the present situation with that of 1965.

Point of Order

The Hon. G. C. MacKINNON: On a point of order, is it possible in this House for me to move that the honourable member's comments be continued at another time?

The PRESIDENT: I know of no such Standing Order.

Debate Resumed

The Hon. R. F. CLAUGHTON: I will be only another minute or so. Members can refer to *Hansard* for the remainder of those figures.

Clause 13 relates to deregistration. I have several remarks to make in relation to this clause, but I will leave them until the Committee stage. Clause 14 concerns fees to be prescribed. Perhaps the Minister could ascertain what the suggested level of fees will be because the second reading speech gave no indication of this.

I have already dealt with the amendments I have on the notice paper, so with those remarks I support the second reading.

Debated adjourned, on motion by the Hon. Clive Griffiths.

BILLS (5): RECEIPT AND FIRST READING

1. Taxi-cars (Co-ordination and Control) Act Amendment Bill.
2. Transport Commission Act Amendment Bill.

   Bills received from the Assembly; and, on motions by the Hon. N. E. Baxter (Minister for Health), read a first time.
3. Motor Vehicle (Third Party Insurance) Act Amendment Bill (No. 2).
4. Town Planning and Development Act Amendment Bill.
5. Metropolitan Region Town Planning Scheme Act Amendment Bill.

   Bills received from the Assembly; and, on motions by the Hon. I. G. Medcalf (Honorary Minister), read a first time.

House adjourned at 6.14 p.m.

Legislative Assembly

Tuesday, the 9th September, 1975

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

BILLS (4): MESSAGES

Appropriations

Messages from the Lieutenant-Governor received and read recommending appropriations for the purposes of the following Bills—

1. Metropolitan Region Town Planning Scheme Act Amendment Bill.
2. Juries Act Amendment Bill.
3. Supreme Court Act Amendment Bill.
4. Health Education Council Act Amendment Bill.

QUESTIONS (43): ON NOTICE

1. SANTA MARIA DEVELOPMENT

Study Group

Mr TAYLOR, to the Minister for Urban Development and Town Planning:

(1) Who are the members of the study group inquiring into proposed land uses in the Santa Maria area?

(2) When was this group formed?

Mr RUSHTON replied:

(1) (a) That portion of the Santa Maria land contained within the Mussel Pool area—

D. C. Munro, Convenor;
H. E. Hunt;
Dr I. D Carr;
L. D. Marshall;

with power of co-option.

(b) The remaining land—
Town Planning Department.

(2) 16th July, 1975.

2. INDUSTRIAL DEVELOPMENT

Land Acquisition: Yilbunga Pastoral Company

Mr TAYLOR, to the Minister for Industrial Development:

Further to my question 19 of 26th August, 1975, as I was not referring to the Wilbinga Pastoral Company but to the Yilbunga Pastoral Company, will he list the price of land resumed from that Company?

Mr O'Neil (for Mr MENSAROS) replied:

As no resumption took place from Yilbunga Pastoral Company, there is no price to be listed.

3. INDUSTRIAL DEVELOPMENT

Land Acquisition: Wilbinga Pastoral Company

Mr TAYLOR, to the Minister for Industrial Development:

Where is the location of 5 000 acres now the subject of resumption from the Wilbinga Pastoral Company?