

Arbitration Court, after hearing the evidence in a case, can provide for a five-day week in any industry; but the proposed commission either individually or as a body will not have that power. I defy any Minister opposite to show that my statement is not correct.

It is all right for the Minister to ask who shall have such power. I suggest that an industrial authority which hears the evidence of both sides in an industrial dispute should be the authority to determine the days of the week on which the hours shall be worked. The Minister said that this matter should be regulated by the economic requirements of the industry, or by public demand, or, if some particular evil exists, by this Parliament. This Parliament is to set itself up as the Arbitration Court; but that is too silly for words! If the days of the week are not to be determined by the proposed industrial commission, what authority will make such determination—the employer or the employee? Here is the germ of an industrial dispute.

The Minister for Industrial Development said that the industrial appeal court will hear matters restricted to law and other jurisdiction, but the commissioners will determine particular awards. He said that the legislation which now exists would not exist under the new scheme.

Let me examine the present set-up. A single conciliation commissioner can make an industrial award; similarly if an industrial board is set up it can also make such a determination. But there is a right of appeal to the Arbitration Court against these decisions. The decision of the Arbitration Court is final and there can be no appeal to the Supreme Court or to any other body. There the legislation ends. Under the present set-up the legalism is curtailed to the minimum.

Let us see what is proposed in the Bill. An appeal could be lodged against the decision of a commissioner to the commissioners in court session. Appeal can be made against the decision of the commissioners in court session to the industrial appeal court on matters of law and other jurisdiction. That will not add to the streamlining of the industrial arbitration legislation in this State. The Minister for Industrial Development side-stepped the interjection that this Bill will destroy the Arbitration Court as it is now constituted. He further said that the Bill will add to the industrial machinery. I point out to him that this Bill does not deal with the industrial machinery; it deals with the very heart of the Act, because it seeks to abolish the Arbitration Court.

If this Bill is passed in its present form the Arbitration Court will be abolished, and the Minister cannot contradict that fact. In abolishing the Arbitration Court the Government will not be improving the industrial machinery; it is being pushed to do that by some vested interests in this

State, because some decisions of the Arbitration Court have not been 100 per cent. in their favour. I have no doubt about it. I refuse to believe this Government, with its shameful record in regard to the Industrial Arbitration Act and amendments to it, is out to streamline the machinery of arbitration and conciliation. The Government should leave the Arbitration Court intact. It has performed a wonderful job over the years; and the Government should appoint two or three more conciliation commissioners who would perform the same function as Commissioner Schnaars.

The DEPUTY CHAIRMAN (Mr. Crommelin): The honourable member's time has expired.

Progress

Progress reported and leave given to sit again, on motion by Mr. W. A. Manning.

House adjourned at 10.31 p.m.

Legislative Council

Tuesday, the 12th November, 1963

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

QUESTIONS ON NOTICE

CROP SPRAYING COMPANIES

Inquiries into Activities

1. The Hon. J. HEITMAN asked the Minister for Local Government:

(1) Will the Minister institute inquiries into the activities of crop spraying companies in view of the following:—

- (a) some companies do not guarantee their work;
- (b) in many instances, less than a one per cent. kill of weeds in crops sprayed has resulted;
- (c) payment is being requested for inadequate work;
- (d) there is evidence of legumes such as lupins and peas being destroyed by careless spraying; and
- (e) operators on many occasions have flown low over country towns and ruined house gardens?

Weedicides Used: Testing and Registration

- (2) (a) Does the Minister agree that the weedicides, used in crop spraying, should be tested and registered by the Department of Agriculture prior to their use?
- (b) If so, will he take the necessary steps to ensure that this will be done in the future?

The Hon. L. A. LOGAN replied:

(1) No. Crop spraying is the subject of private contract between the spraying companies and farmers.

(a), (b), and (c) Although seasonal conditions could influence results, satisfactory control of weeds can be generally expected if departmental recommendations are followed. The department will advise concerning technical aspects, but guarantees and payments are regarded as being domestic arrangements between the contracting parties.

(d) and (e) Operators are liable to claims for damages where lupins and other susceptible crops are affected by spray drift. The Department of Civil Aviation controls the flight of aircraft and cases of low flying over country towns should be reported to that department.

Consideration is being given to uniform legislation throughout Australia with a

view to increasing the efficiency and reducing the hazards of aerial agriculture.

- (2) (a) and (b) It is necessary for all weedicides to be registered and the basic chemicals they contain are established as being suitable before registration is approved. It is not practicable, however, to confirm all claims made for proprietary lines prior to registration.

GRAIN PRODUCTION

Handling Bodies: Duties and Methods of Finance

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

- (1) How many pools, boards, and co-operatives handle grain produced by the farmers in Western Australia?
- (2) What is their specific duty or function?
- (3) What is their method of finance?
- (4) How do they work in liaison with each other?

The Hon. A. F. GRIFFITH replied:

- (1) One—Co-operative Bulk Handling Pty. Ltd.
- (2) Co-operative Bulk Handling Ltd. receive, store and ship wheat as a licensed receiver of the Australian Wheat Board; receive, store and ship oats and six-row barley, as agents for the Grain Pool of W.A. and the Barley Marketing Board; receive and store where required 2-row barley for local maltsters and ship for export as directed by the Barley Marketing Board.
- (3) Co-operative Bulk Handling Ltd. raise a handling charge against the Australian Wheat Board, the Grain Pool of W.A. and the Barley Marketing Board, according to the grain handled. For capital to construct installations, the company, under the Bulk Handling Act, has the right to levy foundation and port equipment tolls to an overall of sixpence per bushel. The grain pool has the power to borrow money against the forthcoming crop to finance its activities. The Barley Marketing Board can retain such fractions less than one-eighth of a penny per bushel that it receives from the sale of barley and dispose of it for the benefit of the industry, and, with the consent of the Minister, borrow against the forthcoming crops.

- (4) Through direct contact with each other and through the common handling authority the W.A. Barley Marketing Board appoints the Grain Pool of W.A. its managing and selling agents.

SOCIAL SERVICE PAYMENTS

Allowances to Widows, Deserted Wives, and Their Children

3. The Hon. R. F. HUTCHISON asked the Minister for Child Welfare:

- (1) In connection with the recent increase in social services payments by the Commonwealth Government to widows and deserted wives and their children—

- (a) what are the respective allowances now payable by the Child Welfare Department to—

- (i) widows or deserted wives with one dependent child;
(ii) widows or deserted wives with two dependent children;
(iii) widows or deserted wives with three dependent children;
(iv) widows or deserted wives with four dependent children;

and

- (b) what were the respective allowances paid by the department for the categories referred to in (a) prior to the increase in Commonwealth social services payments?

- (2) Is it the intention of the State Government to deliberately penalise this section of the community who are in the position where they need all the help available?
- (3) Has any cognisance been taken by the State Government of the plight of mothers referred to above, whose children have reached the age of sixteen years and who are no longer in receipt of a Commonwealth pension and who are unable to secure employment in this State?

The Hon. L. A. LOGAN replied:

- (1) There are two groups of widows and deserted wives with children:

A. Those who receive assistance from Commonwealth Social Services.

B. Those who do not.

- (a) The respective allowances now being given are—

To those in group A:

	From Child Welfare Department	From Commonwealth Social Services	Total
(i)	170/-	per week	170/-
(ii)	185/-	per week	185/-
(iii)	30/-	per week	200/-
(iv)	30/-	per week	215/-

To those in group B:

	From Child Welfare Department
(i)	142/6 per week
(ii)	167/6 per week
(iii)	172/6 per week
(iv)	187/6 per week

- (b) Prior to the Commonwealth Government's recent increase in social service payments to widows and deserted wives with children, those in group A received the following payments:—

	From Child Welfare Department	From Commonwealth Social Services	Total
(i)	12/6 per week	110/- per week	122/6
(ii)	27/6 per week	125/- per week	152/6
(iii)	42/6 per week	140/- per week	182/6
(iv)	57/6 per week	155/- per week	212/6

Those in group B received the following payments:—

	From Child Welfare Department
(i)	112/6 per week
(ii)	127/6 per week
(iii)	142/6 per week
(iv)	157/6 per week

- (2) It is the intention of the Government to use the limited resources available to the best advantage of all needy women and dependent children and to minimise the anomalies created by differential Commonwealth rates of assistance.
- (3) The Welfare and Assistance Act empowers the Minister for Child Welfare to give appropriate consideration and assistance to any case presenting special circumstances.

BULK HANDLING ACT AMENDMENT BILL

Second Reading

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

That the Bill be now read a second time.

Members will recall that in a recent session of Parliament the Bulk Handling Act was amended to make provision for tolls to be paid by the growers of grain who are shareholders in Co-operative Bulk Handling Ltd. These tolls provide funds necessary for financing the installation and improvement of bulk-handling facilities.

It is customary for Co-operative Bulk Handling Ltd. to issue debentures in respect of tolls. These debentures are redeemed under a ballot system. As a consequence, some growers receive refunds of their toll advances in the initial year. Others, less fortunate in the ballot, receive redeemed debentures successively during the redemption term. Those unsuccessful in the ballot wait 15 years for a refund. It is natural that the ballot system has brought some displeasure to some growers since it was introduced in 1943. Those who have not been lucky consider the system inequitable, and a proposal has been put forward by shareholders to dispense with it.

The suggested alternative method provides for subsequent issues of debentures to be repaid as a proportion each year to individual debenture holders. The suggestion has the strong support of the shareholders; and, as it is their business entirely, the purpose of this Bill is to amend the Bulk Handling Act to enable the method of redeeming debentures to be altered in accordance with their wishes.

THE HON. R. THOMPSON (West) [4.44 p.m.]: It is not our desire to hold up this Bill. As outlined by the Minister, it is a simple measure which provides for a more equitable manner in which the toll will be paid back to debenture holders each year. Under the ballot system we realise what the views would be of some of the people who had money tied up for up to 15 years, whilst others were progressively paid back over the years.

I cannot see anything wrong with the Bill; and my leader (Mr. Wise), who was the Minister responsible for bringing before Parliament the legislation to establish Co-operative Bulk Handling Ltd. in the early stages, cannot see anything wrong with the measure. Therefore, it has our blessing.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

BREAD ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [4.47 p.m.]: I move—

That the Bill be now read a second time.

The amendments in this Bill are designed to bring the existing Bread Act up to date. Some of the amendments have been requested by the Bread Manufacturers

(Perth and Suburbs) Industrial Union of Employers of Western Australia to cater for the requirements of the public in regard to two types of bread—milk bread and dietetic bread—and have been endorsed by the West Australian Operative Bakers' Union.

When the Bread Act was framed in 1903 and had major amendments made to it in 1937, these particular types of bread had not been developed to the extent they have today, and ordinary bread and Vienna bread were the only types envisaged. Dietetic bread is a starch reduced and/or protein increased bread and is useful for persons requiring a low calorie diet for medical or slimming reasons. It is a bulky bread and is very dry in texture, and for this reason it is considered desirable that it be made in smaller loaves than the one-pound minimum size permitted in the Act as it now stands.

Accordingly provision is made in this amending Bill for dietetic bread to be baked in a half-pound loaf size, in addition to the sizes already prescribed. To ensure a reasonable standard, this type of bread must also be wrapped and labelled with details of its properties and dietetic value; and its composition must lie within the limits of a prescribed formula.

Milk bread contains additives which result in a bulky loaf, very wholesome and light in texture. It is marketed extensively in the Eastern States, and experience indicates that the most useful size from the consumers' point of view is a twenty-four ounce loaf.

A new clause in the Bill provides for this type of bread to be baked in the one and a half pound size only. A tin so embossed with the word "Milk" and with the weight "24 oz." has to be used in its baking, one reason being that the loaf is durably marked with details of its type and size; the second reason being to protect the purchaser by making it an offence to bake any bread other than milk bread in such a tin.

Provision is made in the Bill for formulation details of dietetic bread and milk bread to be defined in regulations. At present milk bread and a protein increased bread are defined in the food and drug regulations under the Health Act, but it is considered desirable to specify the various types of bread in the Bread Act regulations to obviate the necessity of referring to two Acts in the case of prosecution. Dietetic bread as such is not prescribed in detail in any regulations in Western Australia.

The prescribing of the composition of these special breads in regulations allows greater flexibility in adapting to different varieties and material content than would be the case if one formula were incorporated in the body of the Act.

In Queensland four types of special bread are prescribed in the food and drug regulations.

In fixing standards, recommendations will be sought from the Health Department, the Bread Research Institute, and the Government Chemical Laboratories; and appropriate legislation in other States will be examined.

The dough weight provisions are made more specific in the Amending Bill to prevent a baker claiming that an underweight dough of one size is an overweight dough of the next smaller size and so avoid prosecution for an underweight dough. This is made more essential by the introduction of two new sizes of dough for dietetic and milk bread. In conformity with other types of bread, the size of a "roll" has been related to a dough weight and not a baked weight as at present.

The amending Bill provides for a new clause to allow of the checking on bread weight after it has been baked by "dry matter" assessment. It is not intended that this method should supersede the present dough weights system, but be an additional check when such is thought desirable. A move has been made to have it universally adopted throughout Australia.

"Dry matter" assessment has been used with success in Queensland since 1957, and South Australia is in process of adopting it as an auxiliary to the dough weights system.

This has the advantage that bread already baked and suspected of being short weight may be sampled and analysed. Should the water-free content of a sample prove to be less than that prescribed for the particular size of loaf, then it will indicate underweight and render the baker liable to a penalty.

The Bill provides for specific weights and the method of sampling to be prescribed by regulation. Technical details will be fixed after consultation with the Director of the Government Chemical Laboratories and the Bread Research Institute of Australia.

A further provision in the Amending Bill makes the penalty for delivering bread in the metropolitan area outside prescribed hours uniform in the two sections of the Act dealing with this matter.

Debate adjourned, on motion by The Hon. J. Dolan.

PARKS AND RESERVES ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) (4.53 p.m.): I move—

That the Bill be now read a second time.

In accordance with an established custom, landing fees have been paid by owners of vessels or aircraft travelling to Rottnest Island. The usual fee is at the rate of 1s. for adult passengers and 6d. for children.

The vessels *Islander*, *Triton*, *Katemaraire* and *Wandoo* are amongst the vessels operating the passenger traffic from the mainland to Rottnest, and the landing fee scheme has worked quite satisfactorily for many years past.

Owners of passenger transport receive the major part of their income from the fares paid by day visitors to Rottnest. Visitors enjoy the use of change rooms, toilets, showers, and other amenities, and it is considered quite reasonable they should make some contribution towards their establishment and maintenance.

Though a record number of people visited Rottnest Island during the financial year, 1962-63, a smaller sum was collected by way of landing fees than in the previous year. The respective figures are £1,001 compared with £1,499 in 1961-62. This has come about through some passenger transport operators being unwilling to pay all landing fees due by them.

With the passing of this measure, it is expected the difficulty in procuring payment of the requisite fee will be overcome.

THE HON. F. J. S. WISE (North—Leader of the Opposition) (4.55 p.m.): Provided that this Bill is not to be taken through Committee today, I would like to speak to the second reading—but not if it is to go into Committee today. In my opinion more elucidation is necessary, and I would like the Minister to have an opportunity of obtaining further information before replying to the debate.

It is always a strange thing that our parks and gardens come under one Act. The original Parks and Reserves Act of 1895 has been amended from time to time, and it is now known as the Parks and Reserves Act, 1895-1955. That Act embraces not only Rottnest Island and its controlling board, but also Emu Point, near Albany; Kings Park, and our other parks and reserves wherever they may occur.

The Act provides for the creation of boards and sets out what the boards may do and the regulations under which they shall operate. When we realise the different kinds of authorities needed for the different kinds of reserves, it is rather remarkable that all have been able to operate with different kinds of regulations under the one Act—different kinds of regulations applying to the different reserves.

There is nothing specific in this Bill—and this is my point—to show that it relates to Rottnest Island. The Bill could relate equally to King's Park or Emu Point. Clause 2 of the Bill refers to section 8 of the Parks and Reserves Act and proposes to add the words "occasions; and", and a paragraph dealing with the regulating of

payments. The relevant section is on page 6 of the Parks and Reserves Act, in volume 15 of the *Reprinted Acts*.

In the Parks and Reserves Act will be found, in section 5, the provision that was inserted into the Act when the controversial matter of the aquatic centre being located at King's Park was discussed. That is the only park in the whole of Western Australia that is mentioned in the Act. The provision was inserted for the particular reason of preventing Kings Park being used as an aquatic centre or for the establishment of an orchestral shell.

It has often occurred to me that we would be far better equipped in our legislative control of these parks, gardens, and reserves if we had a Bill dealing with the operations and authorities of, say, the Rottnest board of control, of King's Park, and of the many other vital parks and reserves encompassed within the State. The generalisations that are to be found in the Parks and Reserves Act are not always fitting, and we can read into the Act the authority for charging tolls or entrance fees, and how our sports shall be conducted; and yet, as we know, in some of our parks there is a complete prohibition on such things taking place.

As, in the words of the Minister, this Bill is for the specific purpose of being able to charge a landing fee of 1s. per head for all persons landing at Rottnest, I am wondering whether it should be made specific in the Bill. One cannot by any stretch of the imagination read into this legislation any application to Rottnest, as such, or any suggestion that it affects persons who are coming by boat from any one point to another point.

I thought I would raise the matter at this stage because, rather than delay the measure in the Committee stage, it would give the Minister an opportunity to have a look at it to see whether it would not be better to have a separate clause, or a separate proviso, dealing with this aspect of section 8 of the Act to show that it does in fact deal with charges to be levied as a landing fee at Rottnest Island.

The Hon. J. G. Hislop: From where do the King's Park Board and the National Parks Board get their authority?

The Hon. F. J. S. WISE: From the Parks and Reserves Act, 1895-1955.

The Hon. J. G. Hislop: Are they all specifically mentioned?

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

The Hon. L. A. Logan: None of them.

The Hon. F. J. S. WISE: There is no park or reserve specifically mentioned in the Parks and Reserves Act. It is simply an Act for the management of parks and reserves vested in the Crown, and they are all dealt with in the Act in general terms.

It is just a point, but I thought I would raise it at this stage. I anticipated the introduction of the Bill and I took the trouble of picking it up quickly—I was handling it myself—and looking for the background in the parent Act. Nowhere in it could I find any mention of Rottnest, and so I raise the point at this stage. I support the measure but I hope the Minister will be able to clarify the matters I have mentioned when he replies to the second reading.

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.3 p.m.]: I shall certainly endeavour to obtain the information for the honourable member. I can appreciate the point he has raised and when I look at the Bill I can find no reference to Rottnest Island. As he and other members will realise, we frequently deal with Bills which emanate from departments controlled by other Ministers; and sometimes, while we appreciate the principle of the Bill, we do not realise the full implications of it.

It looks to me as though when reference was made to the board it should have stated the Rottnest Island Board, or something like that, to clarify the position. I will endeavour to get the information for the honourable member, and I will ask for the Committee stage to be made an Order of the Day for the next sitting of the House.

Question put and passed.

Bill read a second time.

TAXI-CARS (CO-ORDINATION AND CONTROL) BILL

In Committee, etc.

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Interpretation—

The Hon. F. J. S. WISE: On the notice paper will be found several amendments which I propose to move, and the first is one I mentioned during the second reading debate—I refer to my proposal to change the authority mentioned in the Bill from the Transport Department to the Main Roads Department, although the Department of Transport comes under the control of the Minister who will be administering this Bill when it becomes an Act, and the Main Roads Department does not. That, I think, would be the only reason for the insertion of the words "State Transport Co-ordination Act, 1933."

It is the Main Roads Department which, in collaboration with traffic authorities in the city, has assisted with the delineation of roads, their truncation, and their setting aside, including the markings of highways, and the setting out of certain areas for various purposes. Therefore it is

thought that the Main Roads Department is the more appropriate one to be represented on the board.

The gentleman involved, or the one who is likely to be the first secretarial officer or manager, was once my personal clerk. He is an efficient officer and in the transport section is close to the Minister, but it is the department with which I am concerned rather than with the individual. To test the matter I move an amendment—

Page 2, line 6—Delete the word "Transport" and substitute the words "Main Roads".

The Hon. L. A. LOGAN: While I respect the honourable member's approach to this matter, I hope the Committee will not agree to the amendment, for the very reasons he gave in support of his argument; namely, that the State Transport Co-ordination Act is under the control of the Minister for Transport—the Minister who will be in charge of this legislation when it becomes law. The Commissioner of Main Roads is under the jurisdiction, if any, of the Minister for Works. It is also intended, in an effort to cut down expenditure, that a lot of the office work will be done in the office of the Department of Transport.

In my view it is essential to have transport officers in control of this industry, and for that reason I think it would be wiser to leave the position as it is set out in the Bill. It would be much better for the Minister in charge of the legislation to be in close touch with the Commissioner of Transport to ensure that the board functions smoothly right from the start.

I realise that the Commissioner of Main Roads has a lot to do with traffic, roads, parking, and so on, in the city areas, but I think it would be better to leave the position as it is now set out. I hope the Committee will not agree to the amendment.

The Hon. F. R. H. LAVERY: While I appreciate the answers given by the Minister, and having regard to the fact that when speaking during the second reading debate I said it was a good idea to get some real control over the taxi industry by one body, we must realise that the Minister for Transport is also the Minister for Police at the present time. However, that position may change with a change of Government, and the two portfolios could be divided, as has happened in the past. What happens then? We cannot have a split set-up in regard to the control of the taxi industry and the authorities concerned with the building of our roads, etc.

Let us look at the history of this industry. I am not being political about this matter, but when Mr. Graham was Minister for Transport he found there were 21 different organisations in the city that had a finger in the traffic pie—and some of the plums in the pie were not too good. At a

meeting I attended on one occasion the manager of the Metropolitan Transport Trust said that if there was one item for which Mr. Graham had to be thanked it was for the fact that he had brought traffic co-ordination into existence in the city.

As I have said, if there is a change of Government, or if there is a change in portfolios—and this happened when Mr. Perkins died—there could be a split in the control of the taxi industry in the metropolitan area. Once the Bill becomes law it will eventually lead to control in areas such as Kalgoorlie, Bunbury, and so on. But the State Transport Co-ordination Act has no application within 30 miles of the city. I think the Minister will agree with me on that point. At one time drivers could not take a load of petrol from the oil companies' depots and deliver it to Armadale, 20 miles away, until they got permission from the Transport Board. Everything that can be done to consolidate the position, so that control will not be divided, should be done.

The Hon. L. A. LOGAN: Mr. Lavery was incorrect when he said that the Department of Transport only covered the area within 30 miles of Perth. In fact, it operates outside that area, and not within it.

The Hon. F. R. H. LAVERY: I meant outside of the city.

The Hon. L. A. LOGAN: The job of the Department of Transport is to co-ordinate transport in the State. Surely a taxi-car is a transport vehicle; and the Commissioner of Transport should have the control. If at some future date the portfolio mentioned by Mr. Lavery should be split and it is found necessary to shift the control from one Minister to another, the matter could be attended to at that time.

Amendment put and negatived.

The Hon. F. J. S. WISE: It is obvious that no useful purpose will be served in pressing my second amendment on this clause. The third amendment is different. I move an amendment—

Page 3, line 8—Insert before the word "that" the passage "and the Metropolitan (Perth) Passenger Transport Trust Act, 1957".

This amendment will bring into line both Acts which apply to traffic control and traffic co-ordination.

The Hon. L. A. LOGAN: The notes I have been supplied with state that this is not quite true. There is no definition of "omnibus" in the Metropolitan (Perth) Passenger Transport Trust Act, and the inclusion of the words proposed in the amendment will have no effect if there is no definition of "taxi-car" in that Act.

The Hon. F. J. S. WISE: That might be the situation. It is important to bring together the interests which the Bill proposes to co-ordinate—that was evident from the debate on this Bill—not merely

to co-ordinate the routes, but all sorts of aspects connected with the transport of people in the metropolitan area.

The point raised by the Minister is very important, but the amendment was submitted at the request of the two sections which are interested in the operation of taxi-cars; and they are prepared to be tied to legislation which is designed to control their operations. They are anxious to come in in some way ancillary to the operations of the Metropolitan Transport Trust. They are anxious to have co-ordination so that routes might be determined between separate entities, and this point has a lot of merit. The point raised by the Minister is a valid one.

The Hon. L. A. Logan: I suggest the honourable member leave this amendment, and if it is found to be necessary the Bill can be recommitted for the further consideration of this clause.

The Hon. F. J. S. WISE: It is quite likely that the definitions would prevent what I am trying to achieve.

The Hon. H. K. WATSON: There might be some merit in the point taken by Mr. Wise. The definition of taxi-car in this clause is—

A passenger motor vehicle, other than an omnibus within the meaning of the State Transport Co-ordination Act.

What we have to look for in the State Transport Co-ordination Act and the Metropolitan (Perth) Passenger Transport Trust Act is the definition of "omnibus," and not of "taxi-car."

The Hon. L. A. Logan: There is no definition of "omnibus" in the Metropolitan (Perth) Passenger Transport Trust Act.

The Hon. H. K. WATSON: There is no necessity to have the definition of "omnibus" for that Act to govern omnibuses. I would be surprised if the Metropolitan (Perth) Passenger Transport Trust Act did not refer to omnibuses in some of its provisions.

The Hon. J. G. HISLOP: This amendment will in some way tie together the conduct of passenger transport services. This measure should not only control taxi-cars and the way in which they are run, but also the whole of the conduct of passenger transport services.

The Hon. L. A. Logan: That is what is sought by the Bill. According to the comments of Mr. Wise the notes supplied to me appear to be correct. They state that this amendment is not acceptable, because there is no definition of "omnibus" in the Metropolitan (Perth) Passenger Transport Trust Act.

The Hon. F. J. S. WISE: I presume that such a definition is in the State Transport Co-ordination Act, because if it is not it is wrong to mention that Act in

the definition of "taxi-car." With the transport services constituted as they are under the Metropolitan Transport Trust, where routes are determined and altered from time to time, it would be admirable to have co-ordination between the running of passenger buses and taxi services. The people connected with the taxi industry are not frightened, concerned, or alarmed; they want to have the whole matter co-ordinated, and they have suggested that the words in my amendment be inserted in the definition of "taxi-car".

The Hon. L. A. Logan: I refer to the State Transport Co-ordination Act which contains a definition of "omnibus"; but no such definition is found in the Metropolitan (Perth) Passenger Transport Trust Act.

The Hon. F. J. S. Wise: Is there a definition of "taxi-car" in the State Transport Co-ordination Act?

The Hon. L. A. Logan: No.

The Hon. F. J. S. WISE: In the clause a taxi-car is defined as "a passenger motor vehicle, other than an omnibus within the meaning of the State Transport Co-ordination Act, 1933, that is operated within the meaning of this Act". But there is no definition of a taxi-car in that Act.

The Hon. L. A. Logan: It comes under the definition of "motor vehicle".

The Hon. F. J. S. WISE: We should have another look at this point to make sure that the definition in the clause is explicit both in regard to the State Transport Co-ordination Act and the Metropolitan (Perth) Passenger Transport Trust Act.

The Hon. L. A. Logan: The definition of "taxi-car" ties up with the definition of "motor vehicle" contained in the State Transport Co-ordination Act. Therefore, the definition of a taxi-car will come under the definition of "motor vehicle" in that Act; and any motor vehicle, except those classified as omnibuses, will be subject to it. If necessary the Bill can be recommitted for the further consideration of this clause.

The Hon. F. J. S. WISE: That being the case, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Taxi Control Board—

The Hon. F. J. S. WISE: There are many amendments on the notice paper dealing with this clause. In his reply the Minister agreed that following consultations with the Minister for Transport an endeavour should be made to arrive at some altered form of representation. I reported that I had discussed certain aspects with the Minister for Transport, and I am pleased to see that the Minister representing him in this House has given notice of a number

of amendments designed to solve the problem which otherwise might be difficult for me to solve.

Do I understand that the Minister agrees to add an extra person representing the taxi-car owners and operators, and to add a person to be nominated by the Metropolitan Transport Trust; but that he does not agree to take out the representative of the Local Government Association?

The Hon. L. A. Logan: Yes.

The Hon. F. J. S. WISE: That being so, the board would consist of seven members, the Taxi Operators' Association having one, all other taxi owners and operators would have two, and the Metropolitan Transport Trust would have one.

The Hon. L. A. Logan: Yes.

The Hon. F. J. S. WISE: If that is so, I think the taxi-drivers are being treated very fairly; and I am also happy about including an extra one for the Metropolitan Transport Trust rather than the substitution of one person. I will therefore not move my amendments to this clause.

The Hon. L. A. LOGAN: I can assure Mr. Wise and the Committee that it is my intention, under the amendments, to increase the number on the board from five members to seven, with a nominee from the Metropolitan Transport Trust; and another one, making two altogether, from the taxi-car owners and operators. This is in keeping with my sentiments expressed the other evening, and I think it overcomes most of the objections raised by Mr. Wise. I therefore move an amendment—

Page 3, line 27—Delete the word "five" and substitute the word "seven".

The Hon. H. K. WATSON: I think this provision is fair enough, but I would like to ask the Minister what have the taxi-drivers got that insurance companies do not have in connection with the recent insurance Bill?

Amendment put and passed.

The clause was consequentially amended, on motions by The Hon. L. A. Logan, as follows:—

Page 4, line 1—Delete the word "three" and substitute the word "five".

Page 4, line 4—Delete the word "three" and substitute the word "five".

Page 4, lines 14 to 17—Delete paragraph (c) and substitute the following:—

(c) two shall be elected by taxi-car owners and operators; and

Page 4—Insert after paragraph (c) in lines 14 to 17 the following new paragraph:—

(d) One shall be nominated by the Metropolitan (Perth) Passenger Transport Trust.

Clause, as amended, put and passed.

Clause 6: Offices of members to be vacated in certain circumstances.—

The Hon. F. J. S. WISE: I feel that when a vacancy occurs it should be filled by a person whose profession or occupation is the same as the person whose place he is taking, even if it is only a casual vacancy. I have two amendments on the notice paper, and I move the first one—

Page 5, line 11—Insert before the word "vacancy" the word "casual".

The Hon. L. A. LOGAN: I do not think this amendment is necessary, because it is laid down in the Bill just where the representation will come from if a vacancy occurs. I might also point out to the honourable member that I do not think his phraseology is quite right. He contemplates using in his next amendment the words "same body". These people might not necessarily be in a body. There is a multitude of them, and we could run into trouble if the words "same body" were used.

The Hon. F. J. S. Wise: I could soon fix that by changing the word "body" to the word "interests."

The Hon. L. A. LOGAN: Yes; but does the honourable member consider it is necessary in view of the provisions already included? I am easy, as long as the word "body" is changed to the word "interests", but I do not think it is really necessary.

The Hon. F. J. S. WISE: I concede the point that "body" may be inappropriate, but the word "interests" would cover the situation. I hope the Minister will accept this amendment.

Amendment put and passed.

The Hon. F. J. S. WISE: I move an amendment—

Page 5, line 13—Insert after the word "Minister" the words "to be recommended where applicable by the same interests who had previously recommended the member whose place he is taking".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 7: Remuneration of members.—

The Hon. R. C. MATTISKE: I rise merely to voice an objection to those who were responsible for this legislation. They did not prescribe a limit to the amount that may be received by members of the board as fees. Unfortunately, I am not in a position to be able to move an amendment because I do not know the amount of work likely to be entailed by the members. But surely those who framed the legislation must have had some idea; and I think they could have prescribed a certain sum per meeting or, perhaps, some overall amount which could be paid in the

aggregate over the year to all of the members of the board. I want to draw attention to this position, and I voice my objection to it.

The Hon. L. A. LOGAN: I think it is difficult at this stage to lay down exactly what the fees will be. They will be similar to those paid to members of other boards engaged in similar activities, and such fees are usually referred to the Public Service Commissioner for consideration. Although no set figure has been stated, I think it will be better to leave it this way.

Clause put and passed.

Clause 8: Meetings and proceedings—

The Hon. L. A. LOGAN: Now that the membership has been increased from five to seven, it is necessary to increase the quorum. I move an amendment—

Page 5, line 38—Delete the word “three” and substitute the word “four”.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 and 10 put and passed.

Clause 11: Powers and duties of Board—

The Hon. L. A. LOGAN: At the request of one or two members of this Chamber I have endeavoured to put into this Bill a provision to ensure some measure of control by the board over the drivers. My amendment on the roneoed sheet refers to inserting “taxi-car operators” in lieu of “taxi-car drivers.” However, I prefer the word “drivers” so that there will be no argument about it and, therefore, the amendment which appears on the notice paper will be more suitable. I move an amendment—

Page 7—Insert after paragraph (g) in lines 6 to 8 the following new paragraph to stand as paragraph (h):—

(h) the control of the conduct and dress of taxi-car drivers.

Amendment put and passed.

The Hon. F. J. S. WISE: I wonder whether something can be done to control the trade names and colours of taxi-cars. I understand there has been quite a feud in the taxi-car world because of the encroachment on, and the copying of, the colours of a company known as Tricolor. That company has had its colours infringed by other people. Could we have in this, or some other clause, a prescribed variant in colours of taxi-cars. There are some queer colours in some of the cities of the world, and even in the cities of Australia.

The Hon. L. A. Logan: That can be done by regulation.

The Hon. F. J. S. WISE: My main purpose in speaking is to raise the point which is partly covered in subclause (2) on page 7. This subclause states that the number of taxi-cars to be licensed to operate

within the metropolitan area shall not exceed one for every 700 of population. I wish to insert after the word “population” the words “or be less than one for every eight hundred of the population.” This will mean that, while endeavouring to meet the minimum requirement, we will also prescribe the maximum number of taxi-cars to operate in the metropolitan area; or the number in country towns when this Statute applies to them. I move an amendment—

Page 7, line 14—Insert after the word “population” the words “or be less than one for every eight hundred of the population.”

The Hon. J. G. HISLOP: Before you put the amendment, Mr. Chairman, there is something I wish to discuss regarding the question of regulations. May I proceed?

The CHAIRMAN (The Hon. N. E. Baxter): Yes.

The Hon. J. G. HISLOP: I would like to see in the powers of the board the right to hold inquiries, in any avenue it may think fit, for the better conduct and control of taxi-cars. The board could advise the Minister accordingly. I would like to see the board have powers so that it could continually look for improvements to the whole of the industry, and not just be concerned with the vehicles running on the road. It was stated during the second reading of this Bill that it is possible for a man who is dependent on his job for a living to pay in his £21 deposit and immediately be told that he is finished. He would then have to hand the car over to the owner.

The Hon. F. R. H. Lavery: That has happened many times.

The Hon. J. G. HISLOP: That is correct; and if there has been no misbehaviour on the part of the driver surely he should be able to appeal to the board and receive some justice. I would like to discuss the matter with the Minister; and, perhaps at the recomittal stage, the powers of the board could be extended to cover such a position.

The Hon. F. R. H. LAVERY: Following on what Dr. Hislop has said, I have had cases brought to me of drivers who, after earning their £21 deposit, have got the sack. This is a point which does need some investigation and over which some control should be exercised by the board.

The Hon. H. R. Robinson: What would the drivers have been sacked for?

The Hon. F. R. H. LAVERY: There are various reasons, and I would not like to elaborate on them. It is not always in the interests of the driver or employer, to say why the driver was sacked. Any person can make a fictitious charge against a driver. There are many drivers looking for work, and a vacancy could be filled immediately. A driver can pay in his £21

and be sacked without any hearing at all. I have taken up several cases with employers on behalf of drivers and in three cases the drivers have been re-employed.

The Hon. L. A. LOGAN: I think that clause 18 covers this problem. Licenses cannot be transferred without the authority of the board; and, therefore, there seems to me to be some control.

The Hon. F. R. H. Lavery: The license of the car is not transferred. It is only the casual employee who is dismissed.

The Hon. L. A. LOGAN: I think we are going beyond our duty if we are going to legislate to control the sacking of a man.

The Hon. F. R. H. Lavery: That is not what Dr. Hislop asked. He asked that the board should be empowered to hold an inquiry into anything.

The Hon. L. A. LOGAN: Does not the honourable member think that if a man is sacked he will go to the board?

The Hon. F. R. H. LAVERY: I do not think the Minister really understands the question posed by Dr. Hislop which is—and I support it—that the board shall have power to hold an inquiry into anything it thinks fit; that it may hold an inquiry for, say, the purpose of improving the conduct of the drivers, or to improve the service to the general public.

The Hon. L. A. LOGAN: I think we have got away from the amendment before the Chair. Mr. Wise is trying to increase the number of taxi-cars in the metropolitan area.

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

The Hon. L. A. LOGAN: At the moment the proportion is one for every 700 of the population, and the honourable member wants to make it, "or be less than one for every 800 of the population." I think we should have another look at this. The Select Committee of which I was a member was adamant that there were too many licenses at that time. I do not think we have reached the stage where a taxi driver can earn a living without working more than 40 hours a week.

The Hon. F. J. S. Wise: Some of them are working 70 hours and more.

The Hon. L. A. LOGAN: I think that under Mr. Wise's amendment they would be inclined to work a greater number of hours.

The Hon. J. G. Hislop: No; it would be a lesser number.

The Hon. L. A. LOGAN: Let us argue the point the other way, which is what I intended to do. I got mixed up with another argument.

The Hon. F. J. S. Wise: You just want to argue.

The Hon. L. A. LOGAN: May we not get to the stage that we are not only infringing some of the duties of the board, but, with

one taxi for every 800 of the population, people will be screaming that there are not sufficient taxi-cars? We can argue this whichever way we like, but we cannot have it both ways.

The Hon. F. J. S. Wise: You are arguing only with yourself.

The Hon. L. A. LOGAN: No.

The Hon. J. DOLAN: There seems to be some confusion. Mr. Wise is not trying to delete the words, "seven hundred" and substitute the words "eight hundred". Mr. Wise's additional words will fix a minimum number that will be allowed to operate. He will be limiting the maximum and the minimum. There is no attempt to bring on more taxi-cars.

The Hon. H. K. WATSON: I think Mr. Dolan has correctly stated the position. It would be clearer if we could say, "The number of taxi-cabs in the area shall not be less than 600 or more than 900." That would set a minimum as well as a maximum. Mr. Wise has to convert that proposition into a formula, and, in my opinion, he seems to have succeeded.

The Hon. L. A. LOGAN: I will bow to the wisdom of the Chamber; and, if necessary, we can have another look at this point on recommitment.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12: Officers and employees—

The Hon. F. J. S. WISE: The several amendments I have to this clause and subsequent clauses contain two or three principles, the main one being the desire to delete the words "the Commissioner."

Right through the Bill the board, not the commissioner, is given authority. That is quite specific in clause 12. Further on in the Bill it will be found that the board's requirements have to be met. Clause 18 mentions the authority of the board; and number plates, and so on have to be returned to the board. But, in conflict with the words "the Board," we find the words "the Commissioner" occurring from time to time; and, I think, in a most inappropriate context. I refer members to clause 12 as it is printed and as it will appear if my first amendment is agreed to. I think the words which I seek to delete are unnecessary, as words, or as verbiage, generally.

I draw attention to the next clause on the same page, which provides a perfect illustration of my point. I propose later to delete the word "Commissioner" in the third line of that clause and substitute the word "Board". I move an amendment—

Page 7, lines 24 to 26—Delete all words after the word "Act" down to and including the word "and".

The Hon. L. A. LOGAN: Mr. Wise just wants to provide by this clause that the Governor may make additional servants available for the administration of the Act by the board.

The Hon. F. J. S. WISE: No; that the Governor may for that purpose appoint such servants or officers as he thinks necessary.

The Hon. L. A. LOGAN: Then the honourable member will be putting in the word "Board."

The Hon. F. J. S. WISE: No; I will not be putting in anything.

The Hon. L. A. LOGAN: As far as I can see, the clause, if amended, will be just the same as it is now. At the moment I would not oppose the amendment.

The Hon. A. L. LOTON: There is quite a difference in what is proposed by the amendment and what is already contained in the Bill. According to the Bill the Minister may make available to the board the services of any servant or officer of the commissioner. If we take out those words, the clause will provide that the Governor may appoint additional servants or officers. There is a difference between making someone available and appointing someone, because if someone is appointed he holds the position or office to which he has been appointed; but someone from the Treasury or the Main Roads Department can be made available simply in an advisory capacity. I hope the Minister will not agree to the deletion of the words.

The Hon. R. C. MATTISKE: I, too, think there is a difference, and I think it would be unwise to accept the amendment.

The Hon. L. A. LOGAN: I appreciate the point. It is the intention of the Government to keep costs down as far as possible, and that is why these words were inserted. These officers can be seconded from one department to another, if necessary, and the cost will not necessarily be a charge against the board. I quite agree that it will be better to leave the clause as it is.

The Hon. F. J. S. WISE: I think members have found something and that they are right. In making that acknowledgment, I find it necessary to draw attention to my point of view in regard to the use of the word "Commissioner" in lieu of the word "Board." The first part of the clause provides that the Minister may make available to the board the services of any servant or officer of the commissioner.

The Hon. H. K. Watson: That is the Commissioner of Transport.

The Hon. F. J. S. WISE: Yes. The Bill then provides that the Governor may appoint additional servants as he thinks necessary. The words refer to the person who is to be chairman of this board. In my view it would be better if those words referred to the board rather than to the chairman of the board.

The Hon. L. A. LOGAN: There is a reason for this. The commissioner is a body corporate that can sue and be sued, but there is no provision in the Bill for the board to become a body corporate. That is why the word "commissioner" is used instead of the word "board." It is necessary to have someone who can sue and be sued.

Amendment put and negatived.

Clause put and passed.

Sitting suspended from 6.15 to 7.30 p.m.

Clause 13: Funds—

The Hon. F. J. S. WISE: I wonder if I understood the Minister aright in connection with the application of the word "Commissioner" in this part of the clause; that he is not a board, but is a person who can sue, or be sued.

The Hon. L. A. LOGAN: That is correct. There is no provision in the Bill for the board to become a body corporate. We do not want to extend the powers of the board and make it a body corporate, because once we do that we go outside the intended scope of the board, which is to look after taxis.

Clause put and passed.

Clause 14: Taxi-cars to be licensed under this Act—

The Hon. F. J. S. WISE: This is rather an interesting development in regard to penalties. It refers to taxi-cars that come from outside a control area into that area and operate within it. If they are not licensed for the area the persons involved commit an offence and are liable to a penalty of £40 for a first offence, £100 for a second offence, and £200 for subsequent offences. If a person came from, say, Bunbury, legitimately, with a passenger to Perth, and, operating within the control area of Perth, picked up a passenger at the passenger's request and conveyed him back to Bunbury, I take it he would be liable to a fine.

Section 6 of the Traffic Act prescribes a fine of £20 for a first offence and £50 for a second offence similar to that mentioned in the Bill. The penalty in the Bill is rather savage, and I seek to make the £40 penalty one of £20; the £100 penalty £50; and the £200 penalty £100. I think this would be more reasonable and, accordingly, I move an amendment—

Page 8, line 12—Delete the word "forty" and substitute the word "twenty".

The Hon. L. A. LOGAN: This is not just a case of fining a person who comes in from Bunbury, picks up a passenger, and goes back to Bunbury. I do not think he would be breaking the law. This refers to a man who drives a taxi without a license in a control area. If he runs his taxi as such in that area he commits an offence. If the penalties are severe in the first place, drivers will not break the law

so easily. We do not want any bushranging once we have control, and that is what will happen unless the penalty is fairly high.

The Hon. H. C. STRICKLAND: After hearing the Minister I would like to know whether a person in a private car would be committing an offence if he picked up three or four other people—as happened so often during petrol rationing—in his journey to work.

The Hon. A. L. Loton: He would not be making a charge.

The Hon. H. C. STRICKLAND: Then a person in a private car picking up three or four others with a view to taking them to work would not be committing an offence under this clause?

The Hon. L. A. Logan: No.

Amendment put and negatived.

Clause put and passed.

Clause 15: Renewal of licenses—

The Hon. F. J. S. WISE: We begin a run of the word "Commissioner" which I think is out of context. In succeeding clauses we find that certain matters such as the examination and issue of licenses is referred to the board; but in some cases the commissioner is also referred to in dealing with license plates. I think the handling of licenses and their issue is one that should be referred to the board and be dealt with by the secretary of the board. I move an amendment—

Page 8, line 30—Delete the word "Commissioner" and substitute the word "Board".

The Hon. L. A. LOGAN: Is it not possible to an aggrieved person might, in common law, wish to charge the commissioner with something? If the amendment is carried it might take away the right of the individual to sue under common law.

The Hon. F. J. S. WISE: In direct answer to the Minister I would refer him to clause 16 (1). The board has the right to do these things. It is not the commissioner who will be renewing licenses; the board will be doing the somewhat menial task of examining vehicles and issuing licenses.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 16: New licenses—

The Hon. F. J. S. WISE: This deals with the issuing of licenses and gives the board wide powers in the acceptance of persons to whom it will issue licenses. It deals with the vehicle which is licensed or registered under the Traffic Act, which is approved by the Police Department for use as a taxi, and which conforms with the board's requirements.

Very wide powers are vested in the board, but there is no right of appeal anywhere, and I think there should be one. This is

a clause under which, when an application is made in respect of a license for a vehicle that is not currently licensed as a taxi-car, the person may be refused on grounds quite unknown to him, and they could be quite unfair so far as he is concerned. I suggest a right of appeal should be inserted. I move an amendment—

Page 9—Insert after subclause (2), in lines 4 to 25, the following new subclause to stand as subclause (3):—

(3) Any person who feels aggrieved by the decision of the Board may within one month after such decision appeal therefrom to a Local Court held nearest to the place where the person resides.

The Hon. L. A. LOGAN: Mr. Wise said there is no right of appeal under this Bill. However, I point out that because the Bill is subject to the Minister, there is an automatic right of appeal under clause 9, which states that the board is subject to the Minister. Surely in things such as the transfer of a license, the issue of a new license, or the cancellation of a license, an appeal from the decision of the board to the Minister should be sufficient. It should not be necessary to take these things before a court. I prefer the clause as it stands.

The Hon. F. J. S. WISE: I think it needs a lot of imagination to anticipate that clause 9 is there for any person who is aggrieved to lodge an appeal with the Minister. It is not there for that purpose at all. It means that matters within the scope of this Act, or matters dealt with by the board that are outside the scope of the Act, are subject, if necessary, to a decision of the Minister; but in the matter of a person who is aggrieved because of the non-issuance of a license, there is no authority under this Bill to have his case heard anywhere. I simply wish to make provision for that. I hope the Minister will see the reason and justice in this to give a person the right to say, "I have not been fairly dealt with and I am going to test this because someone is doing me a grave injustice."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 17: Number plates—

The Hon. F. J. S. WISE: This clause deals with number plates and states that if a plate issued by the board is returned, it shall be returned to the commissioner. I suggest the word "Board" is much more appropriate because, in the earlier part of the clause, it is the board that approves the plate and issues the plate, and the board should be the appropriate body to which the plate is returned.

This clause, too, deals with the type of plate approved for a taxi-car. We know in this State white plates with black figures are the rule for hire cars. In some

States we see the plates prefixed by the letters "HC" signifying hirecar. Whether the lettering is black on a white ground or not, the position should be consistent all over the State. I hope the application of this Bill, when it becomes an Act, will be consistent throughout the State. I move an amendment—

Page 10, line 6—Delete the word "Commissioner" and substitute the word "Board".

The Hon. L. A. LOGAN: I think if Mr. Wise would have another look at this he might agree that he is trying to take out the word in the wrong place. If a number plate is not returned within 14 days after expiry, surrender, or cancellation, it is an offence under the Act; and if we delete the word "Commissioner" and substitute the word "Board" it will not be possible for any action to be taken. It is necessary that the commissioner have the right to sue if anybody contravenes the Act. Therefore, because the board cannot sue, it is necessary to retain the word "Commissioner".

The Hon. F. J. S. WISE: If what the Minister says is correct, we will find how contradictory is subclause (5) on page 11 of the Bill.

The Hon. L. A. Logan: The board does not issue plates under that subclause.

The Hon. F. J. S. WISE: I would not like to put in something that is tweedledum or tweedledee; but in all the cases I am raising, I think the word "Board" is more appropriate.

The Hon. L. A. LOGAN: It is necessary for the word "Commissioner" to remain so that it will be possible to sue under the Act.

Amendment put and negatived.

Clause put and passed.

Clauses 18 to 25 put and passed.

Clause 26: Regulations—

The Hon. F. J. S. WISE: This is a most unusual clause; and I think it was Dr. Hislop who drew attention to it during the second reading debate. The clause is worded in a most unusual way. Clauses dealing with regulations are usually most specific in the powers granted for the making of regulations, but this one gives authority to the Governor, with or without the recommendation of the board, to make regulations for any purpose for which regulations are contemplated or required by this Act; and to make all such other regulations as may be necessary or expedient for giving full effect to the provisions of, and for the administration of this Act.

It could be that this is an Act governed by regulation; or it could be that the administration of this Act will be controlled by regulation. Although one does not necessarily expect that would be the outcome, I think one would find the most

successful administrative laws of this State are those where the Statutes provide specifically for the powers conferred within the regulations. There are plenty of examples. Possibly the Minister could give us the explanation.

The Hon. L. A. LOGAN: To be quite honest, I cannot give the honourable member any reason for the wording of this particular clause of the Bill dealing with regulations. I do not know why this verbiage has been used, but I would think that any regulation made outside the scope of the Act could be challenged in a court of law. It is not my intention to go beyond the report stage tonight; and if I am able to obtain an explanation, I will inform members on the third reading.

Clause put and passed.

Clauses 27 to 29 put and passed.

Title put and passed.

Bill reported with amendments.

POLICE ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [8.2 p.m.]: I move—

That the Bill be now read a second time.

This Bill is directed towards strengthening the provisions in the Police Act with respect to trespass and also to effectuate the judicial and general opinions concerning the necessity to remove anomalies existing in section 84 with respect to juveniles.

As is widely known, representations are made from time to time by owners, in particular, seeking assistance with a view to combating damage caused by trespassing. These representations refer in the main to farming properties and, in particular, to mushroom pickers, and also to users of firearms.

Most members in this Chamber will recall Bills introduced by The Hon. A. L. Loton during the 1958 and 1959 sessions, which were directed against trespassers. These Bills, introduced as amendments to the Cattle Trespass, Fencing and Impounding Act, were apparently considered too severe in that they granted too much power to landowners and were not passed.

Recently, when consideration was being given to the matter of trespass, it was concluded that the provisions and machinery contained in section 49 of the Act, being somewhat difficult to implement, should be supported by this legislation. With this end in view, mushrooms or other

fungus are included in the list of growing articles contained in section 82. This is being done with a view to giving the owner some power to recover compensation from a trespasser causing damage, and the onus will be placed on the landowner to prove his loss.

Limited power also will be given to the landowner to facilitate his establishing the identity of the culprit. He may request the name and address of the trespasser, and there is an appropriate penalty covering a refusal to give this information or proffering wrong information. This is submitted as being reasonable, as surely there should be some right for the owner to establish the offender's identity as the onus will be on him as to what subsequently happens.

Needless to say, the innocent picnicker entering land with no intention of damaging crops or property would have nothing to fear from this legislation. It should, nevertheless, serve as a deterrent to picnickers, knowing they would be placing themselves in a position where they could be made responsible for damage caused.

The second amendment dealing with juveniles has been prompted by a judicial suggestion. When dismissing an appeal against a conviction in the Police Court that being the keeper of a room, to wit the Globe Amusement Arcade, the appellant did knowingly suffer a person under the age of 16 years to enter and remain therein contrary to section 84 of the Police Act, 1892, the Full Court, comprising the Chief Justice (Sir Albert Wolff) and Mr. Justice Hale made a strong recommendation that consideration be given to amending the Act.

Among his remarks the Chief Justice stated—

Now it is one thing—and a good thing—to have a law which strikes directly and specifically at an evil sought to be eradicated and another—and bad policy—to have a law which is cast too widely. It is no answer to say that as a matter of policy it will be administered wisely and in the narrower sense which it is thought the Legislature intended.

That depends a good deal on individual views and so puts much power in those who administer the law, and while we may have confidence in the Administration, it is not desirable to grant such an excess of power.

I therefore trust that the Legislature may take early steps to correct the objectionable features of the section substituting, if need be, legislation which is more specifically directed to remedying evils which it may be thought desirable to eradicate.

Realising that this was a matter that should be carefully examined, it was referred to the Solicitor-General to confer

with the Child Welfare Department and the Commissioner of Police and the Assistant Parliamentary Draftsman.

The outcome of their deliberations was the decision to delete the present reference to children from the section and add a new subsection, the wording of which largely follows the existing wording combined with the tenth definition of "neglected child" in section 4 of the Child Welfare Act, which reads in part—

... is living under such conditions as to indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy.

The reason for the deletion is because at the present time a person could be proceeded against for allowing a child under 16 years to enter a butcher or greengrocer shop, or a dance hall. It is highly unlikely that this would happen, but it did in regard to an amusement arcade.

In the new subsection the existing wording is largely retained, but the proviso is combined "and remain therein under circumstances which indicate that the mental, physical or moral welfare of the child is likely to be in jeopardy."

This proviso is the crux of the matter because it is specifically directed to remedying the evils which it may be thought desirable to eradicate.

THE HON. A. L. LOTON (South) [8.8 p.m.]: Perhaps I should preface my few remarks by saying, "If at first you don't succeed, try, try, try again." I think it was on three occasions that I introduced a private member's Bill into this Chamber to try to do something about the unlawful trespassing by persons on private property. I think Mr. Jones, on one occasion, introduced legislation; but sometime after passing through this House, it met sudden death in another place.

On this occasion several minor amendments are included in the Bill. The main provision in the Bill enables the landholder to demand the name and address of a person alleged to be trespassing on his land. That is the provision I sought when I introduced legislation; that is, a provision to give the landholder the right to demand the name and address of a trespasser. The Act provided that one could detain a person whom one thought was unlawfully trespassing, until such time as a police officer could be contacted. I could never see the logic of that. How a person could detain 50 or 60 trespassers on his particular land was beyond my comprehension. I am pleased that the Minister has seen fit to introduce this measure and I am happy to support it.

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

TRAFFIC ACT AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. L. A. LOGAN (Midland—Minister for Local Government) (18.13 p.m.): I move—

That the Bill be now read a second time.

This Bill has two main purposes. Its passing will line up our Traffic Act with the National Traffic Code of 1959; and also certain amendments will facilitate smoother administration of the Act.

The Australian Road Traffic Committee, which was founded by the Australian Transport Advisory Council in 1947, pursued its deliberations to the point where all States agreed to adopt the code in principle at the last meeting of the council.

Most of the items in the code, which number 84 in all, may be adopted by amendment to the traffic regulations in this State. Many have already been adopted, and the adoption of others will follow progressively.

The definitions of "drive" and "road" in the Act to be amended by this measure are required to be altered to enable those terms to comply with their accepted meaning in other States' legislation.

The wide definition of "road" in the Act includes any place open to or used by the public. This is necessary to encompass the more serious offences under the Traffic Act, but neither necessary nor desirable in respect of the ordinary provisions of the Act.

The new definition does not encompass off-street areas such as car parks, drive-in theatres or any place commonly used by the public. However, it is desirable in respect of sections 31 and 32, with reference to negligent or dangerous driving and driving under the influence of drink or drugs, to expand the definition of road. This is necessary to enable offences committed on such areas to be indictable.

The definition of "owner" includes any person who has the use of a vehicle for a period of not less than three months under a hire-purchase agreement. The limitation to three months prevents traffic authorities from enforcing regulations in respect of transfers. Effective recording requires that the owner should be the person in actual possession of the vehicle and not a hire-purchase company. Consequently, the new definition describes an owner as the person who owns the vehicle and includes the owner under a hire-purchase agreement.

A license is not required for an agricultural implement, under section 5 of the Act, when it is being hauled or towed on

a road by a vehicle for which the owner is the holder of the requisite vehicle license. The words "agricultural machinery" are also defined in the same section but limited to "agricultural machinery which is owned by a person carrying on the business of farming or grazing". As a result, an agent or dealer is precluded from delivering agricultural machinery to a farmer unless he holds a permit or trade plates from the licensing authority.

By omitting the qualification previously referred to, the amended Act would provide uniform conditions for the movement of farm machinery. The Bill removes hand-carts and horse-drawn vehicles from the licensing provisions because of their limited numbers on our roads.

Vehicles used by interstate road hauliers for the purpose of interstate transport only will be licensed without payment of a fee. There are at present sixty interstate semi-trailer outfits operated by some fifty local owner-drivers. These vehicles have been issued with free licenses to enable third party insurance premium of £5 and 7s. 6d. for plates to be paid. Some have engaged in intrastate transport. Such contracts are illegal inasmuch as they have paid no licence fee, yet there is no manner of controlling their operations under the Act.

An amendment which is proposed to the section dealing with the payment of various licence fees, and exemptions therefrom, will enable an interstate carrier ordinarily resident in this State to make a statutory declaration that a particular motor vehicle will be used for interstate transport only. Such declaration will adequately cover a local authority issuing a free licence. On the other hand, in order to make it an indictable offence to breach conditions pertaining to the issue of any free or concession licence, it is proposed to deal with the offence under section 5 of the Act. This section provides for a maximum fine of £100 for a first offence and £200 for any subsequent offence.

Our main roads authorities are concerned because of damage being caused to road surfaces, culverts, and bridges by excessively overloaded vehicles. Undoubtedly, many of our first class roads are being damaged unnecessarily, and it is apparent that control measures are overdue.

Maximum penalties for overloading do not apparently constitute sufficient deterrent. In some cases, the penalties imposed are actually less than the permit fees which would be payable were permits sought and approved.

Certain conditions with respect to the route, speed, and weight, are specified when permits are issued. This is done with a view to ensuring minimum damage. When these factors are wilfully ignored, considerable damage to road surfaces can result.

The Commissioner of Police earlier this year, by arrangement with the Main Roads Department, appointed a second heavy

haulage squad. This was properly equipped with a vehicle and loadometer to check heavy transport vehicles on the road. Despite the enforcement efforts which are being made, the number of offences is increasing. There were 765 convictions for overloading during the year ended the 30th June, 1961. In the following year there were 925 convictions. During that year one particular company was fined the maximum of £50 on more than twenty occasions. It apparently paid the company to do it.

As previously mentioned, even such heavy fines apparently are not constituting any deterrent to these heavy payloads.

The new gross vehicle weight regulations, which came into operation on the 1st July last, limit the load on all new vehicles to what the manufacturer considers the vehicle is designed to carry plus a margin of 10 per cent. to which is added a further tolerance of 10 per cent. New vehicles and vehicles already licensed will continue to be subject to the tenth schedule of the traffic regulations, which prescribe the maximum axle load for various types of heavy motor wagons.

The Bill provides for an increased penalty for an offence under section 43 (3) of the Act, in order to ensure that the new regulations are properly observed and in the hope of overcoming the problem of wilful, excessive overloading. The penalty for a first offence remains at a fine not to exceed £20, but, for any subsequent offence, the penalty is increased from a fine not exceeding £50 to a fine not exceeding £100. The Bill contains in addition to the fines which may be imposed, a mandatory penalty of 10s. per cwt. of excess weight up to 20 cwt., and £10 per ton or part of a ton excess weight beyond the first 20 cwt.

In view of the information placed before members regarding the increasing numbers of offences in connection with excessive overloading, and the seriousness of recurring offences, it is considered that the revised penalties are fully justified.

I do not think it is necessary for me to point out to members that every week some transport operator is fined for excessive loading. We know that in some cases there is difficulty in assessing the weight of a load, particularly where a new driver is concerned. But for the experienced driver who is used to this type of loading, there is no excuse for overloading; because, by his experience, he should have a fair idea of the weight of his load. His permit is issued for a certain weight, and for a certain axle load. He pays a fee for the permit for that particular load; and it is obvious that overloading pays in some cases, and it pays the operator at the expense of the general community, because of the damage which is done to the roads.

I think it is time we did something to ensure that everybody obeys the law. Whether this proposed increase in fees will bring that about remains to be seen, but at least it will be more of a deterrent than are the present penalties. I hope the House will give serious consideration to the measure.

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

FACTORIES AND SHOPS BILL

Second Reading

Debate resumed, from the 7th November, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. R. H. C. STUBBS (South-East) [8.18 p.m.]: My contribution to the debate will be concerned mostly with the health angle. Definitions in the Bill include words such as food, factories, restaurants, bakehouses, refreshment places, offensive trades, laundries, and so on, which are all terms included in the Health Act, and they are also terms that come within the everyday work of health inspectors. In my view, work connected with those terms should come within the province of health inspectors. I know certain amendments are to be considered later regarding the overlapping of this measure and the Health Act; but all through the Bill there are words and terms similar to those I have just mentioned.

I think the Health Act, the food and drug regulations, and the model by-laws amply cover the position, and in my opinion a health inspector is better trained to look after the job in regard to the places I have mentioned than is a factories and shops inspector.

Perhaps I could expand my argument by giving members some idea of the qualifications required of a factories and shops inspector and also a health inspector. Then members might realise my concern about the position. The subjects required for examination for a shops and factories inspector are as follows:—

- (1) Sanitary engineering practices.
- (2) Industrial hygiene.
- (3) Industrial Arbitration Act.
- (4) Factories and Shops Act.

It is only a six months' course and no hours of practical experience before examinations are required. I am not detracting from the qualifications of a factories and shops inspector; I merely intend to point out the difference between that inspector and a health inspector.

Recently I asked a question regarding the number of inspectors employed by the Factories and Shops Department and the answer was—

Fourteen, including the Chief Inspector and the Assistant Chief Inspector.

I then asked how many of these inspectors held a health inspector's qualifications and the answer was, "Three". The third question was—

What other qualifications do they possess respectively?

And the answer was—

Two inspectors hold the degree of Bachelor of Arts, one is a marine engineer, and 11 have passed the statutory factory inspector's examination.

That means there are 11 people who, more or less, have to cover the State; because when we deal with the Factories and Shops Act we are dealing with an Act which applies State-wide.

Now let me compare those requirements with the health inspector's examination, or perhaps I could say the Western Australian examination of the Royal Society for the promotion of Health—that is The Royal Sanitary Institute of London. A certificate issued by this authority is accepted all over the world.

I am trying to develop my argument along the lines that in my view the factories and shops inspector should keep to his own backyard and not deal with anything pertaining to health. The preliminary education requirement for examination for a sanitary inspector in Western Australia is the Junior Certificate of the Western Australian University or, in the opinion of the board, its equivalent. As regards theoretical training, the regulations state—

Every candidate shall produce evidence of having regularly attended a course of lectures and demonstrations approved by the Western Australian Examination Board. Such a course shall extend over at least one year, and shall cover the subjects of the syllabus herein laid down.

As regards practical training, the regulations state—

Every candidate shall produce evidence of having undergone practical training for at least 200 hours in all branches of the work and duties of a sanitary inspector.

That means that the medical officer of health in the district concerned has to give a certificate in writing that a candidate has undergone practical training for at least 200 hours. A candidate cannot say that he has done it; he has to prove it. Therefore, as well as studying for the examination he has to prove that he has

undergone practical training for at least 200 hours—that is before he is allowed to sit for the examination.

The examination extends over three days with the first written paper on Thursday morning, the second written paper on Thursday afternoon—both of those examinations are for three hours—and on Saturday afternoon the candidates undergo practical inspection and report. Then they have a *viva voce* examination, including questions on specimens, etc. The regulations state—

Notwithstanding the importance of theoretical and practical knowledge of sanitation and hygiene, and the duties of a sanitary inspector, it is essential that a candidate possess an adequate knowledge of the English language.

Great importance is also attached to the practical knowledge which a candidate should have acquired in the course of his training. It goes on—

A desirably high standard of theoretical knowledge cannot compensate for any failure to satisfy the examiners in respect of thorough practical familiarity with the work and duties of a sanitary inspector.

It simply means that a person can pass two examinations, but if he fails in the third then he fails altogether.

To give members some idea of the syllabus, a health inspector has to study the following subjects:—

Sanitary law
Inspection and administration
Water
Food
Air Ventilation and lighting.

As regards sanitary law it covers the provisions of the Acts, regulations, and by-laws relating to the duties of sanitary inspectors; an outline of the general principles of common law; the functions, responsibilities, and qualifications of sanitary inspectors; and the principles and practice of administration and enforcement.

As regards inspection and administration, this covers the methods of inspection of buildings, dwellings, boarding and lodging houses, ships, vessels, and boats, dairies, milk shops, cowsheds, bakehouses, markets, slaughterhouses, and other food premises. I want to emphasise the food aspect of this question, because I am concerned with this angle. The syllabus then goes on to refer to offensive trades and nuisances, especially connected with trades and manufactures, eating houses, restaurants, shops, public buildings, and other premises within the purview of the Health Act, and by-laws and regulations made thereunder. This also includes the detection and prevention of smoke and other nuisances, the investigation of complaints, and service of notices.

Members will see that most of the items I have mentioned are covered by the Factories and Shops Act as well as the Health Act. As regards the subject of water the Health Inspector must know—

The physical characteristics of good drinking water—

and so on. I shall not explain that subject any further, but the syllabus covers many aspects of water inspection.

The applicant for a certificate must also know all about food, and then there is the sanitary angle. He must know the duties of a sanitary inspector in relation to the characteristics of good and bad food, including, fish, vegetables, fruit, meat, poultry, provisions, etc., including milk and milk products, and the inspection of food. They are all mentioned in the syllabus. He must know about the inspection of food in relation to communicable diseases; the inspection of animals before and after slaughter, and the recognition and inspection of carcasses, joints, and organs of animals used for human consumption.

As regards the subject of air ventilation and lighting, which is also mentioned in the Factories and Shops Act, he must know about the composition of air and the various causes of pollution, and the ducts and so forth used in factories. He has to know all about building construction and pass an examination on the subject. He has to know about the advantages and disadvantages of various appliances, the inspection of buildings, plumbers' work, and that type of thing. He has to know all about drainage, sewerage, and sewage disposal, and he must have a knowledge of the various systems used.

A person wishing to sit for the examination must also know about the construction of drains, including a knowledge of various systems of drainage and their adaptability to particular conditions. Also he must know about the collection and disposal of refuse and various systems for collection, and how to deal with trade, house, and other refuse. In the prevention of disease he must know about the nature of infection, preventive measures, and so forth. As regards flies, pests, and vermin, he must know their life history, how to destroy them, and the disinfection of premises and articles. He must know all about the disposal of vermin. That is part of a health inspector's job. When he inspects food premises he has to look for vermin and to make sure that the premises are vermin-proof.

The Hon. A. F. Griffith: He would not be precluded from doing that.

The Hon. R. H. C. STUBBS: I hope not. I am trying to expand my argument and tell the Minister why I think he might be.

The Hon. A. F. Griffith: I do not think he would be precluded.

The Hon. R. H. C. STUBBS: I certainly hope not. The factories and shops inspector at the moment has to pass on to the health inspector, who is a man trained for the job, any information he might have regarding the definitions I have just mentioned. However, all of those things are mentioned in this Bill and that is why I am concerned.

The Hon. A. F. Griffith: The health inspector would deal with the occupier more than with anyone else.

The Hon. R. H. C. STUBBS: Not according to the Health Act. He deals with the owner and occupier; in fact, anyone at all. The provisions of the Health Act are very wide, and when it deals with food it deals with either solid or liquid food, and when it mentions a food house it means any shop, factory or anything like that. I honestly believe that if we leave health inspection to health inspectors we will be doing the right thing, because the health inspector is a man trained for that work.

As I said, when he completes his examinations—and those examinations cover all the subjects I have mentioned—he gets a certificate from The Royal Sanitary Institute, London. This certificate has world-wide recognition. I have in mind that there are only 11 factories and shops inspectors for the whole State but there are many health inspectors throughout the State. Therefore I would say that as the health inspector is doing this work in the country, he should do it elsewhere, too.

Factories and Shops inspectors cannot travel to the country too often. From my own experience I know how often they do visit country centres. Because their numbers are few such visits are very infrequent. The few words I have to say about them is that in my opinion the health inspector is the man to do the job, and the factories and shops inspector should leave health matters alone.

For instance, a health inspector's duties take him around to restaurants and other food establishments every day; and he is trained to observe adulterated and spoiled foodstuffs. He has to police unhygienic serving of any food, dirty premises; he has to ensure that any sores on attendants' hands are covered whilst they are serving foods; and he has to see the food is properly wrapped and that it is protected from flies and vermin. Such duties are all part of the work of a health inspector.

Therefore I repeat that the health inspector is the man who should deal completely with those matters set out under the Health Act and its regulations. Many of the definitions set out in the Health Act have been included in the factories and shops legislation. That concludes my comments on the second reading, but I will have further remarks to make in Committee.

THE HON. D. P. DELLAR (North-East) [8.32 p.m.]: I am extremely concerned about the safety provisions in the Bill, and the powers the factories and shops inspectors will have. For instance, I find there is no provision to cover accident victims who may suffer severe injury or perhaps lose their lives. Apparently the Government does not see fit, or consider it necessary for a representative of a worker to be present at any inquiry into an accident, or to have the right to attend the scene of the accident to interview witnesses, to obtain evidence which he can use at a subsequent inquiry. No provision is made in the Bill for him to examine or cross-examine any witnesses of an accident.

In my opinion, it is most important for the representative of any worker to be permitted to attend at the scene of an accident, when such worker is seriously injured. Also, it is most necessary that the worker's representative should attend the scene of the accident in the event of a fatality in order that he may look after the interests of the deceased worker's dependants. Under the Bill as printed an injured worker has no such representative unless he is prepared to pay a solicitor to look after his interests. All workers pay fees to their respective unions, and, therefore, I think a union representative should be permitted to attend at the scene of any accident to a worker.

If such a representative cannot attend at the scene of an accident, how can there be any claim made on an employer who has been proved negligent? I am not saying that all accidents are due to the negligence of employers, but in those instances where the employer has been negligent, if a worker has no representative at the scene of the accident, how can the negligence be proved? Further, there is no mention in the Bill that the owner or employer shall not interfere with any equipment or apparatus at the scene of an accident. Such a provision is in the Mines Regulation Act. In the event of any accident in a factory or industrial establishment, the Bill should provide that the owner or employer should not interfere with anything at the scene of the accident.

This brings me back again to the point I raised initially; namely, that the injured worker should have the benefit of a representative being able to attend and inspect the scene of the accident. This is most important. I am not casting any aspersions against the honesty of any employer, but I would point out that he is only human, the same as the rest of us. In the Mines Regulation Act it is provided—

The manager shall, on the occurrence of any accident in the mine involving loss of time to the worker concerned, give notice thereof to the

inspector or in the absence of the inspector, to the warden or mining registrar or Under Secretary for Mines and to the Secretary of the mining branch of the body known as the Australian Workers' Union, Westralian Branch, Industrial Union of Workers at Boulder in the State, within one week from the occurrence of such accident.

I have quoted that section to show it is in the Mines Regulation Act and to point out that it has worked very successfully in the mining industry. In this Bill, however, no protection whatsoever is afforded to a worker should an owner or employer interfere with any machinery or apparatus at the scene of an accident. Whenever an accident occurs in the mines, a representative of the union is permitted to attend the scene of the accident and interview any witnesses he so desires. The Minister for Mines knows that. Therefore, a similar provision should be inserted in this Bill.

On pages 16 and 17 of the Bill there appears quite a deal concerning the powers and duties of a factories and shops inspector. Part of the provision appearing on those pages reads as follows:—

In addition to all other powers and authorities conferred upon him by many of the other provisions of this Act, an inspector may at all reasonable hours by day and night—

The clause then goes on to set out all the various powers that are conferred on him, among which are that he may—

enter, inspect and examine any place used or intended to be used as a factory, shop or warehouse.

I will not weary the House by reading all the powers of an inspector that are set out on these pages, because I am sure all members have read them already. In my opinion, the factories and shop inspector, under this provision, is given far too much power. My main concern, however, is that the Bill is devoid of any provision for a representative of a worker to attend the scene of an accident to look after his interests, or the interests of his dependants. I would like the Minister, in view of this, to give greater consideration to the inclusion of such a provision in the measure.

THE HON. J. D. TEAHAN (North-East) [8.41 p.m.]: There are two or three features of the Bill to which I would like to refer. One is that under the existing Act the award conditions and the hours of employees in any factory or industrial establishment are policed by factories and shops inspectors, but it appears to me that this Bill will take from them many of their powers, including the power to prosecute for any offences committed. I cannot think of any officer who is more competent to take such action than is a factories and shops inspector, for the reason that he is

a man of character, a man who is appointed to a position for life, and a man who is not biased one way or the other. A factories and shops inspector mostly visits districts in which he is not known, and therefore it could be said that he is almost neutral in any decision he has to make. What objection would there be to his taking action against a person who had not been observing the proper hours and conditions for his employees, or who had not been paying them the proper award rates?

The factories and shops inspectors have done an excellent job in the past. I do not know of any occasion when a factories or shops inspector has been accused of being biased in favour of an employer or an employee. In many instances, especially in remote centres of the State, there would be no-one to champion the cause of the employee if it were not for a factories and shops inspector being present on the job. Such instances would include cases of employers who had underpaid their employees, failed to keep a proper wages book, and so on. It might be said by some that this would be the duty of a union representative, but in many districts where the union is very small, it cannot afford to pay for the services of a secretary or a representative to police such breaches of the Act.

Therefore, it is the lot of the factories and shops inspector to look after the interests of the workers. This Bill, however, will take away from the inspector some of the powers he now has to prosecute employers who commit offences under the Act. The Bill also contains a provision to appoint a retail advisory committee which will be empowered to extend the trading hours of small shops under certain conditions and in certain districts.

This appears to be a very loose provision and it could eventually lead to trading hours being so extended that it would upset the hours and working conditions that unions have enjoyed for the past 40 years. We have now reached a standard of working conditions and hours which we consider to be satisfactory and therefore such a standard should not be endangered by any provision contained in this Bill. In many instances if shops were permitted to remain open for 24 hours of the day the trading hours would still not be long enough for some people.

There are persons who are unselfish, and who do not mind if others look after their interests. The other day an old gentleman told me that as a boy he worked up to 9 p.m., at a time when other workers were enjoying themselves, and often when he had finished his work at the grocery shop the employer would ask him to take an order out at that late hour of the evening. That occurred on numerous occasions. None of us wants to see a return of those conditions.

Another person who is wellknown to me told me that as a boy he was employed in a butcher shop, and his hours were from 6 a.m. to 4 p.m. He said his employer had no compunction, when he had finished his work at 4 p.m. and was tired, in asking him to wash down cutting carts. I am sure none of us wants to see a return to that state of affairs.

Mr. Dellar referred to an aspect which was well worth mentioning. It is a right which the unions and workers have sought, and will continue to seek under this Bill. I know some provision has been made to cover the position. In the case of an accident likely to cause death, or causing death, a representative of the union concerned should be given the right to be notified, so that he might examine the circumstances.

I am aware of the benefits of such a provision, because for about ten years I was the coroner in the Boulder Police Court. During that time I dealt with most of the mining fatalities that occurred, and at times they occurred quite frequently. There was always a union representative present to advance the cause of the deceased, or his relatives. He was present to watch the interests of the victims of accidents. I can recall at least one occasion when, as a result of a union representative being made aware of the circumstances, the guilt was shifted from the shoulders of the victim to where it properly lay. In that case the dependants of the victim were treated a little more generously than they would otherwise have been.

Some years ago I myself was involved in an accident, and as far as I can remember the accident was witnessed by six to ten people who knew me very well. When I regained my feet I asked them if they had witnessed the accident. They said they had not, yet they were friends of mine; in other words, they did not want to be involved. However, one lady who was present said she had witnessed the accident and she agreed that I should take her name. In a court case I would not only have been the physical victim of the accident, but also the financial victim, if it had not been for that single witness who agreed to give evidence. The reason why the others said they did not see the accident is that people generally are unwilling to appear as witnesses in court.

In a fatality which occurs in a mine or industrial establishment, if the union secretary has the right to be notified as soon as possible, he would be able to look after the interests of the victim, or his dependants. He would have the opportunity to hear the circumstances, while the events were fairly fresh in the minds of witnesses. It is not too much to ask that the union representative be advised, because he would

be able to protect the interests of the victims. With those remarks I await the Committee stage of the Bill.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [8.50 p.m.]: I am grateful for the speeches made by members during the second reading. I think it is safe to say that those who contributed to the debate did so for the purpose of seeking information on clauses with which they were concerned.

I have placed a number of amendments on the notice paper, and I notice that other members have taken similar action. Mr. Ron Thompson indicated to me this evening that he intended to move further amendments; and these will appear on the notice paper tomorrow. He has consented to the Committee stage being proceeded with, and I have given him an undertaking that when the clauses in which he is interested are dealt with, I shall ask for the postponement of their consideration. Those clauses will be dealt with at a later stage when I have had an opportunity to examine the amendments of the honourable member.

I would like to make some brief comments on the speeches that have been made. Mr. Ron Thompson dealt with various clauses quite extensively, and he referred to a duplication of the boards in this legislation. I point out there is no duplication of responsibility in the two boards concerned.

The first body is the retail advisory committee which is concerned with shops, and has nothing to do with factory welfare. It is a committee to be set up to make recommendations to the Minister on matters primarily related to hours of trading and shops; to types of goods to be sold; to classification of shops; to the general welfare, etc., of employees in shops and warehouses; and, subject to award conditions, to make provision for special trading hours in special circumstances. For example, to provide for holiday trading hours in such resorts as Mandurah, Rockingham, and Albany, where many of the holiday-makers live in camps or flats, and cannot be expected to hold the necessary food and provisions over long periods.

The second body is the proposed factory welfare board. This is concerned with factories, and its responsibilities are completely divorced from those of the retail advisory committee; these two committees cannot be amalgamated. The functions of the factory welfare board are to investigate and make recommendations to the Minister in respect of the measures necessary for securing the safety, health, and welfare of employees in factories. It has nothing to do with the hours of trading, and conditions in shops.

As Mr. Ron Thompson suggested, the Bill seeks to alter some of the duties of shops inspectors. These inspectors will be

engaged in carrying out the provisions of the Act, and the welfare work. Industrial inspectors will be appointed and employed under the more appropriate legislation; and it is anticipated that the conditions and duties of an industrial inspector will be governed by that legislation. Factories and shops inspectors will have all the necessary powers to enable them to carry out their responsibilities under the Act.

Touching on the point made by Mr. Dellar, who suggested they were to be given too much power, I thought he would want them to have more, rather than less, power in a case like this. Mention was made by Mr. Ron Thompson and Mr. Dolan of the provision which seeks to appoint the Secretary for Labour as the chairman of both the retail trade advisory committee, and the factory welfare board. He is the permanent head of the Department of Labour which deals with matters relating to industry, scaffolding, shops, factories, and safety. He is the obvious person to be appointed chairman of those bodies. That department does not deal with the machinery which is administered by the Inspector of Machinery under the relevant Act. For many years the Secretary for Labour has been the administrative head of the department in direct contact with the Minister on all these matters, and he has control of all phases of the work of that department. This is in line with the duties of the Secretary for Labour in the Department of Labour in other States of the Commonwealth.

The Chief Inspector is the officer who will be expected to carry out the inspectorial duties of the department, and as such he should be in a position to direct policy. I have no doubt both bodies will seek the advice of the Chief Inspector on matters in which his technical knowledge would be of assistance to them. The Chief Inspector in all other States is the officer who, in addition to the other varied duties provided for under the Bill, will be called upon to administer and carry out the policy which has been formulated.

In regard to the other personnel of the retail advisory committee, Mr. Ron Thompson should give the chairman credit for having the initiative to talk about changing the personnel; it should not be done at the whim of the chairman. That is hardly a realistic approach. No doubt the chairman will confer with the others on this matter. Obviously if the hours of chemists are to be discussed, no-one would expect a member of the Automobile Chamber of Commerce to be called to act on that committee, hence the reason for the power of replacement. This surely is a reasonable and sound policy.

The Hon. R. Thompson: That is an unfair comment, because you are governing the hours of chemists under the Act. You could not draw an analogy between that and the comment you are making.

The Hon. A. F. GRIFFITH: The comment which the honourable member is making has no reference to the fact that these people, in accordance with their advisory capacity, must be kept in line in respect of the matters upon which they are advising.

The Hon. R. Thompson: I raised the point of the duplication of boards, when one board has to carry out the two functions.

The Hon. A. F. GRIFFITH: The Government does not think so. Reference was made to inspectors under the Health Act and the Local Government Act being stripped of their powers by this legislation. Surely the administration of the provisions under those Acts must be the prerogative of trained inspectors. The work of the factories and shops inspectors will include the notifying of such authorities of apparent breaches of the provisions in the two Acts I have mentioned.

Touching on the point made by Mr. Stubbs, I do not think it is envisaged that health inspectors will lose any of the powers which have been conferred on them under the Health Act. That is not the intention under this measure.

The Hon. R. Thompson: On the contrary, some of them may have to do a bit more work.

The Hon. A. F. GRIFFITH: It seems the honourable member does not agree with the point of view of Mr. Stubbs. Mr. Thompson also spoke about the definition of a factory. It is proposed to amend the provision in the Bill to retain the definition as it is worded in the present Act. This was an omission in the drafting of the Bill, and an appropriate amendment will be moved in the Committee stage.

In regard to chemist shops, this provision will be tidied up by the proposed amendment, and it is not anticipated there will be any difficulty in administering the relevant portion of the Bill.

It was stated by Mr. Thompson that in proposed new section 99 there was no mention of the basic rate to be paid to females under the age of 15 years. I would draw his attention to the fact that another place has, by way of an amendment, provided that a female child under 15 years of age cannot be employed. If the honourable member will have a look at clause 50, he will satisfy himself.

The Hon. R. Thompson: I have done so since.

The Hon. A. F. GRIFFITH: In regard to privileged shops, all I desire to point out is that privileged shops previously were known as shops which were granted a suspension of the provision which made them close at the normal shop closing times because they had a small stock of non-exempt goods. These shops have been in force for 40 years, and surely no one desires to see them go.

Boans and Foys, and other big shops, would not become privileged shops or small shops. Firstly, how could these big shops screen off non-exempt goods? Secondly, the definition of "small shops" would make any proposition for them to become small shops completely impossible.

The Hon. R. Thompson: A portion of Boans Waverley, is screened off now.

The Hon. A. F. GRIFFITH: The small shops will benefit from the extended hours granted and the range of goods they can sell.

I cannot agree to a stipulation that a representative of the Shop Assistants Union should be the third member of the retail trade advisory committee. The Minister's nominee, who is the purchasers' representative, is to represent the community which includes not only the employee—

The Hon. R. Thompson: I did not say a member of the Shop Assistants Union.

The Hon. A. F. GRIFFITH: I did not say the honourable member did. I forget who raised this point, but I was not giving Mr. Thompson the credit for this one. As I was saying, the Minister's nominee represents not only the employees, but the community as a whole. The purchasers' representative must be a person of wide experience to be able to put the views of all types of consumers.

The major change in the hours for selling petrol is that every petrol station will not have to open for three hours every Sunday morning, as at present. This will give proprietors relief from their present long hours.

The Hon. R. Thompson: What we tried to give them last year!

The Hon. A. F. GRIFFITH: That is true. We had a Bill before this House last year, but the concept of that Bill was quite different from the provisions embodied in this particular Bill, if I remember correctly.

The Hon. F. R. H. Lavery: You don't have to put up with that man "Harry".

The Hon. A. F. GRIFFITH: I do not understand what the honourable member means.

The Hon. F. R. H. Lavery: Okay, I will leave it at that.

The Hon. A. F. GRIFFITH: To meet the needs of the public, the number of rostered stations will be doubled. The Minister can also approve of a 24-hour service in the city, should the need arise.

Mr. Lavery raised the matter of the protection of the positions of the existing inspectors under the new Bill. I have inquired about this. This is already provided for in clause 12. The honourable member made reference to the fate of the inspectors in the repeal of the Unfair Trading and Profit Control Act.

I would like him to know that one inspector came from private enterprise and, after the repeal of the Act, was given a temporary position in the Public Service. He was too old, I understand, to obtain permanent employment. The other inspector, a permanent employee—who, incidentally, is now a shop inspector—reverted to his substantive rank after his acting service. This is the usual procedure of the Public Service in matters of this nature.

The Hon. F. R. H. Lavery: He did not seem to think he was very fairly treated.

The Hon. A. F. GRIFFITH: I repeat, that is the usual practice applying in the Public Service.

Mr. Dolan spoke of extended shopping hours. The honourable member can be assured that the committee is not going to overthrow the general hours of trading. Exempted shops will trade as they have always been able to trade. Privilege shops will be permitted to trade as the committee decides, but such shops, previously called suspension shops, will only be given similar privileges to those already granted them. They may also suffer reduced hours to allow the small shops to function. The big retail stores and chain stores will still be closed at the usual time. That was the comment I made a little earlier on.

In regard to the question of fatal accidents in industry raised by Mr. Dellar and Mr. Teahan, I am not prepared, on behalf of the Government, to go along with the request, but will give the same assurance as was given in another place that the appropriate union will be notified in each case. The Transport Workers' Union was recently advised of a fatal accident which occurred to one of its members at a country centre. The factories inspector is required to make an official investigation and, of course, attend the coroner's inquiry in his official capacity.

Dr. Hislop referred to the limitation of hours of employees. This is necessarily so; but provision is made for those in privilege shops and small shops to work for themselves for the longer hours of their license. The Bill, in fact, caters for everyone.

In respect of the qualifications of inspectors, these requirements are the subject of regulations under the Act. These regulations prescribe the examination which must be passed. Firstly, the person must have the qualification standard of entry to the Public Service. Secondly, the inspector must pass the prescribed examination of a factory inspector. This study embraces the Factories and Shops Act, the Industrial Arbitration Act, industrial hygiene, and sanitary engineering. The last two subjects are conducted and examined by a Medical Department physician of occupational health. Inspectors are not appointed until they qualify by examination. I repeat that I am informed

the health inspectors, as such, will not lose their present position or the powers they have under the Health Act.

The Hon. R. H. C. Stubbs: I am pleased to hear that.

The Hon. A. F. GRIFFITH: I think it speaks for itself. There is a Health Act under which inspectors are appointed, and as the honourable member stated, they will retain their powers. The health inspector deals with the owner, but the factories and shops inspector deals more with the occupier.

The Hon. R. H. C. Stubbs: And the owner-occupier.

The Hon. A. F. GRIFFITH: Of course, there could be a case where the owner might be the occupier. I agree. Further, on the question of the qualification of these inspectors, recently a course of study at the Technical College saw only four out of 17 students qualify in all subjects.

After passing the examination, the inspectors are carefully trained with inservice training, and by accompanying experienced inspectors on the job. Training is a continuous process and goes on all their lives.

Monthly conferences are held, and all aspects of their work, incidentally, are carefully nurtured. Lighting, ventilation, welfare, and safety matters, are essential studies. Experts in these fields are constantly in attendance. Occupational health is often the subject of lectures by a public health physician. This form of training is set down by the International Labour Office code for training of factory inspectors. As a matter of interest, of the existing inspectors, two are University graduates, four have an engineering background, and three are qualified health inspectors. All are qualified factory inspectors. Improved standards will be expected of all future inspectors.

Surely the qualifications of an inspector under the Factories and Shops Act mean that his work can be complementary to that of inspectors under the Health Act! Factories and shops inspectors are able to detect apparent breaches of the Health Act when they inspect factories and shops. Their responsibility is to notify the local authority and the health authority, and the action will be taken under the Health Act. I think that should allay the fears of Mr. Stubbs to a considerable extent. After all, who else could better detect dangers becoming manifest in these premises than the inspector charged with the responsibility of safety, health, and welfare in factories?

In many cases health authorities would only be apprised of these matters when drawn to their notice by the factory inspectors. This is an important aspect

which is carried out by the British and every other Australian inspectorate. Even the International Labour Office code to which Australia is a signatory—

The Hon. R. Thompson: But not a participant.

The Hon. A. F. GRIFFITH: Not a participant?

The Hon. R. Thompson: Not in putting its views into effect.

The Hon. A. F. GRIFFITH: I think if I complete the sentence I will not lose the context. The International Labour Office code, to which Australia is a signatory, recognises the role of factory inspectors in matters affecting the health of employees in the processes of manufacture.

Many aspects of welfare, safety, and health of employees are a particular study much more fitted to factory inspectors than to ordinary health inspectors. That may be a debatable point, of course.

Another point was one raised by Dr. Hislop who adverted to the Chief Inspector's power to refuse registration; that is, registration of a factory in respect of town planning. Well, now, there is an appeal under clause 23 (4) in the event of that being done, not only for registration, but for re-registration. Clause 23 (4) sets out the basis of appeal if the Chief Inspector refuses to register, refuses to renew, or refuses to grant a permit. Dr. Hislop will find that on page 23.

The Hon. J. G. Hislop: He has an appeal to the Local Court.

The Hon. A. F. GRIFFITH: Yes.

The Hon. F. R. H. Lavery: More expense!

The Hon. A. F. GRIFFITH: The honourable member says "more expense." If the right of appeal were not granted, we would have it said that the Bill did not go far enough.

The Hon. F. R. H. Lavery: I am not complaining; I merely made the remark.

The Hon. A. F. GRIFFITH: It is provided in the Bill that local authorities shall notify the Chief Inspector of any aspect concerning the local authority and town planning, and the Chief Inspector is required to take notice of such information. Therefore I think we should find that rather than these activities working one against the other, with a spirit of co-operation, they should work very well together.

During the course of these remarks, I have covered most, if not all, of the points raised by members. If the House agrees to the second reading, this measure becomes a Committee Bill of some 100-odd clauses, and, no doubt, many questions will be raised, which, to the best of my ability, I will endeavour to answer.

I thank members once again for their assistance, and commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clauses 1 to 4 agreed to.

Clause 5: Interpretation—

The Hon. R. THOMPSON: I wish to move an amendment.

The Hon. A. F. Griffith: Are you putting this amendment on the notice paper?

The Hon. R. THOMPSON: Not this one.

The Hon. A. F. Griffith: Why not put them all on?

The Hon. R. THOMPSON: Very well; but this one ties in with the Minister's amendments.

The Hon. J. G. HISLOP: I just want to ask the Minister again what are the qualifications of the Chief Inspector. They do not appear in the Bill. Anybody can be appointed Chief Inspector. We are told the inspectors must pass examinations, but there is no provision in the Bill for the holding of examinations.

The Hon. A. F. GRIFFITH: In the first place the Chief Inspector would be a qualified person.

The Hon. J. G. Hislop: You take it for granted.

The Hon. A. F. GRIFFITH: No. Clause 12 (5) provides that a person shall not be appointed an inspector unless he has passed the prescribed examination, nor shall his appointment as an inspector of any grade or class be confirmed until he has carried out, to the satisfaction of the Minister, the duties of an inspector for six months. The basis of his examinations are prescribed.

The Hon. J. G. Hislop: By whom?

The Hon. A. F. GRIFFITH: By the Minister in the course of the administration of his office.

The Hon. J. G. HISLOP: I may be very dense and dull, but I can find nothing in the Bill which gives the Minister any right to prescribe an examination. He has no power under the regulations to do it. The idea of just saying there will be a Chief Inspector, and so on, does not appeal to me. I want to know what qualifications he shall have, who shall prescribe them, and what examinations shall be held.

The Hon. R. F. HUTCHISON: That is exactly what I want to know.

The Hon. A. F. GRIFFITH: The Act provides at page 10 that no person shall be appointed an inspector of factories unless he has passed the prescribed examination. The Bill, at page 15, states—

Subject to subsection (4) of this section, a person shall not be appointed an inspector unless he has passed the prescribed examination.

Clause 121 provides that the Governor may, in addition to the regulations authorised to be made by any other provision of this Act, make regulations prescribing all matters that are required or permitted to be prescribed. So the basis of his examination is laid down in the regulations. There may be some imperfections in the Bill, but in this respect a satisfactory state of affairs has presumably obtained since 1920.

The Hon. J. G. HISLOP: The administration of the Bill, in respect of inspectors, does not appeal to me in the slightest. The Bill gives no idea of what examinations these people will have to pass, except that they are to be prescribed by regulation.

The Hon. A. F. GRIFFITH: When replying to the second reading debate I gave the basis of the requirements of an inspector; and I understand that basis has applied for something like 40 years; and the present position is operating satisfactorily.

The Hon. F. R. H. LAVERY: Why is it required to be altered?

The Hon. A. F. GRIFFITH: I am not as easily sidetracked as that.

The Hon. F. R. H. LAVERY: We are not trying to sidetrack you.

The Hon. A. F. GRIFFITH: I am trying to satisfy Dr. Hislop and Mrs. Hutchison on this point. This provision has been in existence for a long time. These people have to pass prescribed examinations in connection with the Factories and Shops Act, the Industrial Arbitration Act, industrial hygiene, and sanitary engineering. The bases of the examinations are laid down in regulations, as are so many other things. I hazard the guess that the bases of the B.M.A. examinations are laid down by regulations and not by Act.

The Hon. J. G. HISLOP: They are prescribed by the University.

The Hon. A. F. GRIFFITH: Are they laid down by regulation?

The Hon. J. G. HISLOP: Yes.

The Hon. A. F. GRIFFITH: If I move the amendment I have on the notice paper, will Mr. Ron Thompson put his amendment on the notice paper subsequently?

The Hon. R. Thompson: Yes.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 6—Insert after paragraph (g), in lines 16 to 21, the following new paragraph to stand as paragraph (h):—

(h) any premises in which one or more persons are engaged, directly or indirectly in any handicraft, or in preparing or manufacturing goods for sale or trade as paid employees for the purpose of the trade or business of their employer;

The draft Bill omitted to include these small factories which have one or more employees engaged in a handicraft or manufacturing process. A small factory is just as important as a large factory from the point of view of the safety, health, and welfare of the employees; and as the majority of factories in Western Australia come within the category of small factories, it is necessary to insert this provision in the definition.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 9, line 17—Insert after the word "shop" the words "or engaged in the shop as a clerk".

Amendment put and passed.

The Hon. A. F. GRIFFITH: I think it would suit the convenience of Mr. Ron Thompson if we were to postpone consideration of the clause so that he could put his amendment on the notice paper. Is that the honourable member's wish?

The Hon. R. Thompson: That would be my wish.

The Hon. A. F. GRIFFITH: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clauses 6 to 9 put and passed.

Clause 10: Construction of Act to be subject to Constitution and Industrial Arbitration Act, 1911 and awards—

The Hon. F. R. H. LAVERY: If the Bill in another place is successful and the Government does away with the Arbitration Act what will be the position? I know we should not presuppose legislation and I do not wish to be facetious in this matter, but perhaps the Minister could let me know what the position is.

The Hon. A. F. GRIFFITH: Let us get this matter right straightaway. The Government is not hoping to do away with the Industrial Arbitration Act. I think it will be necessary to amend the Industrial Arbitration Act when that Bill passes, and we may have to amend the title.

The Hon. F. R. H. LAVERY: I would ask again: If the Bill being debated in another place passes, what happens to clause 10?

The Hon. H. K. WATSON: The Industrial Arbitration Act, 1912, remains in existence. There is no measure I know of to repeal it. There is a Bill to amend it, but it will still be the Industrial Arbitration Act, 1912.

The Hon. F. R. H. LAVERY: If members would read the marginal note they will see that the Act referred to is the Industrial Arbitration Act, 1911. It should be 1912.

The Hon. H. K. WATSON: Marginal notes do not form any part of an Act of Parliament.

The Hon. A. F. GRIFFITH: All I say is that if marginal notes do, then this appears to be wrong, and it will have to be corrected.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): The Clerks will carry out the necessary correction.

The Hon. F. R. H. LAVERY: I am not going to accept what just happened in this Chamber. I raise very grave objection to what happened. I am elected as a member of this House, and if I ask a question I will not tolerate any visitor laughing at the question I ask. My reference to a visitor is to the person sitting beside the Minister for Mines.

The Hon. F. J. S. WISE: Instead of being testy about a Bill which is not far from here, perhaps we might turn the other cheek, because there will be plenty of opportunity to exercise our prerogative when the time arrives.

The Hon. A. F. GRIFFITH: I am pleased to receive information that the Bill is not far from here. The officer of the department sitting alongside me asks me to convey his apology to Mr. Lavery, and say he meant no offence. He was not laughing at the honourable member, but was smiling to himself at the mistake in the marginal note which quoted 1911.

Clause put and passed.

Clause 11: Administration of Act—

The Hon. R. THOMPSON: I would ask the Committee to postpone consideration of this clause.

The Hon. A. F. GRIFFITH: I move—

That the clause be postponed.

Motion put and passed.

Clause 12 put and passed.

Clause 13: Inspector to have certificate of appointment—

The Hon. J. G. HISLOP: What does this clause mean? Does it mean a man will be appointed a sanitation inspector, or a factories and shops inspector, or a meat inspector; or does it mean he will be given a wide-open inspectorship? I feel there is a tendency to lower the status of inspectors in the Act. The health inspectorship stands as the high tone of inspectors. I

want to make certain that a man does the job for which he is fitted; that he be made to qualify as such. At the moment there is nothing to guide us, or ensure that this will happen.

The Hon. A. F. GRIFFITH: The purpose of this is to provide that a certificate of appointment of an inspector can be produced if required. On entering a house he may be challenged, and he will then be able to say that he is a factories and shops inspector and produce his certificate to prove it.

Clause put and passed.

Clause 14: Inspector subject to Secretary for Labour—

The Hon. F. R. H. LAVERY: In view of the remarks made by Dr. Hislop, I would like to know what special qualifications the Secretary for Labour has to permit him to supervise and give direction to inspectors who might be appointed. I understand the Secretary for Labour will supplant the Chief Inspector of Factories. What has the Secretary for Labour to do with the performance of the work required by the Chief Inspector? My understanding of his work is that it deals with industrial awards affecting the public service, and so on.

The Hon. A. F. GRIFFITH: The Secretary for Labour is the permanent head of that department, just as an under-secretary is the permanent head of his department. As such he has to perform many functions; and this brings to mind the functions performed by the Under-Secretary for Mines who has to deal with such things as geological surveys, chemical laboratories, inspection of machinery, and so on. The inspectors under the new administration will be subject to the direction of the Secretary for Labour as head of the department, but there is no doubt he will confer with the Chief Inspector on such matters. In any case I think this is one of the clauses that Mr. Thompson wants postponed, and I therefore move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 15 put and passed.

Clause 16: General powers of Inspector—

The Hon. J. G. HISLOP: I would refer members to paragraph (i). This is what I have been trying to emphasise when dealing with the lowering of the standard of inspectorship. On what grounds can the commissioner give a license to someone to act as a health inspector if he is not so qualified? If a job is required to be done by a health inspector it should be done by a health inspector. The inspectors in question should be qualified

to do the jobs they are expected to do. Personally I think this provision should go out.

The Hon. J. DOLAN: I cannot understand Dr. Hislop's objection. The commissioner referred to is the Commissioner of Public Health, and I cannot imagine the Commissioner of Public Health giving a certificate to a man who is not competent to exercise the duties which the certificate states he is qualified to exercise. As I say, I cannot imagine the Commissioner of Public Health granting a certificate to a man unless he has earned it.

The Hon. A. F. GRIFFITH: I cannot do much more than reiterate that that is basically correct. I am told the Commissioner of Public Health has not made one of these appointments in the manner envisaged by Dr. Hislop. I think we have to leave it to a person like the Commissioner of Public Health not to give a certificate to any Tom, Dick, or Harry, but rather to a person qualified to hold it.

The Hon. J. G. HISLOP: This is completely absurd. We have been told that one can read into this clause that a certificate will only be given by the Commissioner of Public Health to a man who has passed his examinations and qualified as a health inspector. If he has done that he does not have to have a license; so what does this clause mean?

The Hon. R. H. C. STUBBS: When an inspector under the Public Health Act is appointed, he has already passed the prescribed examinations of the Royal Society of Health, but he cannot take any appointment as a health inspector until he is gazetted. If the wording of the clause were altered to that extent, perhaps it might clear the matter up.

The Hon. H. K. WATSON: Dr. Hislop deals with this provision as though it is something new. It has been in the Factories and Shops Act since 1920. Section 14 of the Act contains the same words as the Bill. This Bill is one to consolidate the law relating to factories and shops and I suppose 90 per cent. of it is a repetition and a redraft of what has been contained in the Factories and Shops Act for 40 years. This clause introduces no new question and raises no new point.

The Hon. J. G. HISLOP: We are told that because something was in an Act in 1920, when we have an opportunity to look at it in 1963 we should not do so, but should accept the position as it was in 1920. The qualifications of a health officer in 1920 were nothing like those that obtain in 1963; and if we are going to continue on that basis then we will lower the standard of what is required today.

The Hon. R. H. C. STUBBS: I agree with Dr. Hislop. In 1920 there was no examination for inspectors. They were

just appointed. However, to raise the status in recent years they have had to pass a stiff examination.

The Hon. A. F. Griffith: The date of the Act remains the same, but the status is improved.

The Hon. R. H. C. STUBBS: I think perhaps we should alter the wording and make provision for a gazetted inspector.

The Hon. H. K. Watson: Mr. Dolan made the position clear to me.

The Hon. A. F. GRIFFITH: The Commissioner of Public Health will not gazette a man until he is qualified, and will not appoint him until he is gazetted. So what more do members want? Dr. Hislop looks surprised at that. I think he imagines some person not qualified is going to obtain one of these certificates to perform a function of this nature.

The Hon. J. G. Hislop: That is what the Bill says.

The Hon. A. F. GRIFFITH: The Bill says, "Every person who holds a certificate from the Commissioner of Public Health that in his opinion such inspector is competent." If the Commissioner of Public Health does not think a man is competent he will not give him a certificate.

The Hon. R. THOMPSON: I do not like the wording of subclause (2) of clause 16 on page 18. If an inspector has to find out the cause or reason for something happening, he would have to ask questions of someone around the place, and yet the person does not have to give any information that might incriminate him. I am not happy about this.

The Hon. A. F. GRIFFITH: In the Act at the present time the provision states that provided no person shall be required to answer any question tending to criminate himself. In the Bill the provision reads as follows:—

A person shall not be required, under the authority of this section, to answer any question or give any information tending to criminate him, and before any person is questioned by an inspector pursuant to this section the inspector shall advise the person accordingly.

In other words, a person has to be warned, so he is better off.

The Hon. F. R. H. Lavery: It is similar to the Police Act.

The Hon. A. F. GRIFFITH: Yes. As I understand the law of evidence, if a warning is not given, the evidence is not admissible.

The Hon. R. THOMPSON: The inspector, under this Act, is not clothed with the same powers as a policeman; and this is the point I am trying to make: How will an inspector carry out his functions as an inspector—

The Hon. A. F. Griffith: How did he do it before?

The Hon. R. THOMPSON: He was covered by the provisions of the Industrial Arbitration Act, under which he could lodge prosecutions.

The Hon. A. F. Griffith: I do not think that has anything to do with the asking of questions. Is not your question based along the lines of incrimination?

The Hon. R. THOMPSON: Yes; and I do not think the Committee has had a satisfactory explanation from the Minister.

The Hon. A. F. GRIFFITH: I can only repeat that I think the man concerned is better off. I do not profess to know a lot about the law of evidence, but if a man is not warned that anything he may say may incriminate him—

The Hon. R. Thompson: How can it incriminate him when the inspector is not clothed with any powers?

The Hon. A. F. GRIFFITH: The honourable member is getting to the point where an inspector has no power to prosecute; but proceedings can be taken against a man. Someone has the power. A man may be concerned with a breach of the Health Act. If he is warned beforehand he might close up and therefore not make any incriminating statement concerning himself. I think he is safer than he used to be.

The Hon. F. R. H. LAVERY: I think the position is similar to where a policeman says to a person, "I am asking you for a statement, but warn you that anything you say may be taken down in evidence and used against you." That warns a person to go quiet until he has seen his legal adviser and it gives protection to the person who is going to be charged. I hope I am right in saying this.

The Hon. R. THOMPSON: I think the honourable member is wide of the mark. An inspector goes into a factory to inspect the factory. If he sees something is wrong, he may want to ask, "How long has that been going on?" But before he asks that question he must say to the person concerned, "You do not have to answer that question if it is going to incriminate you." The inspector is only asking a question pertaining to a factory; and he is not clothed with any powers. He is not going to institute any prosecution. He has to ask something, and he must get a truthful answer from the person responsible in the factory. However, he can stop himself from getting an answer, although it is perhaps only a simple answer that he wants.

The Hon. H. K. Watson: That person could tell the inspector to jump in the lake if he wanted to.

The Hon. R. THOMPSON: Yes; and I am going to vote against this clause.

The Hon. G. C. MacKINNON: I think this clause is absolutely essential, otherwise failure to answer any question at all would put a shopkeeper in a most invidious position. He must be in a position to refuse to answer certain questions and claim as his right the fact that they might incriminate him. If an inspector goes in and asks all sorts of questions, the person concerned could put a noose around his neck if he did not know the situation. Surely this is quite normal so that the man can say, "I want to get advice; I am not going to incriminate myself."

If an inspector sees something wrong, there should be some loophole for the shopkeeper.

The Hon. R. Thompson: It is not necessarily a shopkeeper; it could be at a quarry.

The Hon. G. C. MacKINNON: Irrespective of whether the person concerned is a shopkeeper, is in a factory, or somewhere else, why give a factories and shops inspector under this Act, powers that are not given to anybody else? If a policeman comes up to me and asks what I am doing loitering in the street, I do not necessarily have to tell him; I merely have to give him my name and address.

The Hon. A. F. Griffith: If a policeman is in uniform you have regard for his authority; but if he is in plain clothes you ask him who he is.

The Hon. G. C. MacKINNON: Yes. This is perfectly normal in legislation of this kind. I do not see why an inspector appointed under this Act should be clothed with the absolute right to receive answers to questions. We must give a person some rights; because he is a shopkeeper, not a criminal. I consider that this right is absolutely vital.

The Hon. A. F. GRIFFITH: Clause 16 deals with the general powers of an inspector. It sets out the things that an inspector can do. An inspector would invariably identify himself, and say that he was a factories and shops inspector. The clause provides that a person shall be warned; that he need not incriminate himself. The same situation applies with the police. When a charge is laid, the policeman warns the person concerned. Mr. Ron Thompson is quite wrong when he says that he doubts whether there is power to prosecute. In the general sections of the Act there is reference to offences and to penalties in respect of various offences. There is definitely power to prosecute.

The Hon. H. C. STRICKLAND: I refer the Committee to subclause (1) (d) and subclause (2). The first provides that a person must answer any questions put to him by an inspector and sign a statutory declaration as to the truth of his answers. The latter subclause says that a person shall not be required to answer any questions or give any information tending to incriminate him, and before any person

is questioned the inspector shall advise the person accordingly. The one appears to contradict the other.

The Hon. H. K. WATSON: Mr. Strickland has supplied the answer to the query raised by Mr. Ron Thompson. Subclause (1) (d) gives an inspector power to question, either alone or in the presence of some other person, with respect to any matter under the Act. The person concerned is required to answer any question put to him and to sign a statutory declaration. That is in the case of a breach of the Act. Subclause (2) provides that a person shall not be required to answer any question or give any answer which would tend to incriminate him. He is obliged to answer any question which makes him liable to a breach of the Factories and Shops Act, but he is not liable to answer any question which would make him liable under the Criminal Code.

The Hon. A. F. GRIFFITH: That is right; and it will not stop him from being prosecuted under the Factories and Shops Act if he does not answer.

Clause put and passed.

Clause 17: Questions by Interpreter—

The Hon. R. THOMPSON: I recently listened to a case in a police court. In that case an interpreter did not interpret truthfully the statements of a person who was being cross-examined. When we are dealing with people of foreign origin—and there are various dialects as well as basic languages—an interpreter could twist a person's answers to suit himself. How is an inspector to know that truthful statements are being made? I think the clause should go further and provide that an interpreter should make a statutory declaration to the inspector. I did not put much reliance on interpreters after hearing the case in the police court. I was with a person who could speak seven languages, and he was frantic. He said that the interpreter was not interpreting truthfully. There was a miscarriage of justice, and the same could apply here.

The Hon. A. F. GRIFFITH: A similar provision has existed in the Act for a long time. It is in section 12 of the Act. The machinery in this Bill is in relation to inquiries made by inspectors. What is given in evidence before a court as a result of a complaint made by an inspector is subject to proof before the court that the person concerned is guilty. We have to provide for an interpreter in cases such as this. Interpreters who give evidence for other people are liable to a penalty if they do not tell the truth. A lawyer would be able to correct me on this. I feel sure that if an interpreter takes an oath that he will truthfully interpret the statements of another person, he will do so; and if he does not, he is liable to a penalty.

Clause put and passed.

Clause 18: Powers of inspector relating to health—

The Hon. A. F. GRIFFITH: I move an amendment—

Page 19, line 8—Insert after the word "authority" the words "and the Commissioner."

This amendment is necessary to ensure that the functions and powers of a factories and shops inspector do not override the powers of the Commissioner of Public Health under the Health Act.

The Hon. R. H. C. STUBBS: I was very worried about a factories and shops inspector usurping the authority of local authorities or health inspectors. This amendment clears up the matter.

Amendment put and passed.

The clause was further amended, on motions by The Hon. A. F. Griffith, as follows:—

Page 19, lines 8 to 11—Delete all words commencing with the word "and" down to and including the word "provisions".

Page 19, lines 12 to 33—Delete subclauses (2), (3) and (4).

Clause, as amended, put and passed.

Clauses 19 to 24 put and passed.

Clause 25: Local authority to advise Chief Inspector of receipt of plans, etc., relating to a factory—

The Hon. F. R. H. LAVERY: I would like to ask the Minister why it is necessary for the Chief Inspector to have authority over a local authority regarding plans for a factory. Surely the local authority will decide on the type of factory that shall be built in certain areas! What jurisdiction would the factories and shops inspector have over the building of a factory?

The Hon. H. K. WATSON: I would say the answer to Mr. Lavery's question would be that the factories inspector would have no authority over the local authority. As I see it the basic object of the clause is to let the factory inspector know that a factory is about to be built. He would then have a record of it, be able to collect a fee for registration, and have a record of the factory on his list.

The Hon. A. F. GRIFFITH: That is so, otherwise he may not know that a small factory, or a number of small factories have, in fact, been built.

The Hon. F. R. H. LAVERY: I accept that; thank you.

Clause put and passed.

Clauses 26 to 32 put and passed.

Clause 33: Time and Wages Book—

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

Page 28, lines 17 and 18—Delete paragraph (d).

This amendment is purely a drafting amendment. The paragraph at present states that in the time and wages book shall be entered the award, if any, under which an employee is employed. If the employee is employed under an award it prescribes that a time and wages book shall be kept, and what shall be kept in it. This particular provision with which we are dealing relates only to employees who are employed other than under an award. Clearly, then, the paragraph is superfluous.

The Hon. A. F. Griffith: I have no objection to the amendment.

Amendment put and passed.

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

Page 28, lines 24 to 26—Delete paragraph (g).

This has the same purpose as the previous amendment.

The Hon. R. THOMPSON: Although I could perhaps see the logic of Mr. Watson's first amendment, I cannot see the logic of this amendment.

The Hon. A. F. Griffith: But the award is the superior document.

The Hon. R. THOMPSON: Then why was the paragraph put in in the first place?

The Hon. A. F. Griffith: Have you never heard of that happening before?

The Hon. H. C. Strickland: Is it in the existing Act?

The Hon. A. F. GRIFFITH: If I were given a few moments perhaps I could find the provision in the old Act; but the fact remains that to have some revision of a Bill is not new. I think it could be truthfully said that one of the functions of this Chamber is to have a second look at legislation, and we have been able to do that on many occasions. In this case it is found that the paragraphs are unnecessary, because the award is the superior document. In any case, I shall have a look at the old Act to see if this provision is in it.

The Hon. H. C. STRICKLAND: The Minister is always certain of something that is in legislation when he wants it to remain in.

The Hon. A. F. Griffith: That's not fair.

The Hon. H. C. STRICKLAND: Of course these two amendments are aimed at the employee's protection.

The Hon. H. K. Watson: No, they are not.

The Hon. H. C. STRICKLAND: Why he has always got to be in the gun I do not know. If this consolidating Act is to be, as the Government hopes it will be—something which will induce better relations between employer and employee, why should we not leave this paragraph in? There is no harm in the paragraph, and

surely the employer should contribute something towards making it easier for the inspectors during their inspections. If there is to be no protection for an employee under this Act it will be very unfair, and we will need only health inspectors. Surely a wages man is entitled to protection, and I object to the amendment.

The Hon. H. K. WATSON: There is really nothing in the argument which has been put forward by Mr. Strickland. The time and wages book which has to be kept under this clause refers only to a person who is not under an award. If he is under an award the wages book and all the particulars that have to be kept in it are available to the factory inspector. Under this provision, if the employee is not under an award the employer still has to keep a wages book and comply with paragraphs (a), (b), (c), (e), and (f). Therefore the paragraphs I desire to delete are superfluous. If a man is under an award he is covered by that award.

The Hon. R. THOMPSON: What worker is not covered by an award? If he is not covered by an award, or by an industrial union of workers, he comes under an award of the Department of Labour which gives him the rights and privileges of a worker. I would like Mr. Watson to tell me what type of worker is not covered by an award.

The Hon. A. F. GRIFFITH: In the first place, I think Mr. Strickland got an erroneous impression when I could not find the section. He thought I could not find it because I did not want to find it. That is not the case. I have since found the old section in the Act and it is nowhere near as broad as the provision in the Bill. The old section had two paragraphs, (a) and (b); and I am told there are approximately 7,000 workers in Western Australia who are not covered by awards.

The Hon. R. Thompson: They come under the Department of Labour.

The Hon. A. F. GRIFFITH: But they are not covered by awards. An award may be specific in its terms. It can provide the hours of work, conditions, and so on. An award is a document in itself. The Department of Labour finds no difficulty in accepting the amendment because it is satisfied that the position is covered. I am sure it would not accept the amendments if it were not satisfied in that regard.

The Hon. H. C. STRICKLAND: This clause must apply to employees who are working under awards, otherwise the occupier could not be forced to write the particulars into the time and wages book. The appropriate words are contained in subclause (1). The chief inspector could not require an occupier to write down an employee's award in the wages book if

he was not working under an award, and he could not be prosecuted for not doing so. However, the provision requires him to nominate the award which covers the employees, and therefore it serves a very good purpose.

The Hon. F. R. H. LAVERY: My interpretation of paragraph (g) is that it covers the keeping of a time and wages book, which is necessary for any employer to keep. He is also required to keep certain other records.

The Hon. A. F. Griffith: For every employee.

The Hon. F. R. H. LAVERY: That is correct. In this provision I would suggest that "such other matters" would cover a book kept in a boarding house.

The Hon. A. F. GRIFFITH: I think Mr. Lavery is very helpful to a point. The employer has to keep a complete list of the names of every employee whether such employee is governed by an award or not. However, if he is governed by an award, that is the superior document. It is evidence that may be required to be posted outside, or it may require the observance of other conditions. It is evidence that an award has been made. There is no necessity for a provision that is already in existence by the fact that the award is proclaimed.

The Hon. H. C. STRICKLAND: I must again express my insistence on the inclusion of these words in the clause because it deals with the Chief Inspector's inspection of the time and wages book which, to my mind, is an important matter. This is a provision which was always part and parcel of the existing Act, and the Government has seen fit to continue it in this Bill. Therefore, the Committee should not upset the relations which have existed for so long between the employer, employee, and the factories and shops inspector. If we are to deprive him of the power to inspect industrial conditions, as well as those conditions relating to accidents, it is legislation again loaded against the employee. I intend to protect the rights of the worker in every way possible, and for that reason I will oppose the amendment.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clauses 34 to 42 put and passed.

Clause 43: Factory employees not to work outside factory—

The Hon. F. R. H. LAVERY: Under this clause, what is the position of a joinery worker who is sent out from the joinery shop to do repair jobs outside? I would not like to think that such an employee could be liable to a penalty of £20.

The Hon. A. F. GRIFFITH: The clause provides that an employee commits an offence if he works outside a factory in the first instance, but I would draw the honourable member's attention to paragraph 2 which follows, because I think that covers the point he has raised.

The Hon. F. R. H. Lavery: Yes, thank you.

Clause put and passed.

Clauses 44 and 45 put and passed.

Clause 46: Powers and duties of Board—

The Hon. R. THOMPSON: I would ask the Minister to postpone the consideration of this clause until a later stage.

The Hon. A. F. GRIFFITH: I move—

That the clause be postponed.

Motion put and passed.

Clauses 47 to 54 put and passed.

Clause 55: Working hours of women and young persons—

The Hon. R. THOMPSON: On Mr. Heenan's behalf, I move an amendment—

Page 42, line 27—Delete the word "nine" and substitute the word "eight".

There is a good reason for this amendment. I know of many factories which are situated many miles from public transport, and where no transport facilities are available after 8 o'clock in the evening. This is what prompted Mr. Heenan to bring forward this amendment. It must be borne in mind that the provision relates to young persons, and any reasonable individual would agree that a young person has done a sufficient day's work by 8 p.m. The Bill, however, provides for a finishing time of 9 p.m., and by so doing a young person could be obliged to perform shift work. At present a person under 18 years of age is precluded from working shift work.

The Hon. A. F. GRIFFITH: I hope the Committee will not agree to the amendment. The hour of 9 p.m. is not unreasonable when it is limited to the field of manufacturing. After all is said and done, hundreds of teenagers leave night school at that time to return to their homes. In any event, I do not think there would be many young people working at that time of night.

The Hon. R. Thompson: There would be quite a few.

The Hon. A. F. GRIFFITH: Can the honourable member give me an idea of how many would be affected?

The Hon. R. Thompson: It would affect several at Robb Jetty and the Jandakot Wool Scouring Works.

The Hon. R. F. Hutchison: What would be the minimum age of people working in those places?

The Hon. F. J. S. Wise: A young person is one of 16 years of age.

The Hon. R. Thompson: An apprentice is precluded from working overtime.

The Hon. A. F. GRIFFITH: Yes, but in this day and age is 9 p.m. unreasonable for a young person to finish work?

The Hon. F. R. H. Lavery: Newspaper boys are not allowed to sell papers after 8 p.m.

The Hon. A. F. GRIFFITH: The honourable member is now referring to young children. I do not think the time of 9 p.m. in the clause is worth altering. No woman, child, or young person can work more than nine hours a day. The time of 9 p.m. does not appear to be unreasonable, taking into consideration the activities of young people in all walks of life.

The Hon. J. DOLAN: I support the amendment. The analogy of children attending night school does not apply to those working in factories. Children attending night school generally undertake their studies in the city where transport is available; whereas the same conditions would not apply to young people working in factories outside the city.

The Hon. R. F. HUTCHISON: Would the workers in question be employed on overtime, and if so, how many hours of overtime?

The Hon. A. F. GRIFFITH: The hours would be prescribed. Such young person would be working a normal shift, although overtime could be involved. No young person could work more than nine hours in a shift, even with overtime included. The desire of these young persons should be taken into account, because on many occasions they are willing to work overtime to get the extra money.

The Hon. R. F. HUTCHISON: We have gone past the days when young people worked long hours in factories and mines. At one time children of eight were employed in mines but that state of affairs no longer exists. We should be very careful about the hours of work to be laid down, even though some of these young persons seek to work long hours for the extra money.

The Hon. R. THOMPSON: I am aware some young people like to earn extra money, but in these days of automation and unemployment, overtime should not be encouraged. In a provision further on in this clause it is specified that the hours of work shall not exceed 56 a week. Therefore, the Bill seeks to permit the employment of children up to 9 p.m., and for 56 hours a week. Automation is catching up with us and youths are finding it very hard to obtain jobs. At present there are many thousands out of work in this State.

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

Ayes—11

Hon. D. P. Dellar	Hon. J. D. Teahan
Hon. J. Dolan	Hon. R. Thompson
Hon. J. J. Garrigan	Hon. W. P. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. R. F. Hutchison
Hon. R. H. C. Stubbs	(Teller)

Noes—13

Hon. C. R. Abbey	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Beltman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	Hon. N. E. Baxter
Hon. R. C. Mattiske	(Teller)

Pairs

Ayes	Noes
Hon. G. Bennetts	Hon. G. C. MacKinnon
Hon. E. M. Heenan	Hon. F. D. Willmott

Majority against—2.

Amendment thus negated.

Clause put and passed.

Clauses 56 to 58 put and passed.

Clause 59: Holidays in factories—

The Hon. R. THOMPSON: I move an amendment—

Page 45, line 27—Insert after the word "Sunday" the words "or a non working day".

It is self-explanatory, and I cannot see any objection to it.

The Hon. A. F. GRIFFITH: It is thought the wording of the clause could be improved. I suggest that this clause be dealt with as a postponed clause at a later stage. I propose to place an amendment on the notice paper in the following terms:—

A whole holiday on every public holiday, and a half holiday on any day that is proclaimed to be a half holiday for the district or locality wherein the factory is situated, but when a Christmas Day or a New Year's Day falls on a Saturday or a Sunday then such holiday shall be observed on the next succeeding Monday, and when Boxing Day falls on a Sunday or a Monday, such holiday shall be observed on the next succeeding Tuesday.

That is the standard Arbitration Court provision.

The Hon. R. THOMPSON: What about Australia Day and Foundation Day? I think they are usually observed on a Monday.

The Hon. J. DOLAN: Australia Day falls on the 26th January, in any day of the week. The day on which the holiday is to be granted should be stated definitely.

The Hon. A. F. Griffith: The day on which Australia Day is to be celebrated is now proclaimed.

The Hon. R. THOMPSON: In view of the explanation given by the Minister, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

The Hon. A. F. GRIFFITH: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 60 put and passed.

Clause 61: Health and safety regulations—

The Hon. R. H. C. STUBBS: I am confused again. This clause deals with provisions relating to the abatement of nuisances; and there are, amongst others, provisions relating to drainage of floors, washing facilities, and sanitary conveniences. All these are dealt with under the Health Act. Therefore I can see that there will be quite a conflict between the Factories and Shops Department and the Public Health Department in these matters, despite the fact that the Minister said there would be no conflict.

The Hon. A. F. GRIFFITH: I think the simple explanation of this is that these provisions are to be complementary to the provisions under the Health Act, and therefore there cannot be any conflict. No regulations will be made which will be contrary to the provisions of the Health Act. However, there may be some matters which will be classed as nuisances—such as noise—which would not come under the Health Act, because they would not be detrimental to health. One must be complementary to the other. It is not intended that there be any conflict, nor is there any conflict in the way the Act operates at present.

The Hon. R. H. C. STUBBS: I am concerned with regard to the definition. I believe we should provide a definition of "nuisance" under this legislation, because there is certainly a conflict with the provisions of the Health Act.

The Hon. A. F. Griffith: I do not think it is necessary.

Clause put and passed.

Clauses 62 and 63 put and passed.

Clause 64: Notice of accidents in factories—

The Hon. R. THOMPSON: I move an amendment—

Page 52, line 7—Insert after the word "accident" the words "and give a copy of such notice to the Secretary of the appropriate Industrial Union of Workers."

Earlier this evening in debate, the Minister said that in most fatal accident cases, the unions were notified of such accidents. We know that union staffs are quite limited in their activities. They cannot police factories daily. Therefore it would be the right and proper thing for the appropriate union secretary to be notified of any accident. This would also assist in safety campaigns which are being conducted throughout Western Australia. It would help in regard to compensation; it would help insurance companies; and it would help the union concerned, because it would not be stumbling around in the dark for long periods trying to get evidence; it would receive written authority the same as is posted to the Chief Inspector.

The Hon. A. F. GRIFFITH: Paragraph (a) of subclause (1) of this clause relates to fatal injury, and paragraph (b) relates to any other injury. The position is that notification of a fatal accident is already satisfactorily applied. But in the case of other injuries this would mean that notification would have to be made of 40,000 accidents each year, which is the approximate number I am advised occurs. It would be very difficult and impracticable to notify the unions in regard to 40,000 accidents, and I do not think the legislation can take this responsibility. I did state in my second reading debate reply that I can assure members that the appropriate union would be advised by the department in the case of all fatal accidents. It does not seem to me to be reasonable to have to notify the unions in regard to other accidents.

The Hon. R. Thompson: They do not notify the unions of fatal accidents at present?

The Hon. A. F. GRIFFITH: They do not at present?

The Hon. R. Thompson: No.

The Hon. A. F. GRIFFITH: I am just saying that there is an assurance that the appropriate union will be advised by the department of a fatal accident.

The Hon. R. Thompson: But the assurance is only a verbal one.

The Hon. A. F. GRIFFITH: I think the verbal assurance can be taken in regard to fatal accidents, but not in regard to other accidents, many of which are small and inconsequential at times.

The Hon. J. DOLAN: I fail to see how the Minister believes that there would be a great deal of work involved, because the clause provides that the Chief Inspector must receive notice on a prescribed form. There would be no difficulty about making a duplicate or triplicate copy available to the union concerned. There is also no provision at present for notification of the union concerned in the case of a fatal accident.

The Hon. F. R. H. LAVERY: I believe the Government is genuine in its attempt to do something to assist the workers under this clause; but the Minister has missed the point. He said there were 40,000 accidents per annum, but one occupier of the factory is not going to have a very big percentage of that 40,000. As Mr. Dolan suggested, it would be easy to provide a carbon copy.

The Hon. A. F. Griffith: How would he know which union to notify?

The Hon. F. R. H. LAVERY: There is a very simple answer to that question. I am sure the employer in any factory would know the type of work in which his employee was engaged and would know the

union covering it. As I say, the 40,000 accidents would not occur at the one factory.

The Hon. A. F. GRIFFITH: Of course not.

The Hon. F. R. H. LAVERY: The occupier of a factory has to make a report to the Chief Inspector. The Chief Inspector's department would not have to send out the notice. This would be done by the factory.

I do not know why it is that every time any attempt by those in Opposition is made to do something for the workers, the word "union" is used. I would say that the unions of Western Australia play a most important part in the peaceful working of industry in this State, and they are very jealous of the safety precautions taken for and on behalf of their members. I would say that the Factories and Shops Act helps the unions in these precautions. A carbon copy could be sent by the occupier of a factory to the inspector of the respective union.

The Hon. R. F. HUTCHISON: I, too, support this amendment. I recall that in the mining industry it was always the unions who took steps to see that help was afforded to the victims of accidents. I can see nothing but real humanity in this provision and I support very strongly the idea that the union should be notified.

The Hon. D. P. DELLAR: I feel it is the responsibility of the owner of the factory or shop to notify the unions. It has already been stated how often reports are made out in triplicate. For the sake of an extra carbon, a copy could be sent to the union representing the individual.

The Hon. A. F. GRIFFITH: I would like to say to Mr. Lavery that I made no derogatory remarks about unions.

The Hon. F. R. H. LAVERY: I said that the remarks had been made over a period of time, not by you yourself.

The Hon. A. F. GRIFFITH: It is not intended by me; I do not resort to doing that. I merely explained the impracticability of carrying out this procedure. The wording of the amendment says that a copy of such notice should be sent to the secretary of the industrial union concerned. In view of the number and nature of accidents I do not think it is practicable. Of course, in the case of fatal accidents it will be done. The case is quite different under the mining Acts. In those cases there is an inspector for mines on the job all the time and it is relatively easy for reports to be made.

The Hon. R. THOMPSON: I think we should insist on this amendment. It is something that will not cost a lot of money and it is not going to put many people out. It will also safeguard the members of the union. I think that any member who

has had anything to do with insurance companies, particularly in Western Australia, will realise that this is a most worthy clause. The insurance companies, other than a few reputable firms we have around the city—the S.G.I.O. is definitely the best—are what I term "shifty." I have dealt with several cases recently where a company has refused to pay compensation to workers. Usually, this is because the worker has not contacted his union or the employer has not contacted the insurance company. The workers are robbed of many thousands of pounds annually through this particular section of the Act. It will tell the Minister the name of the insurance company privately.

The Workers Compensation Board will also tell the Minister that what I am saying is correct. This particular insurance company would be the shiftiest firm in this country. It is there for the purpose of robbing workers of their due compensation; and if this provision is put into the Act the union will know the date of a particular accident and will be able to recover the money which is paid into the company to cover the worker. I am quite sincere when I move this amendment and I trust that it will be carried.

The Hon. F. J. S. WISE: I think the Minister is on very poor ground when arguing on the point that the notice must be given to an inspector.

The Hon. A. F. GRIFFITH: I did not argue on that point.

The Hon. F. J. S. WISE: The Minister did argue the point that notice had to be given. It is perfectly clear that notice must be given. It is true that the words on the notice paper are interpolated immediately following the verb. It is not a case of giving notice in person; it is giving notice to the inspector. So the matter is perfectly in order in the amendment moved and printed. I hope the Minister finds it a duty to accept this amendment.

The Hon. A. F. GRIFFITH: That is all right. When I am in a hurry I can sometimes misread something. I suggest we postpone this clause and I will see if something can be done. If we cannot go the whole way then, perhaps, some of the way.

The Hon. D. P. DELLAR: That will be all right so long as this particular amendment will be taken into consideration.

The Hon. A. F. GRIFFITH: I certainly would not do anything to prevent the honourable member from putting forward his amendment. I take it that his amendment will appear on the notice paper.

The Hon. R. THOMPSON: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The Hon. A. F. GRIFFITH: I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 65: Powers of Minister to direct inquiry—

The Hon. R. THOMPSON: There is also an amendment on the notice paper to clause 65 which I think should receive further consideration.

The Hon. A. F. GRIFFITH: Is the amendment consequential to the previous clause?

The Hon. R. THOMPSON: Yes.

The Hon. A. F. GRIFFITH: I do not think it is the same subject; nevertheless I will agree to postponing consideration of the clause. I move—

That the clause be postponed.

Motion put and passed.

Clauses 66 to 82 put and passed.

Clause 83: Retail Trade Advisory Committee—

The Hon. R. THOMPSON: I move an amendment—

Page 60, line 20—Delete the word "Minister" and substitute the words "body known as the Trades and Labour Council of Western Australia."

This is the second part of the Bill under which the retail trade advisory committee will be set up. It says the committee shall consist of three members appointed by the Governor, and subclause (2) of the Bill states the positions they shall fill.

On the factory welfare board there is a representative from the Trades and Labour Council of Western Australia. During his reply to the second reading, the Minister said that he would not agree to someone from the Shop Assistants and Warehouse Employees' Union. I agree with that because it is not our intention to have anyone from that particular union.

I think that in setting up this board the practice of the S.E.C. should be followed. Every three years, when that board is reconstituted, the appropriate Minister writes to the Secretary of the Trades and Labour Council and asks him to submit a panel of three names from which the Minister selects a person who goes on to the board. This is a logical amendment; because who can better represent the purchasers of goods than the people who represent the majority of purchasers of Western Australia? There is no denying that a representative of the Trades and Labour Council would represent the majority of purchasers.

The Hon. A. F. GRIFFITH: The reason why I replied as I did was that somebody mentioned the Shop Assistants' Union. The Minister's nominee would represent the general public. This is entirely different from the factories welfare board where the employees are represented by the Trades and Labour Council.

The Hon. R. THOMPSON: The Bill says "to represent the purchasers of goods from shops."

The Hon. A. F. GRIFFITH: That is the general public. In the case I have mentioned—the factories welfare board—the public is not concerned; but in this case it is, and the Government considers it preferable to have a person of that nature nominated by the Minister to represent the general public. I oppose the amendment.

The Hon. H. C. STRICKLAND: The Minister in charge of the department need not necessarily select the proper person to represent the purchasers of goods from shops. Who could better represent them than the Trades and Labour Council? We know that purchasers of goods from shops are in several categories.

The Hon. L. A. Logan: It includes everybody.

The Hon. H. C. STRICKLAND: The person who pays cash at the counter pays the highest price. Every member here receives two circulars from various organisations which indicate that retailers are offering up to 30 per cent. discount if they are prepared to deal with that particular organisation. Generally speaking, the housewives buy small quantities, and they pay the full price. They must buy that way because they have no large amount of money at any time. They go from suburb to suburb in an endeavour to save a small amount of money by purchasing "specials" put out from time to time. I feel the Trades and Labour Council would be in the best position to submit a panel of names in respect of purchasers of goods from shops. How can this Government get in touch with the people who are paying through the nose? The Government will probably get somebody from the Chamber of Commerce or a similar body.

The Hon. R. F. HUTCHISON: I support the amendment. The women constitute the bulk of those who purchase goods from shops. The Trades and Labour Council consists of people interested in the ordinary person who buys these goods. The nominee of the Minister would have no interest in what the average housewife pays. To whom would she turn? It would not be to the Minister's nominee. By and large the workers keep the shops going. The women have become the cart-horse of the nation. They have to cart their own goods home. They get no service at all from the supermarkets. What Mr. Strickland says is correct. The research done by the body which looks after the purchasers of goods shows what the ordinary housewife is up against. We do not want the Minister's nominee to represent the workers.

The Hon. J. DOLAN: On the decimal currency committee appointed by the Commonwealth was a very distinguished trade

union representative—to use Mr. Menzies' own words—who was the Victorian State Secretary of the Electrical Trades Union (Mr. Henderson). Also on that committee was Mrs. Edwards, who represented the Australian Housewives Association. That is the right and modern approach. There should be a representative on these bodies of people who are the purchasers, and I feel the Government should support the amendment.

The Hon. A. F. GRIFFITH: With reference to Mr. Strickland's remark about the Chamber of Commerce, the position is that one of these persons will be chosen from those mentioned in paragraph (b), and there will also be a person selected in accordance with paragraph (c) to represent the purchasers of goods from shops. He will be chosen by the Minister as a person of wide experience. The occupiers' representative is drawn from a large number of bodies mentioned in paragraph (b). The Government considers it more satisfactory to leave the selection of the representative of the purchasers of goods from shops, as stated in paragraph (c).

The Hon. R. F. HUTCHISON: The Bill should state who it will be. As it is, the Minister can appoint anyone. How will the Minister know who is the most suitable person?

The Hon. R. THOMPSON: The Minister has answered the question for me. He said that the one to represent the Retail Traders' Association would be drawn from the Chamber of Commerce. That representative will come from a very influential group of people who will safeguard the interests of that group of people. But we do not know where the person who is going to represent the purchasers of goods is coming from. Can anyone in this Chamber tell me who could represent the purchasers on an equal basis with a member of the Trades and Labour Council? I think the Minister is on shaky ground when he says the Minister could represent them.

The Hon. A. F. Griffith: I did not say the Minister could represent them.

The Hon. R. THOMPSON: The Minister can nominate somebody; and he could nominate a person who is not representative of the purchasers. I do not think even a trade unionist would be good enough. A trade unionist could be selected, but he could have no experience whatsoever. If the Minister called for a panel of names from the Trades and Labour Council he could select a representative. He would still have his right to choose the person concerned; and I cannot see why the Minister is not prepared to choose a person from the Trades and Labour Council. Representatives from that body have served with distinction on other boards, and will continue to do so. I am going to insist on the amendment.

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

Ayes—11

Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. Thompson
Hon. H. C. Strickland	(Teller)

Noes—13

Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. N. E. Baxter	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heitman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. A. L. Loton	(Teller)

Pairs

Ayes	Noes
Hon. G. Bennetts	Hon. G. C. MacKinnon
Hon. E. M. Heenan	Hon. F. D. Willmott

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clause 84: Powers and duties of Committee—

The Hon. R. THOMPSON: To my way of thinking this is the most ridiculous clause in the Bill. The hours of trading have been prescribed; and we are told provision has been made for the small shopkeeper, hotels, service stations, chemist shops, large stores, grocery shops, fruit and vegetable shops, and any other type of shop, yet we find that subject to the approval of the Minister in certain circumstances the committee may grant a permit for a shop to remain open. Candidly, I do not think inspectors would be able to interpret what this clause means; but if the Minister can give me a satisfactory explanation, I will not move my amendment.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): It will be necessary for the honourable member to first move his amendment.

The Hon. R. THOMPSON: I move an amendment—

Pages 62 and 63—Delete paragraphs (b), (c) and (d) of subclause (2).

The Hon. A. F. GRIFFITH: The whole purpose of this clause is to provide for special circumstances which might arise on special occasions at places similar to those I mentioned when replying to the second reading debate—Rockingham, Mandurah, and Albany.

The Hon. R. Thompson: What would be the special occasions?

The Hon. A. F. GRIFFITH: If there were a special function being held. There could be an apple festival or a "Back to Geraldton" celebration.

The Hon. R. Thompson: What shops would qualify for a special occasional license?

The Hon. A. F. GRIFFITH: Whatever shops that applied and were approved.

The Hon. R. Thompson. A grocery store?

The Hon. A. F. GRIFFITH: I do not imagine that a big retail store in a particular town would be open. I think the honourable member should realise that this permission will not be given *ad lib*; it will be to further an occasion. There are times when there is a large influx of people into a particular town—campers, flat dwellers, and people who move into holiday places due to special circumstances.

The Hon. R. Thompson: Do you call it a special occasion when someone goes to an area for a holiday.

The Hon. A. F. GRIFFITH: I did not say it was a special occasion for somebody to be going on a holiday. I said there may be special circumstances surrounding a large collection of people who might attend some place for a specific purpose and who might well find themselves short of supplies. If permission could be given to certain shops to carry stocks of food over the holidays—

The Hon. R. Thompson: Food shops are already provided for in this Bill—from 7.30 a.m. to 11 p.m.

The Hon. A. F. GRIFFITH: If there is not a special occasion, permission will not be given. As I said before, permission will not be given *ad lib*.

The Hon. R. THOMPSON: The Minister has not mentioned one class of shop. I mentioned most of the classes, the hours for which are prescribed under this measure. The only mention of a shop made by the Minister was when he said that it may be necessary for a shop to carry stocks of food during the period of a special occasion.

The Hon. H. R. Robinson: It could be a butcher shop.

The Hon. R. THOMPSON: The Minister has not defined the special occasion. He said it might be an apple festival. But I would say that in Manjimup or Bridgetown there are more small privileged shops than one would find in the metropolitan area.

The Hon. A. F. Griffith: What is your objection to this?

The Hon. R. THOMPSON: I want to know to what type of shop the special license will be granted.

The Hon. A. F. Griffith: It may be a grocer shop or a butcher shop.

The Hon. R. THOMPSON: It may be an opening for chain stores to open up.

The Hon. H. R. Robinson: No.

The Hon. R. THOMPSON: What contribution has the honourable member made towards this Bill?

The Hon. H. R. Robinson: I said, "No."

The Hon. R. THOMPSON: Why does the honourable member not get up and say something. He does not know what

is contained in the Bill. The Minister has not given me an answer, and I am sure he has not satisfied the Committee.

The Hon. A. F. GRIFFITH: On the contrary, I have given the honourable member an explanation, but it is not satisfactory to him. It could be a butcher shop, or it could be a grocer shop. It is a provision to meet the needs of the general public. It is not envisaged that there will be a general opening of chain stores. It is simply to meet the needs of the public, and the opening of a chain store would not be required to meet the needs of the general public.

The Hon. R. THOMPSON: A doubt still remains in my mind whether the person responsible for the drawing up of this measure had something clearly in his mind. I am not suggesting that he had any ulterior motive, but I would like the Minister to provide the Committee with a full answer. I suggest that he postpone further consideration of this clause in order to bring back to the Committee an answer when we are dealing with the rest of the clauses tomorrow. I would like to know exactly what is meant by the clause. It might be in connection with a butcher shop, or an apple festival, or something else. I simply want a reasonable explanation of the query I have raised.

The Hon. G. C. MACKINNON: I sincerely hope that the Minister insists on the retention of this clause. Some towns close for a motorcar or motorcycle race. That has happened on several occasions at Bunbury. This clause permits a shopkeeper to open during such hours in addition to or in substitution for the hours that his shop should remain open under the Act. Sometimes a road is closed in order to hold motorcycle races. We have towns like Greenbushes which a few years ago held its centenary celebrations. There are carousels held in Bunbury. There used to be mardi gras held there, but they were discontinued because shopkeepers complained of loss of trade. If shops can be allowed alternative hours for opening on special occasions, it would meet a need, and employees would be paid the normal award rates, and all the other provisions would apply. I hope the Minister will insist on the retention of the clause.

Amendment put and negatived.

Clause put and passed.

Clause 85: Closing hours of shops—

The Hon. R. THOMPSON: I move an amendment—

Pages 63 and 64—Delete subclauses (2) and (3).

These subclauses apply to shops that are situated in country districts. There is no good reason for their retention in the Act. They are out of date. I have no personal knowledge of the provisions of these subclauses being put into effect anywhere. Changes have taken place over the years,

and I do not think there would be any objection to the subclauses being deleted. In the horse-and-buggy days, meat, groceries and other provisions had to be kept for long periods on a block of ice or in a Coolgardie safe, but nowadays most people have refrigerators. It would be a retrograde step to retain these subclauses in legislation in 1963.

The Hon. A. F. GRIFFITH: There are still three places that have elected to have Wednesday afternoon closing. They are Mandurah, Sandstone, and Yilgarn. It simply suits the public in those places. I am sure that Mr. Dellar would not support the amendment, because he would not want to force people to close when they did not want to close. The same would apply to the members of the South Province. We would be forcing a situation which people in those three districts did not want. Furthermore, subclause (3) provides for a changeover to the ordinary trading days if shopkeepers so desire. Saturday afternoon is a very busy time in Mandurah, and the shopkeepers there elected to open on that day. I do not think we should force them to do anything else.

The Hon. R. THOMPSON: I agree with Mr. Lavery who said earlier that if we try to do anything in the interests of unionists, workers, or the majority of people, it is thrown out; it is not even considered. The Minister said that the shopkeepers wanted this provision; that it is something quite good. However, little consideration has been given to people who work in those shops.

Point of Order

The Hon. A. F. GRIFFITH: On a Point of Order, Mr. Deputy Chairman, I would point out that I said the general public in those districts want it. The honourable member should not misrepresent what I have said or try to put into my mouth words that I did not use. Shopkeepers might well want it, but the general public certainly want it.

The Hon. R. Thompson: If the general public want it they could remain in the city instead of going all the way to Mandurah. It is only an hour's run.

The Hon. A. F. GRIFFITH: It is to meet the needs of those people who live in the Mandurah area and who go into Mandurah on Saturday afternoons to do their shopping. They could well be farmers or holiday-makers.

Committee Resumed

The Hon. R. THOMPSON: I suppose I know as much about Mandurah as anybody; but I have never met a shopkeeper who was very keen on this. I am sure that Mr. MacKinnon, who probably goes to Mandurah quite a lot, could not give me the names of two shopkeepers in Mandurah who want this.

The Hon. G. C. MacKinnon: I could.

The Hon. A. F. Griffith: I understood you to say that you did not know where this was operative. You would know that it is operating in Mandurah.

The Hon. R. THOMPSON: Not all shopkeepers in Mandurah are complying with it. Shopkeepers do not comply with what is being written into this Bill.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): I am going to suggest that the debate take its proper course and that members should address themselves to the Chair.

The Hon. G. C. MacKINNON: I am amazed at the honourable member's concern for unionists. Naturally, I study the ratepayers' roll at Mandurah very carefully; and it is interesting to note the number of people who visit the town. It is becoming a playground for city dwellers, and, as Mr. Ron Thompson is fully aware, the shopkeepers at Mandurah would much prefer the people who visit Mandurah to buy their needs in Mandurah.

Also, the people who spend their holidays in Mandurah seem to prefer to buy their requirements in Mandurah when they arrive there rather than load up their cars and carry a lot of goods down there. It is a convenient arrangement which suits both holidaymakers, and Mandurah residents. If the provision were not agreed to it would mean that a good deal of business would be lost to the shopkeepers of Mandurah.

In my opinion, it would be quite a step towards decentralisation. Surely this provision would help to maintain a good shopping centre in Mandurah. It would also tend to create more employment in that centre, especially for young people.

The Hon. J. J. Garrigan: The same does not apply in Bunbury or Busselton.

The Hon. G. C. MacKINNON: The same conditions do not apply in those two towns. A person generally goes to Busselton to spend a holiday of two weeks or more, but Mandurah is becoming a weekend playground for city dwellers, more and more. There is a terrific volume of traffic between Perth and Mandurah, and at week-ends the vehicles on that road are practically bumper to bumper.

The Hon. L. A. Logan: They would have been last Sunday.

The Hon. G. C. MacKINNON: That is so. I hope the Minister will insist on this provision, because the Mandurah shopkeepers have approached Mr. Runciman and myself to have the provision retained in the Bill.

The Hon. H. C. STRICKLAND: No doubt the Government is endeavouring to put into effect that which is already practised and to assist the local public in these districts, but the only handicap in regard to the provision is that if the people in any one of the districts concerned decided at

some later stage that they wanted the shops to return to normal trading hours they would not be able to do so until the Act was amended.

The Hon. A. F. GRIFFITH: If the honourable member will look at subclause (3) he will see that it covers the point he has raised.

The Hon. H. C. STRICKLAND: Yes, I notice that subclause, and apparently it covers my argument.

Amendment put and negatived.

Clause put and passed.

Clause 86: Exempted shops—

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

Page 64, line 30—Insert after paragraph (i) in lines 28 to 30 the following new paragraph to stand as paragraph (j) :—

(j) Premises in respect of which a publican's general licence, wayside house licence, Australian wine and beer licence, or hotel licence has been granted.

In the existing Act the fourth schedule covers the list of exempted shops and this clause does the same. However, for some reason—apparently it has been an oversight—licensed premises, which are included in the fourth schedule, are not listed in this clause. Therefore, my amendment is necessary and desirable.

The Hon. A. F. GRIFFITH: As Mr. Watson has said, this was an omission and the amendment will rectify it. I therefore support it.

The Hon. F. R. H. LAVERY: Why is such a provision necessary in the Factories and Shops Act when it is already in the Licensing Act?

The Hon. A. F. GRIFFITH: Licensed premises were omitted from this clause by error, but the amendment will now rectify the mistake because, as Mr. Watson has pointed out, the Licensing Act also has a similar provision, and it is necessary for it to appear in this legislation.

Amendment put and passed.

The Hon. R. THOMPSON: I do not intend to move the amendment on the notice paper in Mr. Heenan's name which seeks to delete paragraph (k) of subclause (1) of this clause because the Committee made a determination on a similar provision when it dealt with clause 84. I move an amendment—

Page 65, lines 10 to 12—Delete paragraph (b).

Evidently, Mr. Heenan gave this provision more consideration than I did. Can the Minister tell me whether paragraph (b) would permit a certain line of goods to be sold only during certain hours in an exempted shop?

The Hon. A. F. GRIFFITH: Subclause (1) lists the type of exempted shops that are covered by this provision. The words which the honourable member desires to delete expressly authorise the committee to define what sort of articles shall be sold in an exempted shop. For instance, the committee may permit a flower shop to sell cigarettes.

The Hon. R. THOMPSON: If that is the meaning of the provision, then, as Mr. Mackinnon has pointed out, a portion of an exempted shop could be kept open for the purpose of selling a certain line of goods.

The Hon. A. F. Griffith: A large shop would not be included in a list of exempted shops.

The Hon. R. THOMPSON: After a quick perusal of the provision, I interpret it to mean that any shop could be an exempted shop if it sold any article within a particular portion of such store during certain hours.

The Hon. A. F. Griffith: The position is that a large shop would not be declared an exempted shop.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clauses 87 and 88 put and passed.

Clause 89: Closing hours of chemists' and druggists' shops—

The Hon. R. THOMPSON: I move an amendment—

Pages 67 and 68—Delete subclause (2).

This is a very delicate situation because I realise the Minister has amendments on the notice paper in respect of chemist and druggist shops. These hours are much the same as those that would apply to shops in Mandurah, Yilgarn, and Sandstone. I objected to the stores being permitted to open for business in those places, and I similarly object to chemist shops being opened.

The Hon. A. F. GRIFFITH: I have two amendments on the notice paper which seek to narrow the interpretation of "medical goods". The honourable member should not pursue his amendment in view of the decision which we arrived at in relation to clause 85.

Amendment put and negatived.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 68, line 8—Delete the words "medical goods" and substitute the word "medicines".

The Hon. J. G. HISLOP: It is very difficult to define the term "medicine". To the general public it means a bottle of medicine, but if the term is limited to the current use it will apply only to prescriptions. In these days very few prescriptions are dispensed, because treatment is now

converted to tablet form, in most cases. I doubt very much if such tablets could be classed as medicine. If the term is taken literally, this provision could prove to be difficult.

Referring to the next amendment on the notice paper, the practice outlined has been tried by some chemists. I remember the case of the Ambassadors Pharmacy when the door had to be closed every time a customer walked in or out. If that method is to be observed when only the chemist is serving in the shop, his position would be made impossible. The advice of the Pharmaceutical Council should be obtained on these two amendments, to ascertain if they are practicable.

The Hon. A. F. GRIFFITH: I am told that the Pharmaceutical Council has been consulted. In the Bill the term "goods" was used originally, but as a result of an amendment moved in another place the word "medical" was inserted before the word "goods". Although the Government accepted that amendment, on further reflection it is considered that the word "medicines" is more specific in relation to cases of necessity or urgency. The words "medical and surgical appliances" are broad enough to cover anything required in necessitous or emergency circumstances, but would not include medicines such as cough mixtures, eye drops, sleeping tablets, baby syrups, etc.

The Hon. J. G. Hislop: Would those goods come under the term "medicines"?

The Hon. A. F. GRIFFITH: This amendment and the one following have received the approval of the Pharmaceutical Council.

Amendment put and passed.

The Hon. A. F. GRIFFITH: I move an amendment—

Page 68, line 10—Insert after the word "case" the following passage:—
and if—

- (a) the shop is opened for that purpose only; and
- (b) the door of the shop is kept locked, except for the admission and exit of the customer.

As a result of the debate in another place, it was considered desirable to add to clause 89 (3) to provide that a chemist shop might only be open for necessitous or emergency services. In brief it provides that the shop is only to be open for the purpose of dispensing necessary or emergency prescriptions of a doctor, and that the door is to be opened and closed for each and every customer. This will ensure that the shop is not just left open while the customer is waiting for a prescription to be made up. Inquiries have revealed that the average night chemist employs staff up till 9 p.m., as after that hour most doctors' surgeries have closed, and it is

only an isolated urgent prescription which has to be made up. The amendment is sought to ensure that when the door is opened, it will not be left open.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 90 to 96 put and passed.

Progress

Progress reported and leave given to sit again, on motion by The Hon. A. F. Griffith (Minister for Mines).

BILLS (2): RECEIPT AND FIRST READING

1. Abattoirs Act Amendment Bill.

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

2. Superannuation and Family Benefits Act Amendment Bill.

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

*House adjourned at 12.45 a.m.
(Wednesday).*

Legislative Assembly

Tuesday, the 12th November, 1963

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