MR. BOVELL (Vasse—Minister for Forests) [9.53 p.m.]: I have listened with interest to what the member for Warren had to say.

The Bill is a simple one and enables me, as Minister—or whoever the Minister might be for the time being—to delegate power to an inspector in order that machinery can be properly controlled. Of course it is ludicrous to think that an inspector who saw a dangerous machine should have to report to the Minister to obtain authority to act.

The second part of the Bill relates to first aid equipment and its availability. I would like to take this opportunity to say that safety in industry is, I think, of paramount importance. The member for Warren has given us a long talk on the various aspects of the timber industry and the safety measures which are taken. Also, he quoted figures to support his remarks.

While it is a hazardous occupation, the timber industry generally is one where employer-employee relationships have been of the highest standard. I represent an area where a number of timber mills are situated. I—and my forebears before me—have been associated in one way or another with the timber industry, the working of timber mills, and the production, supply, and distribution of timber.

If my memory serves me correctly there has been no industrial trouble to any extent in the timber industry since the early part of this century, which in itself shows that employer-employee relationships are of the highest standard. I compliment the employees as well as the employers for their co-operation in keeping a vital industry in production.

It is interesting to see that a number of women are actively working in timber mills now. I recently visited Jarrahwood, which is purely and simply a mill centre, and I saw that quite a number of women were actively working in the mill itself. I think the same position applies at quite a number of mills throughout Western Australia.

As I have said, this is very interesting and I wish to record my appreciation of the fact that women can go into a timber mill, work alongside men in hard and hazardous work, and see that the industry is carried on.

Mr. Tonkin: Do they get equal pay?

Mr. Bertram: Are they married women?

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.

House adjourned at 9.58 p.m.

Legislative Council

Wednesday, the 1st October, 1969

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

BILLS (13): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Collie Recreation and Park Lands Act Repeal Bill.
2. Dairy Industry Act Amendment Bill.
3. Wheat Marketing Act Continuance Bill.
4. Soil Fertility Research Act Amendment Bill.
5. Water Boards Act Amendment Bill.
6. Land Act Amendment Bill (No. 2).
7. Ord River Dam Catchment Area (Straying Cattle) Act Amendment Bill.
8. Western Australian Institute of Technology Act Amendment Bill.
9. Wood Chipping Industry Agreement Bill.
10. Legal Practitioners Act Amendment Bill.
11. Legal Contribution Trust Act Amendment Bill.
12. Fisheries Act Amendment Bill (No. 2).
13. Methodist Church (W.A.) Property Trust Incorporation Bill.

AUDITOR-GENERAL'S REPORT

Tabling

THE PRESIDENT: I have received from the Auditor-General a copy of his report on the Treasurer's statement of the Public Accounts for the financial year ended the 30th June, 1969. It will be laid on the Table of the House.

QUESTIONS (7): ON NOTICE

1. MONETARY VALUES

Depreciation

The Hon. CLIVE GRIFFITHS (for The Hon. C. R. Abbey) asked the Minister for Mines:

Will the Minister inform the House what is the extent to which monetary values have depreciated between 1930 and 1969?

The Hon. A. F. GRIFFITH replied:

There is no generally accepted measure of the change in the value of money over time.

However, retail price index numbers for the six State capital cities of Australia combined give a broad indication of long-term trends in retail price levels for a selected group of commodities.

The composition of the index, both as to the items included and the proportion each item bears to the total, has varied over time and for this reason it cannot be regarded as fully representative of all price changes over the period.

Compared with a base figure of 100 in 1930, the index number stood at 347 for the June quarter 1969.

2. *This question was postponed.*

3. INSURANCE

Loss Due to Flood

The Hon. G. W. BERRY asked the Minister for Mines:

(1) Is any insurance cover available to cover loss or damage to houses or personal effects as a result of flood?

(2) If not, has the matter been considered by insurance companies, or by the State Government Insurance Office?

(3) If the answer to (2) is "No", will the Minister consider raising the question with the authorities concerned?

The Hon. A. F. GRIFFITH replied:

(1) to (3) Houses and their contents are usually insured under what is known as a houseowners and householders' policy. The standard form of policy excludes damage by flood in respect of both buildings and their contents.

However, both houses and contents may be covered under a normal fire policy and there is provision in tariffs to extend these policies to include flood. I cannot answer for other companies but the S.G.I.O. will consider extending both houseowners and householders and fire policies to include flood for an additional premium commensurate with the specific risk. In the case of flood it must be borne in mind that there is invariably selection against the insurer and only those persons with property prone to flood ask for it.

4. POLICE

Increase of Strength at Kalgoorlie

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

In view of the vast area involved, and the increasing population in the Kalgoorlie district, will serious consideration be given to increasing the strength of the Kalgoorlie police by one detective and one policewoman?

The Hon. A. F. GRIFFITH replied:

An additional detective is to be stationed at Kalgoorlie. The matter of the appointment of an additional policewoman will be investigated.

5. COASTAL WRECKS

Protection From Interference

The Hon I. G. MEDCALF asked the Minister for Mines:

(1) Is the Minister aware—

(a) that plundering of the historic wrecks of the *Gilt Dragon* and *Batavia* is still continuing;

(b) that ballast bricks and coins recovered from the *Gilt Dragon* were being offered for sale last February in the public bar of the Yanchep Inn;

(c) that at least one section of the *Batavia* has been stripped to the living reef;

(c) that some of the main timbers of this vessel have disappeared;

(e) that the chest of bullion containing rixdollars and ducatoons referred to in *Pelsaert's Journal* has recently been removed; and

(f) that many of the iron cannon are at present being used as mooring posts for fishing boats in the Abrolhos Islands?

(2) Can some official action be taken—

(a) to investigate these unlawful activities; and

(b) to prevent further acts of pillaging;

in order to conserve in the public interest what remains of this irreplaceable evidence of early European contacts with this country?

The Hon. A. F. GRIFFITH replied:

(1) (a) The cases mentioned in the question, and others, have been reported to the C.I.B. and are under investigation.

(b) Investigation of the incident at the Yanchep Inn has not substantiated the report, despite the fact that it was made to the C.I.B. and investigated immediately subsequent to its occurrence. The matter is still under investigation by the C.I.B.

(c) to (f) The reports concerning the *Batavia* were made to the Museum on the 22nd September, 1969, and have not yet been substantiated. They are contrary to a report of an inspection made for the Museum by Messrs. Brady and Cramer of Geraldton in June, 1969, but the reports have been referred to the C.I.B. for investigation and are being investigated.

(2) (a) Yes.

(b) Yes. The particular acts mentioned, and several others not mentioned, are currently under investigation because the Government is determined to preserve these historic wrecks in the public interest.

6. EDUCATION

Teachers' Salaries

The Hon. R. F. CLAUGHTON asked the Minister for Mines:

(1) Is it a fact that Grade A14 teachers in Western Australia are in receipt of a total salary of $5,600, which is $203 less than the average of their colleagues in the Eastern States?

(2) How many male teachers are in this category?

(3) How many female teachers who are on Grade A14 receive less than $5,600?

(4) Does the Minister reaffirm his statement that teachers in Western Australia will be paid the average of their Eastern States counterparts?

(5) If there are anomalies between the present scale and the Minister's intention, when is it proposed to make adjustments?

(6) (a) How many teachers in Western Australia are on Grade A14; and

(b) how many of these do not receive the upper school allowance?

The Hon. A. F. GRIFFITH replied:

(1) Since 1954 the Education Department, the Teachers Union and the appeal boards and tribunals have accepted that for purposes of comparing the maximum salary for a four year trained teacher in this State with those elsewhere, the maximum salary grade plus the upper school allowance shall be used. This means that the maximum in this State is $7 in excess of the three-State average.

(2) Approximately 950 male teachers are in Grade A14

(3) This figure is not known.

(4) Yes, as explained in (1) above.

(5) There are no anomalies.

(6) (a) About 1,070.

(b) Not known.

7. EDUCATION

Churchlands Senior High School

The Hon. R. F. CLAUGHTON asked the Minister for Mines:

(1) Is it a fact that an area of approximately eight acres of the land now occupied by the Poultry Research Station has been allocated to the Churchlands Senior High School?

(2) If so, would the Minister supply a plan of such area, as the school is unable to proceed with future planning particularly as regards the location of a swimming pool for which it is currently raising funds?

The Hon. A. F. GRIFFITH replied:

(1) and (2) Negotiations for the transfer of this land are still in hand with the Department of Agriculture.

BILLS (2): INTRODUCTION AND FIRST READING

1. Associations Incorporation Act Amendment Bill.

Bill introduced, on motion by The Hon. A. F. Griffith (Minister for Justice), and read a first time.

2. Dog Act Amendment Bill.

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

EXMOUTH GULF SOLAR SALT INDUSTRY AGREEMENT BILL

Third Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.48 p.m.]: I move—

That the Bill be now read a third time.

THE HON. G. W. BERRY (Lower North) [4.49 p.m.]: I will not take up very much time on the third reading of this Bill. However, during the second reading debate Mr. Wise referred to the stock runthroughs on station property, and said that it would not be fair if the pastoral lessee was to be saddled with the cost of these grids. He said there was no provision for the company to bear the cost of them.

The Hon. F. J. S. Wise: That is not what I said! You must have been asleep! I know the provisions of the clause. You need not worry about that!

The Hon. G. W. BERRY: The point I was going to raise is that the cost of a 12-foot grid is $500 while the cost of a 22-foot grid on a main road would be up to $1,000. Clause 27 (c) of the agreement reads—

> (c) shall at the request and cost of the Company (except where and to the extent that the Commissioner of Main Roads agrees to bear the whole or part of the cost involved) widen upgrade or realign any public road over which the State has control subject to the prior approval of the said Commissioner to the proposed work;

I had in mind that the company should make provision in regard to installing stock run-throughs when roads may pass through station fences where gates are not provided. As members can see, the cost, at $500 per run-through, is quite considerable. Probably the company staff, when operating in the area, would be loath to get out and open gates all the time. I think it is only right the company should make some provision for putting in run-throughs if it has occasion to go on station properties.

Question put and passed.

Bill read a third time and passed.

CHILD WELFARE ACT AMENDMENT BILL

Report

Report of Committee adopted.

PRISONS ACT AMENDMENT BILL

Second Reading

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

> That the Bill be now read a second time.

The purpose of this Bill is to amend the Prisons Act to enable certain prison reform proposals involving work release of prisoners to be put into effect.

The Chief Secretary, who administers the Prisons Act, last year undertook a study tour of prison systems overseas and was greatly impressed with the successful operation of the work-release programmes in each country which he visited. This tour included New Zealand, Canada, the United States of America, and Europe.

Queensland recently introduced this type of reform and it has proved successful. The system now operating in that State is thought to be the most suitable to be adopted in this State because it is likely to be more closely suited to Australian community acceptance.

The amendments in the Bill will permit regulations to be drawn up to allow a similar type of reform to be instituted in Western Australia. Work release is, in a literal sense, the bridge between an institution and a community, which enables selected prisoners confined in a gaol, a prison, or other correctional facility, to leave its precincts institutionally each day for the purpose of undertaking employment at a regular job nearby.

The system may well provide an immense benefit by enabling an inmate to develop a prerelease transitional experience which, in many cases, would, of itself, assist in the development of an increasing personal responsibility. The system would provide actual working tests of a previous vocational or occupational training, and not the least, an opportunity to accumulate savings when released, thereby providing a means of making restitution or paying legitimate debts.

The introduction of this measure provides a valuable medium in the process of the re-education of inmates. It presupposes obvious economic advantages. Arising from its implementation, prisoners will be required to pay $14 per week board. They will be required to contribute towards the support of their dependants, pay taxes, and make other contributions as wage-earning members of the community.

These economic advantages will be readily recognised when one is reminded that it costs the State and the taxpayers something like $2,000 a year to keep a prisoner in Fremantle gaol. On the other hand, the cost of keeping observation on someone sentenced to a term of probation is closer to $200 per annum.

Under the provisions envisaged through the passing of this measure, the selected prisoner will be enabled to contribute towards the cost—a contribution which will be helpful in financing the overall operational costs of the department. But I hasten to say, that the basic principle of this legislation is certainly not to relieve the State of expenditure.

As I have already indicated, the system will be applied only in respect of selected prisoners, but members will readily appreciate some of the obvious advantages already referred to; and I might add that when the system comes into being, it will assist greatly the parole service, one of the duties of which is the obtaining of employment for prisoners about to be released on parole.

By way of explanation as to its operation, I would mention that, under the system, prisoners will commute daily to employment in city or suburbs from Monday to Friday, returning to prison each night and for the weekend. An obvious benefit arising from this procedure is that minimum-term prisoners when released on parole will have already been established in employment at the time of their release.

It is known that in certain overseas countries the work-release centres are operated from hostels outside the prison itself. But for the time being at least, it is intended that we use our existing institutions during the introduction of the system. The payment of wages will be made to prison authorities, who will allocate distribution after consideration of any special circumstances which may prevail.

It is not intended that the introduction of work release should cut across the powers of the Parole Board for, in respect of prisoners serving minimum terms, the final decision as to whether they will be released on parole at the end of their work-release period will continue to reside with the board, which will continue to make its decisions based on information supplied by prison authorities and the parole service.

However, the Chief Probation and Parole Officer considers that the system will benefit the work of the parole officers, who quite often experience some difficulties in placing parolees in employment immediately on parole being granted. The proposals now before members should not only assist to overcome this difficulty but should also allow a better assimilation of prisoners in the community.

Of course, the value of any work-release programme is almost entirely dependent upon the degree of careful selection of inmates to participate in the programme. Those selected and recommended in the first instance by the Prisons Department Classification Committee will be subject to approval by the Chief Secretary. Certain classifications will be excluded. Persons will not be selected from those found not guilty on the ground of insanity or those whose sentences have been commuted to life sentences, or those sentenced to life imprisonment, or prisoners convicted of various offences affecting people.

So it will be seen that no person considered harmful to the community will be considered as suitable to be brought under the system, but rather the prisoner who will be due for release in approximately three to four months. A maximum of six months prior to date of release has been set as the period before any prisoner will become eligible to participate in this scheme. During the term of each work release, the prisoner must join the appropriate union and abide entirely by the conditions prevailing.

I believe some mention was made in another place of this particular phase of the operation. Mr. Coleman, the Secretary of the Trades and Labour Council, wrote to my colleague, the Minister for Police, and Mr. Craig wrote back to Mr. Coleman on the 29th September in these terms—

> Dear Mr. Coleman,
>
> In response to your letter under date 18th inst. regarding the Prisons Act amendment, I have to advise that during the term of each work release the prisoner must join the appropriate union and abide entirely with the conditions prevailing.
>
> Award rates would apply and as previously stated he must abide by all other provisions of the appropriate award.
>
> Should a stoppage of work occur and involve the prisoner, he is not expected to continue working.
>
> Your Council's co-operation and ready acceptance of the scheme is appreciated and it is regretted your letter was not received in time to debate on the points raised by you.
>
> Yours sincerely,
>
> J. F. CRAIG,
> Chief Secretary.

I read the letter merely to indicate that my colleague, the Minister for Police, has communicated with the Trades and Labour Council upon an inquiry being made by letter by Mr. Coleman, the secretary of that organisation.

I mentioned earlier that work release had been operating successfully in Queensland for some six months. New South Wales has also recently commenced a similar scheme and Victoria has made legislative provision for its introduction.

On a fairly recent visit to Queensland I took the opportunity to ask the Minister for Justice in that State (Dr. Delamothe), who is in charge of prisons in Queensland, how the work-release proposals of that State were operating—they were only recently introduced. He told me he was very pleased with the start that had been made in that State on the plan which was being put into effect.

A further plan proposed is the temporary release of prisoners to allow them to seek employment and to attend to urgent family matters without being escorted. At the present time certain prisoners are allowed out for particular reasons, but in every case they are escorted. This type of temporary release will be granted only to those classes of prisoners eligible for work release and will involve special leave for a period of only one or two days. Incidentally, this will obviate the cost of an escort, at present employed in these cases. This proposal has been operating successfully in other States for a number of years.

Of course, any departure by prisoners from the written terms of work release, or temporary leave, will mean cancellation of the privilege and, in the case of their absconding, will lead to charges of escaping from legal custody being laid.

The Chief Secretary, when introducing this measure in another place, expressed his appreciation of the co-operation of those concerned, such as the employers, the various organisations associated with prison work, and the Probation and Parole Board, and also the trade union movement which has shown a considerable degree of co-operation.

Needless to say the prison service will have to feel its way in launching the new system. There will be no wholesale release of inmates from institutions but, by careful selection, there is little doubt that the system found to have operated successfully elsewhere may, in this State, through the process of time, develop into a useful contribution by the prison authorities, and all those concerned, towards placing certain types of prisoners in useful employment for their own benefit, that of their families, and the community as a whole.

I would only like to add that I have had consultations with the Chief Secretary in regard to this matter, bearing in mind that the administration of the Offenders Probation and Parole Act is one of my functions. I felt I could give complete support to the proposals that were put forward to the Government by the Chief Secretary as being another move in the right direction towards the rehabilitation of prisoners into the community. I commend the Bill to members.

Debate adjourned, on motion by The Hon. W. F. Willesee (Leader of the Opposition).

INSPECTION OF MACHINERY ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.5 p.m.]: I move—

> That the Bill be now read a second time.

The Bill now before members amends the Inspection of Machinery Act with a view to bringing some of its provisions up to date by correcting some anomalies, and legalises some accepted practices which have had practical application in the administration of the Act.

For instance, under the provisions of subsection (3) of section 15 of the Act, a boiler attendant should be a male of at least 18 years of age and, no doubt, this requirement still has application in respect of males of sufficient physical strength attending the bigger boilers fired with wood, coal, or sawdust.

It is accepted practice, however, to permit female attendants to be responsible for coffee boilers, boilers such as are used in dry cleaning establishments, autoclaves, sterilisers, and other boilers in that category.

It is now proposed to amend the Act, by removing the prohibition against females attending small boilers—those less than six horsepower—which do not require certificated control. It is felt there is no objection to females attending such small boilers, which are generally electrical, or sometimes, oil-fired. There is no call for particular physical strength in attending to this type of plant and the amendment proposed has been discussed with and is supported by the Chamber of Manufactures and the Federated Engine Drivers and Firemen's Union.

It is considered desirable, with respect to inspection fees, to legalise a practice of exempting charitable organisations and also teaching institutions, such as the University of Western Australia, from the payment of inspection fees, but this latter category in respect only of machinery used in teaching, demonstrations, experiments, and research work. The inspection fees for boilers, pressure vessels, lifts, and maintenance machinery have been charged and it is the intention to continue this practice.

The amendments now proposed emanate from a report made by the Auditor-General drawing attention to the fact that, although certain exemptions are being granted, there is no provision in the parent Act for this to be done.

In considering this amendment, the Legislature is to give statutory recognition to the charitable exemptions now in vogue. The amendment will, in effect, legalise exemptions granted up to this point with ministerial approval but apparently without statutory authority.

With respect to engine drivers' certificates, it has become apparent over the past few years that first, second, and third-class certificates—as at present defined in the parent Act—are unnecessarily narrow and restrictive both in requirement and entitlement. This position has been brought about by changing conditions through a reduction in the use of reciprocating steam engines as prime movers in industry and an increase in the number of steam turbines of all sizes being introduced to powerhouses and industry.

Of the several classes of certificates available, the first-class entitles the holder to have charge of steam turbines only. This was a practical provision when the only turbines in operation were those in large powerhouses, and thus of considerable dimensions. But, at present, there are many small turbines in use, so it is not realistic to require that, in all cases, the person in charge should have a first-class certificate. Furthermore, it has become extremely difficult for candidates for engine drivers' certificates to obtain the

required experience on the decreasing number of reciprocating engines for first, second, and third-class engine drivers' certificates because of the now limited opportunities. This aspect applies particularly to powerhouses, which, in the past, have drawn their first-class engine drivers from outside the precincts of the State Electricity Commission.

The amendment now proposed is sought by the State Electricity Commission and by industry generally with a view to overcoming many of the difficulties arising from the certificating of engine drivers. The amended provisions will incorporate turbines of appropriate horsepower into both third and second-class certificates, and make it possible also for certificates in the three grades to cover both turbines and reciprocating engines, or either type of engine when experience has been limited to one type only.

Because of a large increase in the number of applicants for crane and hoist driver certificates, a position has arisen requiring that the board of examiners be given power to depute crane and hoist driver examinations.

The board of examiners for various certificates of competency, under the Inspection of Machinery Act, is composed of the Chief Inspector of Machinery and two qualified persons, one of whom is required to hold a winding engine driver's certificate. The board conducts all examinations with the exception of those of boiler attendant, which are carried out by an inspector.

The amendments now proposed will effect a considerable saving in the time at present being spent out of the office by two senior officers, but the board will still retain the power to conduct the examination itself, should it consider this course desirable.

There is a provision in section 59 of the parent Act that all applicants for a certificate issued by the board of examiners for engine drivers be British subjects, naturalised British subjects, or an unnaturalised person who has not been in Australia for a period exceeding the minimum time after which application for naturalisation will be accepted.

For some years past, and with an influx of workers from other Australian States, many certificates issued in those States have been presented here for reciprocity purposes. Under section 60 of the Act, a certificate of equal value may be granted without further examination. As a consequence of these provisions, the local immigrant making application here is at a disadvantage compared with a newcomer from another State. Therefore, the amendment simply provides that the applicant must satisfy the board that his knowledge of the English language is sufficient to enable him to perform his duties.

Section 63, which was promulgated in 1922, authorises the granting to holders of marine engineers' certificates issued by the Board of Trade of the United Kingdom, or an equivalent authority in the British Commonwealth, a first-class engine driver's certificate without examination. Diesel engines and motor ships were at that time in their infancy and quite obviously the extension of the above privilege to holders of Board of Trade certificates (motor) was not considered or was overlooked and, consequently, no reciprocity for motor certificates exists and, in view of this position, it is now necessary to amend section 63 to provide for reciprocity for motor certificates and the requisite provision is in the measure before members, which I commend to the House.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 4)

In Committee

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 to 4 put and passed.

Clause 5: Section 179 amended—

The Hon. F. R. WHITE: During the second reading debate I did indicate that it was my intention to move an amendment to this clause; but I now find it is impracticable to do so. I have an amendment on the notice paper to a subsequent clause which I shall move at the appropriate stage, and this will satisfy my purpose.

Clause put and passed.

Clause 6: Section 234 amended—

The Hon. L. A. LOGAN: The amendment on the notice paper is the result of a suggestion made by Mr. Medcalf. Members will find that much of the phraseology is to be deleted, and a small passage is to be substituted. It appears that this amendment will make it easier for people to understand the provision. I move an amendment—

Page 4—Delete subparagraph (iv).

Amendment put and passed.

The Hon. L. A. LOGAN: I move an amendment—

Page 5—Insert after subparagraph (v) the following new subparagraph to stand as subparagraph (vi):—

(vi) for requiring officers of the council appointed to carry out the powers and duties conferred by the by-laws to carry and produce the prescribed badge, card or other means of identification.

The Hon. I. G. MEDCALF: This is a very worth-while amendment, and it has been made pursuant to a suggestion which I put forward that officers of the council should, in fact, carry some means of identification when they apprehend drivers of motor vehicles or ask them questions—drivers who they suspect might have committed an offence.

This amendment will afford protection to the officers of the council in that they will be able to rely upon the identification, instead of being mistaken for persons without any authority; and to the public, who will be aware that they are permitted to ask these officers for their means of identification. When asked the officers would be required to produce their means of identification.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 10 put and passed.

Clause 11: Section 295 amended—

The Hon. L. A. LOGAN: I move an amendment—

> Page 6, lines 33 to 37—Delete all words commencing with the word "metropolitan" down to and including the figure "1928" and substitute the passage "district or districts, or part or parts thereof, specified in the notice for the purpose".

It was brought to my notice that this clause would confine the application of the minimum standard to the metropolitan area. It was suggested that this minimum standard could also apply to the larger towns, such as Bunbury, Albany, and Geraldton, and that it would be much better to leave the position open. I agree that subdivisions in towns such as those I have mentioned are just as important as subdivisions within the metropolitan area.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 12 to 18 put and passed.

Clause 19: Section 531A amended—

The Hon. J. DOLAN: I have placed an amendment on the notice paper, because I am not very happy with the fixing of the area at five acres. This provision will apply to numerous businesses and industries, and they include grazing, dairying, pig farming, poultry farming, beekeeping, viticulture, horticulture, fruit growing, or the growing of crops of any kind.

Graziers and dairymen would operate on at least five acres of land, so they will benefit from the provision in the clause. Viticulturists will also benefit, because most of them operate on more than five acres. However, there are many market gardeners who make a good living on considerably less than five acres of land. In my province there are numbers of poultry farmers who are among the top egg producers in the State and who operate on less than five acres.

There are also the people who conduct nurseries. I am sure that some members have seen the magnificent Highway Nursery just past Maddington Town Hall. This nursery would not occupy more than one and a half acres, and it is one of the best in the State. A week or so ago I visited the Waldeck Nursery, but I am not as familiar with this locality as I am with the Maddington district. An excellent business is conducted at the Waldeck Nursery, but it does not cover more than two acres. These people will not derive any benefit from the provision in this clause, because of the limitation of five acres.

We should not try to differentiate, because a successful poultry farmer operating under modern methods on two acres is able to become one of the highest egg producers in the State, while another who is less efficient may be operating on five acres. Yet the latter would benefit from this provision.

To give another example, some time ago I was in Cairns, and as many visitors to Queensland would do, I visited the nursery which produces orchids. This is probably one of the largest producers of orchids in Australia. It has a ready market in the U.S.A. and in Britain, but the property does not cover more than two acres. Of course, these plants are grown in glasshouses.

I visualise that some nurserymen who apply modern methods are quite prepared to operate on two acres of land, but they will not derive any benefit from this clause. For that reason I feel the restriction will hamper efficiency. By deleting the clause and not imposing any restriction, each case could be considered on its merits. It is not a big task to do that.

I do not say that a person who grows a few Iceland poppies on a quarter-acre block would make application to the local authority to have the land declared as urban farm land. The local authority would not waste its time in dealing with such an application. I am sure that a person who did apply would not go to the trouble of appealing to the appropriate court if his application was refused.

I would prefer to see a restricting clause included in the Bill which would impose a penalty on people who make frivolous applications. I am perturbed that genuine people who are making a good living on two acres of land or less will be affected by this clause.

I refer to another example. Probably one of the largest growers of dahlias in the State is operating on about one third of an acre in South Perth. He is using his own back yard and that of another

person, and he makes an excellent living out of growing the tubers. This person would be deprived of the benefits which will be conferred by this clause.

The Hon. J. Heitman: What do you think the minimum acreage should be?

The Hon. J. DOLAN: I would not know. If a poultry farmer can make an excellent living on one acre of land he should be entitled to have his case heard; but if he cannot prove his case he will not be able to derive the benefits under this clause. If his application is refused he has the right to appeal to a valuation appeal court.

I would like to give an example of the modern trend in pig farming. There is one establishment in the Swan Valley where the pigs are reared in large sheds, each one in a separate pen. They are reared under modern and efficient methods. The sheds cover less than two acres, and therefore these people will not be able to obtain the benefit to be conferred by clause 19.

I notice that the Minister has an amendment on the notice paper to reduce the area from five acres to two and a half acres, but that is in accordance with a decision which was made some years ago to permit farmers and market gardeners in the Spearwood area to take advantage of these provisions. We find that the Minister started off on five acres, but he is prepared to reduce it to two and a half acres. I feel that the fairest way is to remove the restriction in the clause, and allow each case to be decided on its merits.

If a man says he is making a living on two acres, or on one and a half acres, and he makes an application to the shire, it is not a big job to find out whether he is actually making a living from the block or not. I feel the amendment which I have on the notice paper has considerable merit and I would like other members to express their views on whether or not they are inclined, to a certain extent, to limit the operation of this clause so that it does not apply to a man who is very efficient at his job. I move an amendment—

> Page 10, lines 17 to 19—Delete the words "which is not less than five acres in area and".

The Hon. L. A. LOGAN: Whilst I appreciate all that Mr. Dolan has said, I am inclined to think he might be going too far in saying the matter should be left wide open. It would mean that any person with a small block, who was growing gladioli, could claim he was making some of his living from that block of land. That person might have a very good job but he could claim he was getting a substantial part of his income from a quarter of an acre, or even from 27 perches. I do not think we should give that fellow the exemption.

After Mr. Dolan spoke at the second reading stage of the Bill I gave some thought to this aspect, and I do not want to deny any genuine person the opportunity to make application for exemption. That is why I have suggested an area of two and a half acres.

However, I am still amenable to reason and I am prepared to come down to an area of two acres which I think would cover 99 per cent. of cases. Without hearing the views of other members I am not prepared, at this moment, to leave the matter wide open and I prefer that some minimum size be stated.

The Victorian provision, on which this present provision is based, was introduced two years ago. It was re-enacted this year and the area of five acres has been retained. I would like to hear the views of members on whether the matter should be left wide open, as Mr. Dolan suggests, or whether we should have a limitation.

The Hon. CLIVE GRIFFITHS: I simply want to ask the Minister what the situation would be where a person owns several adjoining lots, and earns his living from those adjoining blocks.

The Hon. L. A. Logan: That is covered in the next clause.

The Hon. F. R. WHITE: I cannot agree with Mr. Dolan that the situation should be thrown wide open. I personally feel that two acres would be a desirable minimum. I am aware that there are many efficient poultry farmers who operate on two acres but I am not aware of a primary producer, as such, operating on a smaller lot. I think Mr. Dolan has pointed out instances but personally I feel that a two-acre minimum would be a very desirable size.

The Hon. F. J. S. WISE: The point raised by the Minister regarding a person who earns part of his income from his block of land is covered by the clause itself. The words "wholly or mainly maintained or used for the time being" answer the question as to whether or not a person is entitled to qualify.

I agree with Mr. Dolan that people who are efficient are able to earn an income on an area of less than two acres. Mr. Dolan mentioned the example of orchid growing, and I know of more than one person in Queensland who makes $5,000 or $10,000 a year from half an acre of land by specialising in the growing of orchids. We have specialised nurserymen in this State whose blocks of land are of considerably less than five acres. It is not a case of leaving the area wide open; it is a case of the area being open to challenge. I certainly support the amendment.

The Hon. F. R. H. LAVERY: I know of one poultry farmer who has one shed at

the moment and he is raising 15,000 birds. He does not have more than one acre of land.

The Hon. J. HEITMAN: I do not think it matters much whether we have a minimum area of five acres or whether we declare the case wide open; the next clause takes care of the situation. If the shire council agrees that the area is farm land, it will come under this provision. However, if there is a five-acre limit then any area under five acres could not be included even though the shire council might declare it farm land.

I can remember during the depression years when most local authorities decided they would give concessional licenses to prospectors. In that case it was an open slather because a miner's right could be obtained for 5s. and any person who got one immediately became eligible for a concession from a local authority. The present situation is not like that at all. The fact is that the council will make the final decision on the area, whether it is two acres, five acres, or half an acre. In many instances one could make a mighty good living with cage birds on two acres of land. A quarter of an acre might be too small. If one wants to grow orchids, which is a precarious sort of occupation, then one should have the same concession as the owner of a five-acre block.

The Hon. L. A. LOGAN: I think the case mentioned by Mr. Dolan regarding the growing of dahlias or bulbs certainly would not come under this category.

The Hon. J. Dolan: The council would wipe it out.

The Hon. L. A. LOGAN: A house would take up a large portion of a quarter-acre block so the block would not be used wholly for agricultural purposes. Therefore it would not qualify for a concession. However, I doubt the wisdom of reducing the area below a certain minimum figure. The responsibility would come back to the council, which would pass it on in the form of an appeal.

The Hon. F. J. S. WISE: I think we have learnt to regard the Minister for Local Government as a person who presents a case in an eminently fair way. I think the Minister would be the first to agree that if two or three people were excluded unfairly by the stricture to five acres, and there were some people at the other end of the scale wilfully doing something which was not valid, it would be far better to challenge those people than to exclude the two or three who were producing on two acres of land. I think there is much merit in the amendment.

Amendment put and passed.

The Hon. F. R. WHITE: I have a further amendment to this clause on the notice paper. The clause, as written, does not make any reference to the present zoning of land which shall be declared farm land. I feel it is necessary that the land be zoned as rural land. I cannot agree that land zoned as urban, industrial, or otherwise should be included in the category of urban farm land.

Yesterday the Minister referred to the fact that possibly a large number of people on urban zoned lots would be penalised if this clause restricted the land to rural zoning. From memory, I think the Minister maintained that in many areas—such as the Cannington-Armadale corridor—there are primary producing properties on presently zoned urban land.

We are all aware that the price of land in the near metropolitan area is rising astronomically. In some cases, on being rezoned, land has reached a value of $10,000 an acre. Merely from the point of the vermin and the noxious weeds tax this value would make it prohibitive for a person to continue primary production for a time. Any slight relaxation of rating would not benefit those people to any great degree.

The Minister referred to poultry farming in urban areas but this should not be encouraged; it should be discouraged. There is a certain nuisance value attached to poultry farms even when they are operated on two acres of land. In all sincerity, I move an amendment—

> Page 10, line 19—Insert after the word "which" the passage "has been defined and zoned as rural land pursuant to the provisions of the Metropolitan Region Town Planning Scheme Act, 1959-1965 and which".

The Hon. L. A. LOGAN: We have just had the situation of the Committee agreeing to widen the scope of this clause. However, this amendment seeks to restrict it severely once more, and I am not in favour of it. Whether we like it or not, or whether we think the poultry farmers ought to be in an urban area or not, poultry farming is only one of the many classes of agricultural pursuits laid down in paragraph (b) of this clause. If members travel through the Cannington-Armadale corridor, which has only recently been rezoned, they will find some orange orchards in the area. I hope those orchards remain for some time. Some of them will be rezoned under local authority town planning schemes.

If members go to Spearwood they will find that, although rezoning has taken place and the local authority has made certain subdivisions, the area is still a market garden area. I hope it will remain as such because those people have been there for so long that their gardens are part of their life. We want them to stay there, and this is one of the reasons for the amendment to the Act; to give those people some relief from the high rating and so enable them to remain. If they do not want to stay, they can get out and pay the equivalent of the valuation for the previous five years.

I think the amendment would deny many people the rights we are endeavouring to give them under this Act, and I hope the Committee does not agree to it.

The Hon. J. DOLAN: I wish to make one correction. Poultry farmers are not going into these areas to operate. They were in the areas first; some of them have been there for two or three generations and now the urban area is springing up around them. If the poultry farmers, market gardeners, and orchardists wish to remain, this amendment may have a tremendous effect on the price of their commodities in the metropolitan area.

I know of one family which has been market-gardening in the Canning area for the best part of 100 years. It would be a pity if that family had to shift because the area is now classified urban. Although there is possibly no chance at present of subdividing that land, the family is entitled to remain and I hope it does remain. Those people are providing a good service to the community in the metropolitan area, and are carrying on a tradition.

The Hon. F. R. WHITE: Mr. Dolan has made a very good point. He said that in the area there is a primary industry which has operated for many years and, therefore, the people concerned should have the right to remain. I agree entirely. However, I must point out that when it is proposed to rezone rural land, the owners have the opportunity to appeal. If the owners object their land will remain rural land and as such it will have a lower valuation. They would therefore pay less rates than envisaged in this Bill. The noxious weeds tax would also be lower.

If the owners do not appeal against the upgrading in zoning, then it would appear that they intend to subdivide their land at some future date and not continue in primary industry. The owners have the opportunity to appeal, and I feel that if they do not exercise it they should not be given consideration under this Bill.

The Hon. L. A. LOGAN: I would like to correct Mr. White on one point. Owners do, on some occasions, avail themselves of the opportunity to appeal when rezoning takes place, but their objections are not always upheld. Take the Cannington Armadale corridor as an example. Just fancy the position if 20 or 30 orchardists within the corridor objected to rezoning. We could be left with 20 or 30 small orchards in an area of 200 or 300 acres which is zoned urban. I do not think it would be possible to do this, whether the orchardists like it or not. They have to put up with the rezoning and then obtain relief through the measure we are now discussing.

Amendment put and negatived.

The Hon. J. DOLAN: I move an amendment—

Page 10, line 40—Delete the passage "; and".

Amendment put and passed.

The Hon. J. DOLAN: The amendment which has just been passed was necessary in order that I may move for the removal of paragraph (d) of clause 19. I wish to remove the restriction of five acres where there is an aggregation of properties which amounts to more than five acres. If this paragraph is retained the value of the previous amendment will be wiped out. Therefore, I move an amendment—

Page 11—Delete paragraph (d).

Amendment put and passed.

Clause, as amended, put and passed.

Clause 20: Section 533A added—

The Hon. F. R. WHITE: I have given notice of my intention to move an amendment to this clause. Paragraph (a) of proposed new subsection (3) states that only land which has appreciably increased in value due to its proximity to land which is being developed, or has been developed, for residential, commercial, industrial, or other urban uses, shall be classified as urban farm land. I pointed out yesterday that very often—particularly close to the city in the metropolitan region—rural land is in close proximity to recently rezoned land which is not being developed, or which has not been developed. However, because of the rezoning the value of the rural land is increased appreciably.

My proposed amendment would make it perfectly clear that the clause would cover land which is in close proximity not only to developed land or land which is being developed for residential, commercial, or other purposes, but also to land which has been defined and zoned pursuant to the provisions of the Metropolitan Region Town Planning Scheme Act, 1959-1965, for residential, commercial, industrial, and other uses. I feel this is extremely desirable, and I hope members will support my amendment. I move an amendment—

Page 12, line 2—Insert after the word "developed" the passage "or has been defined and zoned pursuant to the provisions of the Metropolitan Region Town Planning Scheme Act, 1959-1965".

The Hon. L. A. LOGAN: I think if this amendment is passed the wording will be incorrect. I think also we will run into all sorts of problems if we try to write this provision into the clause because every local authority within the metropolitan region will submit town planning schemes within its own right and

when this happens the regional authority will not come into it except on an overall broad principle, and there might be some differences between the M.R.P.A. scheme and the local authority schemes.

I cannot see that the amendment will add anything whatsoever to the clause. The land must be affected as a result of its being in proximity to land which is being developed for residential, commercial, or other urban uses. I think this in itself makes it possible for an individual council or a court to decide the issue and I do not think there is any need to provide any further definition. The amendment would certainly create confusion between the M.R.P.A. and the local authority.

The Hon. F. R. WHITE: To my knowledge the Metropolitan Region Planning Authority has a scheme covering the metropolitan region, and any local authority scheme must have the approval of the M.R.P.A. and must conform with the regional plan, which may from time to time be amended by the M.R.P.A. There is a close liaison between local authority schemes and the regional scheme, so I do not think there would be any friction.

The Minister made reference to land that could be described as being developed. If these terms are included in the Bill there must be a definite interpretation. To my understanding land would be considered as being developed if buildings were being erected on it, or if it was in the process of being subdivided. However, I do not think the clause as it stands will cover the position where land which is zoned urban is not being developed by means of buildings or subdivision.

The Hon. L. A. LOGAN: I think Mr. White should read proposed new subsection (3) again. I think this subsection in itself provides all that is needed. I would like to correct the honourable member on one other point. The M.R.P.A. scheme is a broad outline, and each local authority then brings in its town planning scheme in detail. There could be some differences between the two. The Metropolitan Region Planning Authority does not sanction the local authority scheme; this is done by the Town Planning Board and the Minister. It has to be in accord with the general principles, but not necessarily in complete detail, so I think the honourable member might be confusing the two. I think the wording is straightforward and I suggest to the Committee that it should be left as it is.

Amendment put and negatived.

Clause put and passed.

Clauses 21 to 25 put and passed.

New clause 6—

The Hon. F. R. WHITE: I move—

Page 3—Insert after clause 5 the following new clause to stand as clause 6:—

6. Subsection (3) of section 182 of the principal Act is repealed and re-enacted as follows—

(3) The mayor or president may but is not obliged to be a member of a committee so appointed and is not obliged to preside as Chairman of the meetings of a committee so appointed, and, if in accordance with the provisions of this section—

(a) he intimates his intention is not to be a member, or does not intimate his intention in that regard at all, the council may elect one of its number to be a member in his stead, and the committee then so formed may elect one of their number to preside as Chairman;

(b) he intimates his intention is to be a member but not to preside as Chairman, the committee then so formed may elect one of their number to preside as Chairman.

As indicated by the amendment being on the notice paper I am anxious to have this new clause inserted, and although I have not had much success to date with my amendments I hope I have more success on this occasion.

As I clearly outlined yesterday, clause 5 seeks to amend section 179 which deals with the constitution of committees within the council. Yesterday I referred to complementary section 182 which deals with the *ex officio* member who will now be included in the members of the committee, the members of which may not exceed half the total number of the council. Subsection (2) of section 182 reads—

The mayor or president is *ex officio* a member and chairman of a committee so appointed.

Therefore, as the Act stands, it is perfectly clear that if we do not go any further, the president or mayor of a council shall become a member of each and every committee, and shall be the chairman of each and every committee. Subsection (3) of

section 182, in my opinion, conflicts with subsection (2), because it reads as follows:—

> The mayor or president may but is not obliged to preside as chairman of the meetings of a committee so appointed, and, if in accordance with the provisions of this section, he intimates his intention is not to do so, or does not intimate his intention at all, the members of the committee may elect one of their number to preside in his stead.

Despite the fact that I think these two subsections conflict, as this provision has been operating for many years, I consider that the circumstances surrounding the instance of a president not wishing to be the chairman of a committee should also apply to a president or mayor not wishing to be a member of a committee.

So the proposed new clause seeks to delete existing subsection (3) and to rewrite it, more or less, to provide that not only can a president or mayor elect not to be chairman of a committee, but also that he shall have the right to refuse to be a member of a committee. I believe the new clause is essential for the continued operation of good local government.

Yesterday I cited instances of a number of councils which, to my knowledge, are operating on the same principle that is outlined in my proposed new clause; namely, that a president may elect not to be a member of a committee and therefore allows an ordinary council member to act in his place. The Minister agreed there could be problems with those councils which have about nine members. However, in his reply to the debate he said he did not consider the provision would affect councils which have, say, 11 or more members.

One of the local authorities in the West Province is composed of 13 members, and for the efficient conduct of its business it has committee meetings operating simultaneously. If we insist that the president or mayor should be a member of all committees, it would be impossible for the holders of those offices to be in attendance at committee meetings which were operating simultaneously.

Therefore, if the new clause is not inserted, this council of 13 members will have to alter its method of operation so as not to have two different meetings working simultaneously in the same building; and this would inconvenience the honorary council members. Such a change would inconvenience that particular council, but what would happen with the other councils? I have pointed out that there are at least four in my area operating along the lines of this proposed new clause, and I am quite sure there would be many more within the State which are in a similar position.

If the Committee does not agree to this proposed new clause it will mean that those councils will, more or less, have to re-elect the members of their committees, because they will not be able to operate in the future in the same way as they are operating now. I appeal to members to support this new clause and I hope that this time I will have more success.

Sitting suspended from 6.9 to 7.30 p.m.

The Hon. L. A. LOGAN: I am not too sure that Mr. White has read the Act correctly. Section 182 (2) in effect makes the president or the mayor a member *ex officio*, while section 182 (3) gives him the right to opt out. I think this is the principle of the Act. There may, however, be some ambiguity in the wording of the Act at the moment, but there will certainly be more ambiguity if we accept the new clause moved by Mr. White.

I took the opportunity to discuss this matter with the draftsman this morning. He has been in consultation with Mr. Paust, Secretary of the Local Government Department, and it might help clear the atmosphere if I read the opinion given me by the Senior Assistant Parliamentary Draftsman. It is as follows:—

> Since our discussions, the Hon. F. R. White's amendment has been more carefully considered by myself and Mr. Paust and we feel that the question is not as simple as was first thought, and will require further close examination before a satisfactory amendment can be settled.
>
> In the first place, the Hon. F. R. White's amendment would, if enacted in its present terms, cause difficulty in construing the remaining provisions of s. 182. Subsections (4) to (7) inclusive of s. 182 provide a complex procedure by which the mayor or president is to exercise or renounce his right to be chairman of any committee appointed by his council, and included in those provisions is a procedure by which the mayor or president may, in some circumstances, assert his right to be chairman, with the consent of the Minister, even where he has, by default, indicated that he did not wish to be chairman of a committee. Those subsections further provide that an indication by the mayor or president that he does not intend to be chairman of a committee, in all other circumstances, prevents him from exercising his rights to be chairman for, usually, a period of twelve months.
>
> None of those procedures would automatically be applicable to the case posed by the Hon. F. R. White, i.e. where the mayor or president intimates his intention not to be a member of a committee, and Mr. Paust

and I feel that s. 182 will require substantial revision if the general principle involved in the Hon. F. R. White's amendment is to be adopted.

In view of the fact that we propose this session to bring down another Bill to amend the Local Government Act, perhaps Mr. White might be prepared to withdraw his amendment. If an amendment of this nature is required it can be included in the Bill to which I have referred.

The Hon. F. R. WHITE: I appreciate the Minister's comments. When I moved for the new clause I said I felt subsection (3) of section 182 was in conflict with subsection (2), and since the legislation has been in operation for some time I was of the opinion that my new clause would at least conform with the essence of the original subsection (3), which I thought was in conflict.

I take it the Minister agrees with the principle contained in my new clause. When Mr. Dolan was discussing the question of committees the Minister did interject to indicate that the chairman should have an opportunity to nominate himself on or off committees. At the time Mr. Dolan was speaking about clause 5 and he said—

> It is now proposed that the president or mayor will be included as one of the number on the committee—at any rate the members, together with the president, will not exceed half the number.

At this point the Minister interjected and said, "That is, if they elect to be appointed to the committee," to which Mr. Dolan replied, "That is right." I take it, therefore, that the Minister agrees to the principle contained in my new clause but that he considers the methods of presentation contrary to good written legislation.

If the Minister can assure me that he agrees with the intent of my new clause and that it is his intention to introduce new legislation to cover the aspect I have mentioned, I will be happy to withdraw my proposed new clause. I would like further clarification from the Minister.

The Hon. L. A. LOGAN: I have not opposed the principle that Mr. White is trying to achieve, but it is of no use putting in clauses that do not fit, because this makes for bad legislation. I give the honourable member an assurance that he can have a talk with the draftsman about this matter to ensure consideration of the principle he has in mind.

The Hon. F. R. WHITE: In view of the Minister's comments, I seek leave to withdraw my new clause.

New clause, by leave, withdrawn.

Title put and passed.

Bill reported with amendments.

BILLS (4): RECEIPT AND FIRST READING

1. Suitors' Fund Act Amendment Bill.
   Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Justice), read a first time.
2. Marketing of Cyprus Barrel Medic Seed Bill.
   Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.
3. Plant Diseases Act Amendment Bill (No. 2).
4. Timber Industry Regulation Act Amendment Bill.
   Bills received from the Assembly; and, on motions by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

CHURCH OF ENGLAND (DIOCESAN TRUSTEES) ACT AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

FAUNA CONSERVATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th September.

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the Opposition) [7.44 p.m.]: The Minister when introducing this Bill did so with depth. He gave reasons for all the clauses contained in the measure and one might say that his speech was a meticulously prepared document. It is not for me to reiterate what he said point by point because that would merely weary the House.

All I need say is that to my mind this is a Bill which obviosuly seeks to protect the wild animals in Western Australia in their many and varied forms. It seeks to do so by a number of conditions which will govern the decisions of those placed in authority, and it gives the responsibility where necessary to protect or limit the numbers of a variety of species.

It is surprising to find that today, in comparison with the situation 20 years ago, the kangaroo is in danger of extinction, in some areas of the State at least, so one of the purposes of this Bill is to ensure a tighter control of the killing and marketing of these animals. In addition to dealing with their killing for profit by private enterprise, the Bill also deals with animals on reserves, either for their own benefit or for the benefit of other associated

fauna. It becomes essential, when industry appears likely to kill the very source of its own supply, for Government action to be taken to ensure that this does not occur.

We are coming to grips with this problem in connection with a number of species of fauna. We find that the situation concerning these animals, particularly when an industry is involved, must be governed in the interests and protection of that industry. I am thinking, firstly, of kangaroos killed for pet meat; and secondly, kangaroos killed because of the value of their skin.

It is true that pastoral properties and other smaller agricultural properties have suffered for many years as a result of the activities of these animals; and one of the great features of this legislation is that it provides for an elastic control by the departmental officers concerned. It is possible under the Act for a set of conditions—which would be applicable in one area, but completely unsuitable for a different area—to be enforced, but only in the area in which they would serve a useful purpose. Obviously the situation in one locality can be quite different from that in another. We are all aware of the fact that a necessity exists in one area to protect these animals, while it may be necessary for the very same animals in another area of the State to be exterminated.

The Minister then went on to deal with the question of royalty and estimated that this would be 20c per carcase if the skin was separated from the carcase. I have no information to hand as to whether this figure would be considered high or whether it has some affinity with similar charges elsewhere. However, for the purposes of this legislation I accept the figure as being one which, if found not to be workable, would certainly be adjusted.

The money involved will be used for a variety of purposes. I appreciate the need to channel some of it into the Fauna Conservation Trust Fund, because obviously such money will be used directly for the conservation of the animals themselves on the various reserves.

The Hon. F. J. S. Wise: Do you remember that 35,000 kangaroos were killed on one property alone in a year?

The Hon. W. F. WILLESEE: I could almost name the property. I can remember the time when men did nothing else but live on the proceeds obtained from the kangaroos they had killed in various parts of the north. In one particular case a man who is still alive today did nothing else all his life but shoot kangaroos.

The Hon. L. A. Logan: And it was only for their skins in those days.

The Hon. W. F. WILLESEE: Yes. This particular man has a son who shoots them today. On one occasion the father was known to have hired a camel team which he loaded with kangaroo skins.

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

The Hon. W. F. WILLESEE: The skins were carted into the township of Onslow. Unfortunately the gentleman went blind in the pursuit of his profession; but a very fine man he is! While in the early days in that area innumerable shooters were to be found—many more than I ever knew personally—now there are only two —Price, Junior, and his associate, a man named George.

On the 22nd September this year, just prior to the introduction of this legislation, an article appeared in *The West Australian* headed, "Where have all the crocodiles gone?" It was a serious article, especially for those who had seen as many crocodiles being shot as they had seen kangaroos being shot. The article reads—

> It was not long ago that crocodile shooters wept crocodile tears whenever the word extinction was mentioned in the same breath as W.A.'s salt-water crocodiles.
>
> Today their tears are real.
>
> Commercial crocodile shooting in W.A. no longer is a worthwhile proposition because there are few crocodiles left to shoot—at least, this appears to be the position on the surface.
>
> The obvious question is: Why doesn't the government legislate to protect salt-water crocodiles, as it protected fresh-water crocodiles?
>
> The government does not have enough information to go on. It knows from hearsay that few crocodiles are sighted.
>
> This is backed by records of diminishing catches during the last few years.
>
> However, it must have facts before it can decide whether to protect the crocodiles, declare a closed season for a number of years or leave the position as it is.

The article then went on to refer to an expert on the subject (Dr. H. Robert Bustard) to whom the Minister referred last evening. It is interesting to note from the article that the State Government is contributing to the cost of his research into this problem.

Then the article drew attention, as did the Minister, to the difficulty involved in controlling shooters who raided the haunts of crocodiles in this State and virtually stole their skins for sale in another State. The obvious answer to this situation would be uniform legislation, but if one State

holds out, there is not much the others can do. To protect the crocodiles and police any legislation passed would, I think, be completely impossible for Western Australia alone—and I think it would be almost impossible even if Western Australia and the Northern Territory combined forces—because there are so many ways these shooters can get past a patrol of any kind.

A very interesting feature in the application of the provisions contained in this Bill would be the cumulative effect it would have on the other fish in certain waters if crocodiles were to become extinct. As pointed out by the Minister, the crocodile eats what he termed second-rate fish; that is, catfish and the like. Because of this the balance in the growth of the prized barramundi is maintained. Incidentally, I understand that there is a slight difference between the catfish in the north and what we know as the cobbler. The catfish has a spike right in the centre of its head, while the cobbler has lateral spikes. I can assure any member that he would know the difference if he trod on one because with a cobbler the effect is not nearly as painful.

The important point I was trying to make was that because of the existence of the crocodile, which eats the second-rate fish, the better-class fish, such as barramundi, are left alone and thus the balance is maintained. Therefore, this legislation would be very important to those people who live, whether wholly or in part, on the proceeds of their barramundi catch. Many fishermen in the Kimberley area use their barramundi catch to supplement their income. While we are protecting the crocodile we are also protecting this particular fish which some might say is the best fish to catch; and I am one who does.

Also to be protected under this legislation are wild horses. At first one would think that these were a complete nuisance; but it is apparent that the horse is disappearing. If the horse is not protected on stations I suppose it must ultimately die but, before dying, it would become a wild animal. Consequently, it is fitting that horses should be given protection in certain areas so that they may, at least, be kept as something to look at. After all, in years gone by horses were the very foundation of pastoral properties.

Side by side with those thoughts my mind turns to the camel. I wonder just how many camels there would be at large in Western Australia today in the north-west, the Murchison, and the Kalgoorlie areas? There was a time in the Gascoyne when one could drive on almost any road and, within a few miles of the township of Carnarvon, one would see several camels.

The Hon. C. R. Abbey: Are they not still a serious pest?

The Hon. W. F. WILLESEE: In many ways camels would be a serious pest, because the animal is big and strong, breaks fences, and eats voraciously. That is the reason they have been killed in such large numbers, and are now driven out into almost desert areas.

The point I make is that camels, too, are of historic value to Western Australia. The camel was the orginal form of transport in many country areas in Western Australia and those districts would not have been opened up without the great capacity of the camel to work and survive under difficult conditions. Consequently, along with the horse I spare a thought for the camel and hope that, somewhere along the line, there will be a sanctuary for camels as well as for other animals.

It is rather a tall order to turn from the camel to the brush-tailed possum. I do not profess to know a great deal about the possum. I like what I have seen in pictures, however, and I hope that the possum will be preserved. I heard in conversation recently that possums have a very sharp bite. However, it is not necessary to handle them. At least we can look at and admire possums.

The Hon. F. J. S. Wise: There are many people like that!

The Hon. W. F. WILLESEE: It is noteworthy, I think, that these animals will be killed under a very rigorous system, if it is necessary to kill them. A person will be appointed to do the killing and any proceeds from it will go to the conservation fund. I think this is a good provision.

One could go on at length in dealing with various issues which are raised by the Bill. The Minister, in his opening remarks, referred to the updating of and the control provided for in this type of legislation and I think this is the basic purpose of the Bill.

The angle of better control when an increase in the numbers of certain animals is to the detriment of people, and the angle of better understanding are a trend today because of the more conscientious approach by departmental officers. A more knowledgeable approach is being developed because of the understanding shown by individual people who are trained for responsibility. These people achieve in a practical way much that has been said with earnestness and sincerity over the years but which was not effected because the people concerned may not have had the necessary capacity to grapple with the problem.

I support this legislation and I do so in the knowledge that we can always look at it at a later date if it is found that some

problems are not accounted for. Certainly there will be some, I should think, in the course of time.

I wholeheartedly agree with the powers which are given to wardens. When efforts are made by a section of the community to take a forward step and this sort of legislation is approved by Parliament, the people who are to be responsible for its implementation must also be given unfettered powers. If a person deliberately breaks these laws then equally deliberately he should be dealt with.

I have only the small question to put to the Minister. In connection with clause 7 of the Bill the Minister talked of open and closed seasons. He gave the reasons for this and mentioned advertising in the *Government Gazette*.

My only thoughts on the matter are that the *Government Gazette* is not a widely read publication. I consider that, whereever possible, some better method of publication should be used. I should think that local authorities, local newspapers, and the radio, if applicable, would be better avenues of publication. However, it may possibly be that the *Government Gazette* will be the foundation which would provide evidence that the proclamation had been made.

I would be interested to hear the Minister's comments as to whether it is contemplated that those further avenues of advertising, which I have mentioned, will be used. I think this would be fair to people who may act in ignorance of the closure date. I imagine dates will be altered from year to year depending on seasonal conditions. In this case it would be only fair that people who operate under such dates should be given the opportunity to observe them.

Debate adjourned, on motion by The Hon. F. R. H. Lavery.

ARCHITECTS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 30th September.

THE HON. CLIVE GRIFFITHS (South-East Metropolitan) [8.8 p.m.]: Before I commence my remarks on the Bill I wish to express my sincere appreciation to the Minister and to other members who supported my motion to adjourn the debate last night because I was not feeling very well. I assure you, Mr. President, that I have now fully recovered and indeed am fighting fit.

When the Minister introduced the Bill he stated its objectives. I would like to read those objectives, which are as follows:—

(1) To strengthen the board and to remove personal liability of its members.

(2) To clarify the qualifications necessary for registration.

(3) To broaden the scope of the provisions dealing with professional misconduct.

(4) To update and define in more detail the educational provision.

(5) To make adequate allowance for future increases in fees and subscriptions.

(6) To clarify the appeal rights of persons refused registration by the board.

(7) To repeal redundant clauses and references to the provisional board.

While speaking on this debate it will be my endeavour to convince members that the Bill does little, if anything, in the way of offering complete protection for individuals who deal with architects. Indeed, it will be my endeavour to convince members that it probably never has been the purpose of the Architects Act to offer complete protection for individuals who do not receive competent or just service from architects whom they engage.

In order to do this it will be necessary for me to relate some of the experiences that have been brought to my attention as well as sharing with members some of the facts that my research on the subject has revealed.

When the Minister introduced the Bill he said it was not intended to alter the intent or scope of the Act. If, at the conclusion of my remarks, members are able to agree with my view that most likely it was never intended that the Act should provide individuals with the sort of protection which I believe it should, then the Minister's remarks support my contention that the Bill does nothing to provide it.

Before I go any further, perhaps I should explain what I mean by protection for individuals. It is my belief that it should be the Architects Board's responsibility to investigate thoroughly any complaints lodged by people against registered architects. Further, I believe it should be the board's responsibility and function to order the offending architect to perform the work he was engaged to do, to the satisfaction of the client. Failure on the part of the architect to do this should make him liable to penalties.

It may be said that the Act, as it is now constituted, provides for this to happen. This could well be so. However, my interpretation is that the Act and this amending Bill provide for the board to take action against architects who commit offences against other architects. In other words, I feel both pieces of legislation are concerned with the architect who solicits

for work, advertises, offers discounts, or does any other sort of thing in an endeavour to influence a client to give him the work in preference to another architect.

I also believe that both the Act and the amending legislation which is before the House offer protection to the public from people who are not qualified to act as architects by ensuring that certain qualifications are held by people who apply for registration. I repeat, however, that I do not believe the legislation offers the sort of protection which ordinary people need. By that I mean protection which ensures that the architect produces what he is engaged to produce.

I have read all the debates in both Houses of this Parliament on the legislation since it was first introduced in 1921. I will read a few extracts which will emphasise my contention as well as provide a few interesting sidelights for the benefit of members. Firstly, I refer to *Hansard*, volume 1, of 1921-22. The Minister for Works at the time (The Hon. W. J. George), the member for Murray-Wellington, introduced the first measure.

The Hon. F. R. H. Lavery: What page?

The Hon. CLIVE GRIFFITHS: At page 1242.

The Hon. R. F. Hutchison: It was a long time ago.

The Hon. CLIVE GRIFFITHS: The Hon. W. J. George had this to say—

> The Bill before hon. members has been re-drafted in an endeavour to produce a Bill which will meet the aspirations of the profession and at the same time fully safeguard the interests of the public. Still, it is possible that the Bill is capable of improvement.

Then he goes on to explain a few features of the Bill and, later on, he said—

> There is also provision for the cancellation of registration, if it is proved that there has been fraud or misrepresentation in order to obtain registration or if an architect is convicted of any crime, misdemeanour or conduct rendering him unfit to put the title of architect against his name.

He goes on further to say—

> I refer members to Clause 23, with which I am very much struck. It contains a number of provisions laying down distinctly that those practising this profession shall be of decent character and honest men, and in the case of any failure in that respect, the board will have the right to institute an inquiry and deal with the offender. In this State there have been many instances of people being able to carry on a business by a qualified deputy—I was going to say a profession, but my education is not sufficiently well grounded to enable me nowadays to distinguish between what is a profession and what is a trade—anyhow, I have known many such people in the last 20 years who have put themselves up as professional men and who, to use a term in my own business, hardly know the business end of a pick. However, they managed to get through by making use of someone possessed of qualifications and who perhaps was under a cloud or unfortunate in some respect or other, sucking his brains, and taking care that nearly all the profits went into their own pockets. There is a provision to prevent that and also to prevent touting like racecourse touts for business, sharing commissions and palm oil of which there has been considerable talk, though I do not know whether there has been much practised. Evidently the architects have felt that it was necessary to show members of this House and the public generally that they would not countenance or condone any shady business in connection with their profession.

This emphasises the point I am trying to make—that the misconduct referred to is not the misconduct of an architect in dealings with his client but misconduct as between architects. The introductory speech of the then Minister, and to which I have referred, verifies that point. There was another reference in the same volume but I have mislaid it. However, further on in the debate on this particular Bill, at page 1353 of the same volume of *Hansard* a Mr. Pickering, who represented the electorate of Sussex, had this to say—

> The main object of the Bill is to give registration to architects.

On page 1354 he went on to say—

> It will be admitted that I am not drawing the bow of imagination when I say it is essential that properly qualified men should be available when it is desired to employ an architect. This measure is due to the general community. I do not pretend that it is not desired by the architects, but I believe it is necessary also to afford protection to the public.

Once again that indicates that this reference to protection for the public, with which we are confronted, really means protection to ensure that an architect with whom the public is dealing is indeed a registered or qualified architect.

In volume 2 of the 1921-22 *Hansard*, at page 2377, on the 14th December, 1921, the then Minister for Education introduced the Bill in the Legislative Council, and he had this to say—

> The Bill will serve a dual purpose. It will afford protection to the public, which is the first essential. At the

present time anyone can set himself up as an architect and call himself such. If the Bill is passed, the public will have this protection, that anyone who advertises himself as an architect must be qualified in accordance with the provisions of the Bill.

He goes on further to say—

In future under the Bill there will be two classes, those who will be qualified under the Bill and those who, having achieved some sort of reputation or recognition among the people who have employed them, carry out architectural work. People will still be able to entrust the latter section with their work if they are desirous of doing so. I consider there is quite sufficient protection from the public point of view. Thus everyone employing individuals in connection with architectural work will know exactly what they are doing. The second purpose which the Bill will serve, will be to give a professional standing to architects and provide them with something that will make it worth while to undergo the long and expensive training necessary for the proper discharge of their duties, at the same time giving them a certain amount of protection, to the extent that no person who is not qualified under the Bill will be permitted to advertise himself as such.

So once again we get the impression that this protection for the public is stressed to ensure that the architect is indeed registered. At page 2380 of the same volume The Hon. F. A. Baglin had this to say—

I support the second reading. From information I have gained from persons who may be deemed to be authorities, I do not think the Bill will have any harmful effects. When we look at places like Perth and Fremantle, we must admit that there are defects in the planning which would not have occurred if a measure of this kind had been on the statute book. During the last 20 years, quite a number of Governments have held office, and most of them have been known as "mark-time" Governments or something of that kind. The Mitchell Government, I think, will go down to posterity as the "board Government."

The Hon. J. Dolan: How do you spell the word "board"?

The Hon. J. Heitman: B-o-r-e-d.

The Hon. CLIVE GRIFFITHS: To continue—

For every act of administration, the present Government appoint some board. When the Education Commission was appointed, they even secured the services of a man named Board as Chairman. I support the Bill because I think it is fair and just, and it is time the Government called a halt to the appointment of boards. The Minister should tell us when the creation of these boards will cease.

At this point there was an interjection by The Hon. J. Cornell, who said—

This board should be put away to season.

I could not agree more!

I shall not weary the House by reading any more extracts from that debate, but in 1923 the Act was amended to provide for the registration of certain individuals who, for some reason or other, had been unable to avail themselves of the provisions of the original Act to register within a certain time. Even in that debate, which I shall not quote, but it is available to members who need further convincing, there is a reference to protection of the public by ensuring that the people they engage are registered and qualified architects.

However, I do want to quote from some more recent comments which I found particularly interesting. They are to be found in volume 3 of the 1956 *Hansard* at page 2808, when The Hon. J. T. Tonkin introduced an amendment to the Architects Act—the only other amendment that has been made to the legislation. He said—

A further amendment proposed in the Bill is to give the Architects' Board more control over the architects registered with it, and to prevent unprofessional conduct. The board has submitted a case to show that some architects who were registered were doing things which were unprofessional and unfair to fellow-architects and other members of the profession, and that therefore the board ought to have stronger powers to deal with such instances.

He went on to say, among other things—

The third amendment included in the Bill is to protect the members of the general public from persons who are not architects but masquerade as such.

I read those extracts to support my contention that the Architects Act was never set up for the purpose of protecting the general public against registered architects who do not produce the goods for which they are engaged.

Clause 15 of the Bill repeals subsection (1) of section 22A and re-enacts it to incorporate all the offences that are now referred to in sections 20, 21, and 22A of the Act with one, and only one alteration—that is, the addition of paragraph (n) which I will read. At the beginning of the clause it states—

In this section, "misconduct" means the doing by a person registered under this Act as an architect . . .

Then it goes on to mention certain things and these are referred to in paragraphs (a) to (n). Paragraph (n) reads as follows:—

> Any other thing that constitutes infamous or improper conduct in a professional respect.

All those paragraphs, from (a) to (n), are aimed at ensuring that one architect does not take advantage of another architect. It is more or less a code of ethics. In other words, it says that a member shall not tout for business; a member shall not do this, that, or something else within the profession. From my inquiries among members of the profession I doubt whether all these provisions are abided by. However, I can tell members of one provision in the code of ethics or the rules of architects of which there is absolutely no evidence of any member departing from; it goes something like this—

> Thou shalt not undercharge.

I have found absolutely no evidence of any architect being guilty of that misdemeanour.

However, be that as it may, because of the great emphasis that architects place upon the integrity of those who practise the profession, we must bear in mind that in the majority of cases when a member of the public approaches an architect it is probably the one and only time in his life that he will do so.

We should also bear in mind that because they enjoy the benefits of registration all architects automatically should and must accept a great responsibility to ensure that the individual is made fully and completely aware of the procedures involved in any negotiations that take place. This is a very important facet: that because the architect enjoys the benefits of registration he must accept the great responsibility that goes with the privilege of being a registered member of a professional body.

My investigations into this subject led me to the Perth Public Library where I obtained a book entitled, *Rimmer's The Law Relating To The Architect*. It is the second edition, and the author is William H. Gill. The book contains some very interesting information with regard to the responsibilities of architects to their clients. If time was available it would be of interest to members for me to read the whole book, because the information contained in it is very revealing.

The Hon. R. F. Hutchison: Lend it to me.

The Hon. CLIVE GRIFFITHS: The book is available in the library. I hope the honourable member does read it before she casts her vote.

The Hon. R. F. Hutchison: You lend it to each of us to read at some time.

The Hon. A. F. Griffith: That is pretty good advice all the same.

The Hon. CLIVE GRIFFITHS: On page 3, under the heading of, "Status of Architect" the following appears:—

> Appointment of the Architect
>
> When a person, firm or corporation appoints an individual or firm to be the architect for a particular building project or for some other specified duty, and the architect accepts the appointment, then the architect and the person appointing him (throughout this book referred to as the "building owner") have certain rights and liabilities towards the other.

On page 7, under the subheading, of "Conditions of Appointment" the following appears:—

> The rights of the building owner are that he will be entitled to the skilful services of the architect in the discharge of all the duties necessary to be performed by an architect in order to fulfil the defined purpose of the appointment.

Chapter 2 is very important, and I shall read a couple of pages of it. This has a very great bearing on the responsibilities of architects and on the word mentioned in clause 15 of the Bill, "misconduct."

The Hon. E. C. House: Who is the author?

The Hon. CLIVE GRIFFITHS: The author is William H. Gill.

The Hon. E. C. House: What is his profession?

The Hon. A. F. Griffith: Probably an electrician!

The Hon. CLIVE GRIFFITHS: His qualifications are as follows:—

> F.R.I.B.A., A.M.T.P.I. of Gray's Inn, Barrister-at-Law; Editor of "Emden & Watson's Building Contracts and Practice", 6th Edition, Legal Editor of the Architects' and Builders' Compendium, and of the Architects' Standard Catalogues (Technical Section).

So we see he is reasonably well qualified.

The Hon. A. F. Griffith: He is well qualified as an architect.

The Hon. CLIVE GRIFFITHS: He is well qualified as far as I am concerned, because he seems to think along the same lines as I do.

The Hon. F. J. S. Wise: He is well informed!

The Hon. CLIVE GRIFFITHS: Probably he is well informed.

The Hon. E. C. House: I gather from the Minister's interjection that the truth hurts.

The Hon. CLIVE GRIFFITHS: In chapter 2 the following appears:—

> THE LEGAL RESONSIBILITY OF THE ARCHITECT IN RELATION TO THE DESIGN AND CONSTRUCTION OF WORKS
>
> Generally
>
> The architect engaged in the design and supervision of works, large and small, undertakes heavy responsibilities to his client, the building owner, and it is necessary that the subject should be considered in detail in regard to the various duties which he usually undertakes on the employer's behalf. It may be that some of the duties discussed are matters which an architect could, if he were so minded, decline to undertake within his appointment, but as they are all duties which have to be performed for the successful carrying out of the works in accordance with modern practice the courts would, it is submitted, regard him as responsible for their skilful performance unless he advised the employer to make provision for the discharge of those duties by someone else. If the architect purports in the course of his employment to perform those duties himself then the courts would regard the service as done within his appointment.
>
> Generally speaking the law on the subject of the discharge by a professional man of his duties may be summarised in the words of Tindal L. J.: "Every person who enters into a learned profession undertakes to bring to the exercise of it a reasonable degree of care and skill," and the question whether a person has exercised reasonable and proper care, skill and judgment is one of fact which "appears to us to rest upon this further inquiry, *viz.*, whether other persons exercising the same profession or calling and being men of experience and skill therein, would or would not have come to the same conclusion as the defendant."
>
> The application of the law to the duties which an architect performs is a matter requiring the closest consideration of modern building practices.
>
> As already pointed out the Simon Report made a number of detailed recommendations in regard to duties to be performed by the various persons concerned in the carrying out of building works. Many of these applied to the architect in relation to the preparation of the contract drawings, the co-ordination of the designs of specialist consultants, the methods of contracting and supervision of the works. This Report, it is submitted, must, except so far as it may be disclaimed by any authoritative body, be regarded as the considered opinion of leading representatives of all branches of the building industry as to what represents good and skilful practice by the architect, his associated consultants and others, and may well be treated by the courts as one of the tests by which an architect's legal responsibility is determined. For this reason numerous extracts from this Report are contained in the detailed consideration of the subject.
>
> Broadly speaking it may be said that when a building owner appoints an architect in relation to a building project he is entitled to expect that the architect will perform his duties and will give him such advice as will properly safeguard the building owner's interests and will do everything within his powers given by contracts entered into by the building owner to ensure that the works are properly and expeditiously performed at no higher cost than the sums due under such contracts.
>
> In most cases the building owner's interests in the matter are (a) that the building should be executed in accordance with a skilful design and specification; (b) that no *wasteful and unnecessary* expenditure should be incurred whether in respect of the works themselves or in respect of professional fees of consultants; and (c) that no *unnecessary* delay should take place in the completion and handing over of the building for use.
>
> In so far as any act or omission of the architect prejudices any of these interests he will be failing in his broad obligations under his appointment and may, if the breach of duty is clear, be responsible to the building owner for any damage which he may suffer in consequence.

Further on, still in regard to legal responsibility, the following appears under the subheading of, "Preliminary Proposals and Estimates":—

> As the decision of the building owner to proceed to further stages of the design and eventually to construct the works must in most cases depend upon the advice he receives by these preliminary proposals, the responsibility of the architect for this advice is a heavy one. While the law does not imply that in making his proposals or in giving an estimate at this stage the architect warrants to the building owner that the work proposed can be carried out without modification or

> that the estimate may not be exceeded when the proposals are developed, it is clear that a seriously unskilful proposal or negligent estimate made at this time may lead the building owner into a false position from which he cannot escape without loss.

In another section the following appears:—

> Failure of the architect to discharge this responsibility may justify the complaint by the building owner that he would never have proceeded with the proposals had they been properly prepared and may not only disentitle the architect to any fees for the work he has performed but may, in an extreme case, make him responsible for the expenses incurred by the building owner on the faith of such preliminary proposals.

I could go on quoting extracts from this book to illustrate the heavy responsibility which architects accept on becoming registered under an Act of Parliament; and the heavy responsibility they have to their clients to ensure that the clients receive a fair and just return for the money they pay. From the remarks I have made and from the extracts I have read out it would be reasonable to assume that where an architect failed to inform his client fully, or failed to ensure that the standard form of agreement was complied with in order to make sure that the client fully understood what he was paying for, then the architect is guilty of professional misconduct and should be dealt with by the board if a complaint is forthcoming. If under the Act it is assumed that he is not guilty of an offence then we should ensure that this Bill does say that he is.

During the session I asked some questions in relation to this matter. I will read out the questions and the answers, because they have a great bearing on some aspects of the Bill. I asked this question of the Minister for Mines—

> (1) How many complaints pursuant to section 22A of the Act, were directed to the Architects Board of Western Australia by aggrieved persons in each of the years ended the 30th June, 1965, 1966, 1967, 1968, and 1969?

The Minister replied—

(1) Year ending the 30th June	Number of Complaints
1965	Nil
1966	Nil
1967	1
1968	1
1969	4

The next part of my question was—

> (2) In each of the years mentioned—
>
> (a) how many of the complaints were investigated by the board;
>
> (b) how many charges were proven to be justified; and
>
> (c) what action, if any, was taken by the board against those proven guilty of the complaints?

The answer was—

> (2) (a) All complaints were or are being investigated.
>
> (b) Nil.
>
> (c) Nil.

The Hon. J. Dolan: It seems to be a tribute to the profession.

The Hon. CLIVE GRIFFITHS: This could well be, if the honourable member looks at it from that point of view; but I will give him more information.

The Hon. E. C. House: I thought he said it was a privilege to the profession.

The Hon. CLIVE GRIFFITHS: He said it was a tribute to the profession. I have asked more questions on the matter, but I will not quote them. It will be evident that because I did ask the questions I was under the impression that the Act provided for the board to give protection to individuals. I can only say that at the time I was of that opinion. Since then I have studied the subject and I have formed the opinion which I expressed at the beginning of my speech. The Minister and the board may still believe that this protection has been provided, and that this Bill will strengthen such protection.

If that be the case then it is my opinion the Architects Board has failed in its obligations, and we should reject this Bill. I suggest that the whole Act be rephrased in order to provide for other people, as well as architects, to sit on the board. There should be no doubt as to whose interests the board is supposed to look after.

I would like to refer briefly to one or two cases to illustrate the treatment people have received from the board. On the 27th June, this year, I received a phone call from a constituent of mine. He asked me to call and see him regarding a problem he had with an architect. The man explained to me that he had discussions with a particular architect, and he had asked the architect to perform certain work for him. The architect accepted the job.

As I proceed, I will emphasise the fact that the only condition the architect did not forget was the condition relating to the fee he was to charge. There seemed to be absolutely no shadow of doubt about that but all the other instructions to the architect were forgotten completely, or no notice was taken of them.

Bearing in mind the heavy responsibility which I have suggested architects shoulder, and which the book I have referred to suggests they accept, the architects themselves have an agreement which is signed by the client and the architect so that the client fully understands what he engages the architect to produce. The document is absolutely foolproof and, if it is completed, it leaves absolutely no shadow of a doubt in anybody's mind as to what the client instructs the architect to do, and what the architect undertakes to perform.

When a member of the general public engages an architect probably he has never done so before, and probably he will never do so again. Therefore it is reasonable to assume that he may not be familiar with the correct procedure and so he places himself completely in the hands of the architect and expects the architect to advise and guide him.

According to the code of ethics, which is contained in the volume to which I have referred, the responsibility is placed on the architect to ensure that the agreement is filled in and signed by both parties. The person to whom I am referring did not know anything about this so he gave instructions to the architect and told him that he had a certain amount of money and a block of land. He asked the architect to design a house with so many bedrooms so that he could build it within the limits of the amount of money he had. Those were the instructions but no form was filled in.

I am relating this story because I do not intend to judge whether the architect was right or wrong. I intend to emphasise the treatment the client received from the Architects Board, which will substantiate my statement that if the Act does provide safeguards—which I suggest it does not—then the Architects Board has failed in its obligations to a client who has complained to it.

The client asked the architect to draw a set of plans bearing in mind the amount of money available. The architect said he would draw a preliminary plan to give an idea of the building before he went ahead with the detailed plans. He said that the client could look at the preliminary plan to see whether it was a reasonable proposition. I happen to have the plans with me and I have had some experience in reading plans and specifications. For obvious reasons I have taken the liberty of removing the architect's name from the plans.

The client and his wife went to the architect's office and looked at the preliminary plan and stated that they would like a few alterations. The architect said the alterations would probably cost a little more money but he would see what he could do.

He drew up a second preliminary plan and said that the client should be able to build the house, according to that plan, for $22,250. However, in the first place the client had told the architect that he had only $20,000 but, as he wanted the extra facilities, he would stretch the budget to see if he could raise the additional finance.

Another condition set down by the client was that he had a six months' lease on the premises in which he was living. He stated that one of the most essential parts of the contract was to get the plans and specifications completed, and the house built before the six months' period had expired. Most members will be aware of the time it takes to build a house, but it does not take six months. Sometimes a house can be built in 16 to 20 weeks.

The architect was told to go ahead with the detailed plans on the understanding that he could almost guarantee to get the house built for the sum of money quoted. Now, I have some friends—very good friends—who are architects. Perhaps I should say, I had some friends before this Bill came to the House, but I hope I still have them. What I am saying is not about all architects.

Architects make provision—it is an unwritten law—for a certain amount of give and take. It amounts to something like 10 per cent. It is generally recognised that their estimate should be within 5 per cent., but not out by more than 10 per cent.

The architect drew up the detailed plans which I also have with me. He left absolutely no shadow of doubt as to what was required, and what the builder would be called upon to build. Incidentally, before he went on with the final plans he got a deposit of some $320.

The client then went to a builder to get a price for the house, and the price quoted was $30,000. Of course, the client nearly fainted. He thought the builder must have made a mistake so he went to a quantity surveyor who carefully took out the quantities, obtained quotes from subcontractors, and carefully worked out the minimum price for which the building could be constructed. It amounted to $29,660.

Whilst I am not an expert, I have spent a fair bit of my lifetime taking out specifications and I have a rough idea of what a reputable and qualified quantity surveyor should do. There is absolutely no reason to believe that the figures supplied by the quantity surveyor were wrong and they substantiated the fact that the client could not get his house built for the price the architect had mentioned.

He went to the architect again and told him that the chief consideration was the amount of money available for the building. The client had been kept waiting an

extra six or eight weeks for the plans and his lease was running out, and he told the architect that he had to get something done. He stated that the plans were not what he had asked for, and that he felt aggrieved by the whole situation.

The architect told the client that the first thing to do was to pay him the balance of his fee—or words to that effect. The client then asked the architect to get together with the quantity surveyor to see whether something had gone wrong with the calculations because the quote was nearly 50 per cent. more than was intended.

So they got together and the architect picked out certain things for which the quantity surveyor had estimated and stated that he had not included those items. To give a typical example, the client had asked for a solar heater, which costs about $600. The architect had allowed for a heater which would cost $150. I have with me the plans and specifications and they are available for anybody to see. The specifications distinctly show, and it is drawn into the detailed plans, that a solar heater was definitely provided for.

The architect said he had allowed $150 for the heater but the quantity surveyor had allowed $600, and that was a typical example of why the quantity surveyor's price was higher than that estimated by the architect. The architect then stated that he had allowed for red moselle tiles, and not Swiss tiles, as the quantity surveyor had quoted for. So the detailed plans were referred to again and it was specified on the plans that Swiss tiles were to be used. However, the architect said that he had allowed for the other tiles.

The architect said that the quantity surveyor had allowed $400 for an electric stove, whereas he had allowed $150. The electric stove detailed in the plans and specifications was of the type where the hot-plate is in one position and the oven in another.

I have bought many of these electric stoves in my time and have also installed them. Nevertheless, the other day I took the opportunity—because I have been away from the electrical contracting business for some little while—to obtain prices from two different firms. From one I was quoted a price of $404 and from the other a price of $416. Allowing for the greatest discount I could possibly get, the cheapest price at which such an electric stove could be purchased was about $300, but the price this person was asked to pay was $400. However, the architect said, "I allowed $150." One could buy only half a stove for that price!

In the correspondence the architect went on to say, "Your client has asked for ceramic tiles on the floor, but I have allowed for wooden floors." I read through all the correspondence and I discovered that clearly shown on the plan is a special little section in which is stated—

Floor Finishes	
Living, BEP.1	Carpet—grano
Bed.2 dressing	finish set down $\frac{3}{8}$"
Dining, Hall,	Ceramic Tiles set
Kitchen, family	down $1\frac{1}{2}$"
passage	
Laundry, Bath.1	Mosaic tiles laid to
W.C., Bath.2	falls set down $1\frac{1}{2}$"
Pantry	grano
Fireplace	Pressed brick paving
Carport &	brick paving
covered way	
Carport store	grano

There is not a wooden floor in the whole of the premises. Yet the submission is: I allowed for a wooden floor; your client has asked for ceramic tiles.

The point I am making is that I am not saying whether or not this architect has been guilty of misconduct, or that he has not produced what his client requested. I am not setting myself up as the judge in this instance.

The Hon. A. F. Griffith: Not much!

The Hon. CLIVE GRIFFITHS: The Minister says, "Not much!"

The Hon. A. F. Griffith: Is it not remarkable how sometimes you can hear me whisper, and yet on other occasions you cannot hear me when I shout?

The Hon. CLIVE GRIFFITHS: I am not setting myself up to judge this particular architect because I have only looked at one side of the picture, but it is a pretty clear side. Prior to my seeing this constituent of mine, he wrote a letter to the board on the 31st May. It was clearly addressed to the Architects Board of Western Australia, 89 Colin Street, West Perth, for the attention of the secretary, Mr. Atkins. It reads as follows:—

> Dear Sir,
>
> I wish to lodge a complaint, for your investigation, with regard to the treatment I have received from a member of your institute, namely, Mr. . . .

The Hon. A. F. Griffith: From here it looks as though the letter has been censored.

The Hon. CLIVE GRIFFITHS: So it has. As I have already said, I do not want to judge this architect, and therefore I want to delete all reference to his name in the correspondence I have. Nevertheless, it is available to any member who wishes to inspect it. The letter continues—

> My wife and myself first met Mr. . . .

The letter then goes on to outline his complaint. I will not read all the letter because it does not mean much. I will quote only the concluding part, as follows:—

> You will appreciate I have had to be extremely brief in this letter—

The Hon. F. J. S. Wise: Has he received a reply to his letter yet?

The Hon. CLIVE GRIFFITHS: No fear he has not! He still has not received any reply from the board. That is the point I am trying to make. He wrote this letter on the 31st May to the Architects Board stating he wished to lodge a complaint, and stating that, necessarily, he had to be brief in his letter, but was prepared to elaborate on his statement when called upon. On the 26th June a letter was despatched from the Royal Australian Institute of Architects, addressed to him, and this letter reads—

> Dear Sir,
>
> Your letter of the 31st May, 1969, to the Architects Registration Board of Western Australia lodging a complaint against Mr. — has been forwarded to this Chapter for consideration.
>
> Chapter Council has directed me to inform you that this complaint has been discussed with Mr. .... who has informed us that he considers that he has acted properly and that his account for professional charges is in order.

This gentleman lodged a confidential complaint with the Architects Registration Board, but receives an answer from the Royal Australian Institute of Architects. He did not appeal to that institute. However, let us assume he did. Let us examine the justice that is meted out to him, bearing in mind what he said in his letter. I repeat that in the letter from the Royal Australian Institute of Architects it was stated—

> Chapter Council has directed me to inform you that this complaint has been discussed with Mr. .... who has informed us that he considers that he has acted properly and that his account for professional charges is in order.

I have said that in my opinion the Architects Board has not acted in a proper manner and has not discharged its obligations with any degree of responsibility. I think this is a blatant case of a constituted body showing no consideration whatever for a member of the public. That is my opinion.

When I saw this gentleman on the 29th June he showed me these plans and specifications which I now have before me. At that stage I was not aware of the difference between the Architects Registration Board and the Royal Australian Institute of Architects. I had never had occasion to familiarise myself with the position as to whether this institute existed or what difference there was between the two bodies. I asked this gentleman to give me the correspondence and I told him I would make some inquiries. I did so, and I thought to myself, "This Royal Australian Institute of Architects has nothing to do with the Architects Act. It has no right to examine a complaint that was placed before a board constituted by Parliament and clothed with certain responsibilities and obligations." The board certainly had no obligation to pass the complaint on to another body.

With these thoughts in mind, I rang the registrar and I told him what I wanted. I said to him, "How is it that this gentleman has received a reply from the Royal Australian Institute of Architects? How did the letter reach the institute?" He said, "I am secretary of the institute as well as being registrar of the board, and I felt it was a complaint that should go to the institute." I said, "Did you pass it on to the board and have the letter placed among the correspondence to be considered at its next meeting?" He replied, "No, I did not think it was necessary; I thought it was a matter for the institute to consider." I said, "This is a nice state of affairs. Here is a fellow who appeals to a board for justice; a board which is set up by Parliament, and you decide that the letter should not be placed before the board. I take a dim view of this, and I will make it my business to do something about it."

The secretary of the board is a nice fellow and he apologised to me and said, "I will see that it is placed among the board's correspondence so that it can deal with the matter." I said, "I hope you do, because I am not very happy about the situation." Subsequently the board had a look at the letter. I telephoned the board to find out what it had decided, and finally the secretary said, "I think you had better ring the chairman of the board and he will explain the position to you. We have passed the matter to our solicitors to ascertain whether we should take action on it."

I spoke to the chairman, and from the discussion I had with him it became obvious to me that the board was assuming that this gentleman was complaining about the amount of money he was being charged by the architect. The chairman said to me, "The board does not deal with fees." I said, "He is not complaining about the fee," and he replied, "We have sent the matter on to our solicitor." As a result, I sent a letter to the board in which I said—

> Further to my recent telephone call concerning the complaint lodged by Mr. Sanders of Spencer Road, Thornlie, against Mr. .... the architect, it would appear to me, since speaking with Mr. Coll, that the Board is under

the impression that Mr. Sanders' complaint is about the price charged by Mr. .... This, of course, is not so.

Mr. Sanders is complaining that, in his opinion, Mr. .... did not perform the work he was engaged to do, that is, to design a house that could be built on Mr. Sanders' block for $22,250. It is therefore Mr. Sanders contention that Mr. .... was incompetent and therefore guilty of misconduct according to subparagraph (viii) of paragraph (b) of subsection (1) of section 22A of the Architects' Act.

I therefore cannot understand why the Board feels that legal opinion is required to decide whether or not the complaint is one that the Board should deal with.

There are, of course, many aspects of this case which I feel need urgent and stringent investigation by the Board, and it is also my belief that if the Board is to arrive at a just decision, it is imperative that Mr. Sanders be given the opportunity of speaking to the Board and presenting the complete story.

I concluded my letter with these remarks—

I should be pleased to have your Board's comments on my submissions.

I sent that letter to the board on the 7th August.

Bearing in mind that I have placed many questions on the notice paper concerning the activities of architects, it is reasonable to assume that many people would expect me to have something to say on the Bill. Today is the 1st October, and I have not yet had an acknowledgment of my letter from the board, despite the fact that I wrote it as long ago as the 7th August. However, that does not really matter, although it further emphasises the total disregard the board has for any submission that is made to it.

The Hon. E. C. House: It sounds as though we need a new board.

The Hon. CLIVE GRIFFITHS: The honourable member can say that again! This Bill is asking us to agree to an increase in the personnel of the board, and to provide for the appointment of a representative from the Royal Australian Institute of Architects.

The Hon. G. W. Berry: Does it not already have a representative on the board?

The Hon. CLIVE GRIFFITHS: Mr. Coll told me he was sorry about this incident, because it was a mistake inadvertently made by the registrar of the board. However, I know of two more cases in regard to which exactly the same thing occurred. What we should be doing, instead of passing legislation to add a further representative to the board—a representative of the Royal Australian Institute of Architects—is endeavouring to have a representative of the Architects Board of Western Australia made a member of the Royal Australian Institute of Architects so that the board would be fully aware of what the institute is doing. At the moment apparently correspondence is handed over willy-nilly, to the institute.

As I have said, I have not yet received an answer to my letter and, at this stage, I assume I will not get one. But it does not really matter. A few days after I posted my letter my constituent received a telephone call from the registrar of the board asking him to come in and bring with him all his papers and correspondence, and the board would listen to his story. My constituent telephoned me and told me what had happened. I said, "At least it should do what I asked in my letter and allow you to present your case."

He went along and took with him his preliminary plans together with all the important information on them. He also took the bill of quantities, which was the only one he possessed. I have suggested that this Act was never intended to deal with the ordinary individual and we must bear in mind what the Minister said in relation to clause 5 of the Bill when he introduced the measure. He said it was proposed to increase the board by the addition of one member who shall be a nominee of the Western Australian Institute of Architects. He then gave the reasons, which were—

(1) It will lessen the demands on the time of the busy professionals who attend to board matters in a voluntary capacity.

This makes my heart bleed! To continue with the reasons—

(2) It will ease the problem of obtaining six members to hear complaints of misconduct. The board has adopted this as a practice because of the importance it places on fully investigating all such matters.

I asked the Minister how many complaints the Architects Board had received from the 1st July, 1964. I was told there were six. The practice has been adopted to ensure that there are six members on the board and that is why we have the amending legislation. In his remarks Mr. Dolan inadvertently referred to the "statutory six." It is not a statutory number at all; it is a number that was plucked out of the air for the purpose of the Minister's notes. It is certainly not statutory.

Six complaints have been received, for three of which I have records with me. Two of these were not even extended the courtesy of being called before the board. The other person went before a board of two people. We must bear in mind that two cases have not been dealt with so that leaves only one about which I do not know. I hope that somewhere along the line someone will tell me that he went before a board of six. In three cases out of the six the principle has not been used. This represents 50 per cent. of the cases, and the man about whom I am talking went before two people.

I must say he was very gratified at the reception and hearing the architects in question gave him. I have no complaints about that. I only refer to this question of a board of six because it is just not true. It is either untrue or this principle is used only when one architect commits an offence against another architect, and this is the point I made at the beginning of my speech when I said that this is what the Act is all about—it is to protect one architect from another. There could be thousands of such cases, I do not know. In these cases they probably have their grievances considered by a board of six; but when it comes to the question of meting out justice to the ordinary individual the cases are considered by two members of the board only.

However, as I have said, the man in question was very happy with the treatment he received from these two gentlemen. He had no complaint to make at all on that score. They asked him to leave his papers with them and said they would contact him in due course.

The gentleman concerned knew that the board was meeting on the 2nd September when it would consider the evidence he had given to the two individuals, together with the evidence which the architect had given. On the 5th or 6th September the man received a letter from the architect's solicitor telling him it was proposed to take action if payment was not made straightaway.

This seemed rather strange because nobody knew the position. Even though Mr. Sanders rang up and asked nobody would tell him what the position was. He was merely told, "Our solicitors will send a reply in due course." He then received a letter dated the 5th September from the architect's solicitor which indicated that the architect knew the position, and this terrified him.

I asked some further questions and it is a strange coincidence that the day on which I asked the questions was the day the board's solicitors wrote to tell Mr. Sanders the answer. He had been advised verbally on the phone, but the architect had not been advised and accordingly the board's legal advisers were writing to both parties to let them know the position.

I do not know how the architect was able to look into a crystal ball and suddenly discover the position on the 5th September in time to issue a threatening letter, while at the same time the Minister had told me he did not know. This could well be, but it looks suspicious to me that he should not know. He could only know if he were told by a member of the board.

The Hon. A. F. Griffith: To whom do you refer when you talk about the Minister.

The Hon. CLIVE GRIFFITHS: What does the Minister mean?

The Hon. A. F. Griffith: What I said. You said the Minister did not know. I was the Minister answering the question.

The Hon. CLIVE GRIFFITHS: I cannot recall what the Minster said he did not know. If he tells me I will know but if he keeps it a secret that is his business.

The Hon. A. F. Griffith: You said the Minister did not know and I want you to tell me to whom you are referring when you refer to the Minister.

The Hon. CLIVE GRIFFITHS: I do not know I said that.

The Hon. A. F. Griffith: I do know you said that.

The Hon. CLIVE GRIFFITHS: I will put the remark in the correct context.

The Hon. A. F. Griffith: I think you meant the solicitor did not know, not the Minister.

The Hon. CLIVE GRIFFITHS: I cannot recall why I should have said the Minister particularly when I meant the solicitor. Here again we have the situation where there is reasonable doubt as to whether or not everybody has been telling the correct story.

The gentleman in question then decided he wanted his papers back because they were all he had to substantiate his story. Accordingly he rang the board and asked for the return of his papers, to which the board replied, "We posted them last Friday." They were alleged to have been posted on Friday, the 19th September; that is when the board said it posted them to him. He thanked the board very much but, when he had not received the papers on Monday he asked the board to look around to see whether they had in fact been posted because they had not been received. Tuesday came and went without any result, as did Wednesday. Mr. Sanders then said they were all he had to substantiate his case and would the board have a good look.

Not having received any satisfaction he approached me and I rang Mr. Coll, the chairman of the board, with whom I had

a couple of very friendly conversations. We were on reasonably friendly terms and Mr. Coll suggested that I ring him if I ever had a problem. I told him that I certainly did have a problem because a constituent of mine was told that his documents were posted back to him on the 19th September but they were never received by him. I said that he urgently required them and that if, as the registrar suggested, they may have gone astray I felt there could be only one interpretation I could place on the matter, which was that the papers had been deliberately mislaid to ensure that the man did not receive them. Incidentally I have photostat copies of the documents; I made sure there is more than one copy available now.

Mr. Coll said he would look into the matter and let me know. After he had done so he said, "I have been in touch with the architect who had the papers and who was responsible for posting them and he assures me absolutely that he posted the documents on that day."

When I heard this I replied that I would make some investigations about the matter because it seemed very fishy to me. I added that I could place only one interpretation on what had happened and Mr. Coll did not seem to be too keen on that. Again he said he would contact the person concerned and he did so. But all the satisfaction I could get was that he was sorry about it to which I replied, "So am I."

Last Friday evening I received a call from Mr. Sanders who asked me to go out and see him because the papers had mysteriously turned up. Allegedly they were posted on the 19th September yet they were delivered by hand by a fellow from over the road! He handed over an envelope containing all the papers. The envelope was incorrectly addressed. The neighbour over the road said, "This was left on my front verandah this evening; it is not mine even though my address is on the cover. But I knew you lived here so I thought I would bring it over."

So here we have the situation where an architect on the board assured the chairman of the board that he had posted the papers in question when obviously he had not done so. At the last minute, however, they were delivered by hand. There is no postmark on the envelope; if there were it would be visible.

I then received a call this morning from the registrar of the board who said, "I have been asked by Mr. Coll to ring you and tell you that Mr. Sanders has now received the papers." I said I knew he had received them and were they the papers that were posted? The registrar then said, "Yes, we did post them, but the postman delivered them to the wrong house." This is what the registrar told me. He is a new registrar. Another very strange coincidence is that since I started making inquiries about this matter, and complaining about the registrar handing over private and confidential papers to somebody else, an advertisement has appeared in the paper advertising his job. I do not know whether there is any significance attaching to that.

As I have said the new registrar rang me and told me the papers were posted and that they were delivered to the wrong house. They were never posted at all. Somebody has lied to the chairman of the board and to me in an endeavour to cover up the deficiencies of somebody on the board.

All this goes to prove the point I have been trying to make; that is, that the board has not acted in the best interests of those who have submitted complaints. I will leave that particular case because I want to refer quickly to another one.

The Hon. A. F. Griffith: Before you leave it, I want to ask you whether you took the opportunity to have a talk to the Minister about this?

The Hon. CLIVE GRIFFITHS: Which Minister?

The Hon. A. F. Griffith: The Minister in charge of the Act.

The Hon. CLIVE GRIFFITHS: No.

The Hon. A. F. Griffith: The Minister I thought you were mixing up with me.

The Hon. CLIVE GRIFFITHS: No, I did not, as a matter of fact.

The Hon. A. F. Griffith: You did not?

The Hon. CLIVE GRIFFITHS: I do not want to go into the reasons I did not as it would probably not be very diplomatic to do so here.

The Hon. A. F. Griffith: Anything you did would be the essence of diplomacy! I can see your point!

The Hon. CLIVE GRIFFITHS: I asked some more questions. I asked the Minister to table in this House the minute book containing a record of the proceedings of meetings of the Architects Registration Board from the beginning of 1968. The Minister said, "No"—full stop! When I asked him why he would not do so, he replied—

> As the honourable member should know, there is no obligation whatsoever to table any files or papers.

I do know that. I am well aware of the fact that there is no obligation on the Minister to do so. The Minister continued—and this is very interesting—as follows:—

> In regard to minute books or records of meetings it is considered unwise to create a precedent in regard to tabling proceedings of meetings which, out of the context of discussion and debate, can be misunderstood and misconstrued.

Let us have a look at what the Architects Board's by-laws say concerning this. By-law 26 reads as follows:—

> Minutes of every meeting shall be kept by the Registrar, and such minutes, when signed by the Chairman, shall be conclusive evidence for all purposes and before all Courts, of the validity and proceedings of such meeting.

On the one hand the Minister stated that it was no good looking at the minutes because they could be taken out of context and misunderstood, etc.; while, on the other hand, the by-laws of the board stipulate that for all purposes the minutes shall be conclusive evidence, even before courts.

I know that the Minister is not obliged to table things, but if there is nothing to hide why are they not tabled? I have very strong reasons for being suspicious and believing that perhaps there is something wrong and there is some reason the board does not want me to look at the minutes.

Parliament was responsible for the establishment of this board and I maintain that Parliament is therefore entitled to see the board's minute book in order to ascertain what is occurring. I may be wrong, but that is my belief. The Minister did say, of course—and I thank him very much indeed for the courtesy he extended to me—that I could look at the minute book in the office of the Under-Secretary for Works. However, since I have been a member of Parliament, I have been given to understand that papers and other things I see in the confines of a Minister's office are to be kept confidential, and I would respect that understanding.

I presume, of course, that if a member of Parliament did not comply, he would never be shown anything again. However, I accept that that is the situation and therefore I have not taken the opportunity to look at the minute book because it would be pointless for me to do so, as, if I found something which was incorrect, I would be unable to use the information here. I only wanted to look at the minute book in regard to this correspondence.

I will speed on again, because I have here some more glaring cases concerning correspondence which has been handed over to this institute. I think our Minister will want to know the reason. Actually, I am sure he will, because if there is one thing I have found out about the Leader of the House it is that he does not introduce legislation lightly. He will want to know the reason, because he has been asked to make the speech and carry this Bill through. If I know him, he will want to know if there is any foundation for any of these accusations.

I received a letter from another fellow who apparently reads *Hansard* because it came out of the blue. Although he is not in my electorate, he stated that he saw where I had asked some questions concerning this matter, and that he would like me to allow him some time in order that he might see me about it.

He wrote a letter to the Architects Board on the 2nd February, 1968, and, on the 9th February, he received a reply from the Royal Australian Institute of Architects. He wrote a letter to the board on the 19th June and received a reply from the institute on the 25th!

The Hon. V. J. Ferry: He is getting replies!

The Hon. CLIVE GRIFFITHS: That is only the beginning! On the 7th July he wrote to the board, as he did again on the 14th August. On the 18th September he again wrote to the board referring to his letters of the 7th July and the 14th August, and also referring to his letter of the 19th June. On the 20th September he received a letter from the institute acknowledging the two letters.

Again, on the 16th October, he wrote a letter to the board and received a reply from the institute on the 13th November. On the 17th November a letter was again written to the board in which it was stated—

> We were amazed that all our letters to the board had been sidetracked.

And a request was made for an early opportunity to discuss the matter with the board. Up to August this year no reply had been received.

The Hon. F. R. H. Lavery: Has he had an answer yet.

The Hon. CLIVE GRIFFITHS: No, not yet. On the 25th November he received a letter from the institute, acknowledging the one he had written on the 17th November. He wrote to the board, but again received a reply from the institute.

On the 25th November, after writing a letter saying he was getting a bit anxious about it, he wrote a couple of letters to *The West Australian*. So, on the 25th November he received a letter from the board acknowledging that the correspondence had "now been handed over to it." I want members to bear in mind that he wrote the first letter on the 2nd February, 1968, and the letter he received from the board was dated the 25th November.

He wrote again to the board on the 30th November and asked why he had not received a reply from it to his letter of the 17th November, and at the same time he stated that his oral evidence to the board would be essential. He asked for an acknowledgment. However, in September of this year, when he came to see me, he had not received a reply.

On the 10th March he wrote to the board about not having received an acknowledgment, but again he received no acknowledgment of even that letter. He then wrote to *The West Australian* complaining about the fact that he had not received replies to his letters.

The Hon. G. W. Berry: Did he get an answer from *The West Australian?*

The Hon. CLIVE GRIFFITHS: No. He did not expect one. His letters appeared in the paper under the section devoted to that purpose. Then, having written to *The West Australian* again on the 12th April this year, he received a letter from the board mentioning only his previous correspondence, but giving no dates to indicate what letters had reached the board. The board stated that it expected finality in seven days.

On the 12th April he immediately wrote to the board acknowledging its letter, but stated that he had received no explanation concerning the delays or why his letters had been withheld from the board. He also stressed in the letter that his oral evidence was essential, and asked for an immediate acknowledgment. On the 24th April, which is 12 days later, he received a letter from the board which stated that the board had given every consideration to the matter and had found that no allegation of misconduct could be substantiated. The letter stated that the board did not propose to take any further action in the matter.

However, under all these circumstances this Parliament is asked to pass a Bill which will enlarge the board by including on it a nominated member from the Royal Australian Institute of Architects, simply because the board does not believe it has enough members to do the work involved. The point has been made that they are all volunteers, and before I go any further I want to say it was impressed upon me—and Mr. Dolan stressed this point last night—that these people work in a voluntary capacity. Actually the members never stopped telling me this. However, is this any excuse for their conduct?

The members of the board are elected to the positions and my inquiries of the chairman revealed that there are always many candidates who must fight for election. I have not followed that point up, but he told me that that was the case. However, because the members of the board are working in a voluntary capacity, is this an excuse for the board totally to disregard complaints—justified or otherwise—which are directed to it? Those who complain do not even receive the common courtesy of a reply to their mail. When a member of Parliament writes to the board and does not receive an acknowledgment, members can realise the treatment the board is dishing out to private people!

I do not know whether any of these complaints against the architects concerned are legitimate. I do not know because it is not my job to know. It is not for me to set myself up in judgment. However, what I do know is that if this Act was ever intended to take into consideration acts of misconduct, or allegations of misconduct by a client against his architect, then the board has failed miserably in its obligations to the community of Western Australia; and I take strong exception to this. I do not care whether I get into trouble for it.

The Hon. F. J. S. Wise: Where would you get into trouble?

The Hon. CLIVE GRIFFITHS: I do not care, because I am fighting for the rights of an ordinary individual to receive some common courtesy from a board established by Parliament. I intend to continue to fight. I get so het-up about these matters, but obviously when the Minister replies to me he will obtain information from the board which will deny all knowledge of this, and somehow or other it will say that what I have been stating is incorrect.

However, I would point out I have copies of all the correspondence and there is absolutely no shadow of doubt that there is no excuse whatever. Incidentally, on every one of his letters this particular fellow had written the word "confidential." This was written on every single letter he sent, even when he was writing to me. Despite this fact, the board indiscriminately handed the letters over to some other body which is an association of architects. The very architect about whom the man is complaining could be at the general meeting, and could even be on the committee. It is these architects who are meting out justice.

Members must have realised the short change these complainants received, when I told them that, with regard to the first gentleman I mentioned, the institute had stated that it had discussed the matter with the architect concerned who had said that he was perfectly within his rights; and that therefore the institute would not do anything about the matter.

This is the sort of justice which these people believe is correct. I do not believe it is correct. I believe we should throw this Bill out, not because I consider that many of its features are not desirable, but for no reason other than to ask the Minister to have a complete examination made of the functions and the administration of the board with a view to coming back to Parliament with a different Bill clearly setting out the obligations of the board, whose interests the board should protect, and how it is to protect them.

Finally, I consider the board should be constituted in such a way that it is administered by both architects and those who

are not members of the profession. I do not believe the board should be composed solely of architects. The Builders' Registration Board is composed of people other than builders, but I will not go into that matter. I think something along these lines should be forthcoming.

Before members in this House go ahead and vote on the Bill, I hope they will make sure that they fully comprehend the ramifications of what I have been saying. Certainly I have taken a long time and perhaps I have not been as eloquent as some members could be.

The point I am trying to make is that the Act and the administration of it by the board leave a lot to be desired, in my opinion, if people are to expect to get any justice. I certainly intend to oppose clause 5 of the Bill, and I will oppose it with every ounce of breath that I have within me, though I will probably be unsuccessful.

I intend to oppose the whole Bill, only on the basis that we should ask the Minister to have an inquiry made into this matter and come back to Parliament with a Bill that leaves no shadow of doubt as to the functions of the board. I oppose the measure.

Debate adjourned, on motion by The Hon. V. J. Ferry.

House adjourned at 9.48 p.m.

Legislative Assembly

Wednesday, the 1st October, 1969

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

BILLS (13): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Collie Recreation and Park Lands Act Repeal Bill.
2. Dairy Industry Act Amendment Bill.
3. Wheat Marketing Act Continuance Bill.
4. Soil Fertility Research Act Amendment Bill.
5. Water Boards Act Amendment Bill.
6. Land Act Amendment Bill (No. 2).
7. Ord River Dam Catchment Area (Straying Cattle) Act Amendment Bill.
8. Western Australian Institute of Technology Act Amendment Bill.
9. Wood Chipping Industry Agreement Bill.
10. Legal Practitioners Act Amendment Bill.
11. Legal Contribution Trust Act Amendment Bill.
12. Fisheries Act Amendment Bill (No. 2).
13. Methodist Church (W.A.) Property Trust Incorporation Bill.

AUDITOR-GENERAL'S REPORT

Tabling

THE SPEAKER: I submit for tabling the report of the Auditor-General made under the Audit Act, 1904-66, for the year ended the 30th June, 1969.

QUESTIONS (34): ON NOTICE

1. BUS SERVICE

Walliston-South Kalamunda

Mr. DUNN asked the Minister for Transport:

(1) What plans, if any, are being considered for the establishment of a bus service for the Walliston, South Kalamunda area?

(2) Is it intended to establish a bus depot in the Kalamunda Shire light industry area?

(3) If the answer to (2) is "Yes", when is it anticipated the present bus depot will be vacated?

(4) Are there any further changes or additions to the existing bus routes and timetables contemplated in the near future?

Mr. O'CONNOR replied:

(1) Consideration is being given to the establishment of feeder services into Kalamunda.

(2) Yes.

(3) It was anticipated that this would occur during this year. Non availability of loan funds makes this unlikely.

(4) No.

2. NOXIOUS WEEDS

Paterson's Curse

Mr. RIDGE asked the Minister for Agriculture:

(1) In what areas of the State has "Paterson's Curse" been declared a primary noxious weed?

(2) Is his department alarmed over the rapid spread of Paterson's Curse infestations in the Kimberley region?

(3) Are any weed control officers employed in the area?

(4) If so, what measures have been taken to encourage eradication of the weed?