

many but some are operating on a large scale like the Perth Building Society. Then there is the Swan Building Society, a very old established concern, and the Fremantle Building Society. There may be others in places like Bunbury, Albany and Kalgoorlie. This amendment can be useful. It cannot do any harm and it will be in keeping with the intention of the parent Act. I move—  
That the Bill be now read a second time.

On motion by Mr. Styants, debate adjourned.

*House adjourned at 5.37 p.m.*

## Legislative Council.

Tuesday, 23rd September, 1947.

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

### QUESTION.

#### PUBLIC TRUST OFFICE.

*As to Expenses, Income, Etc.*

Hon. A. L. LOTON (on notice) asked the Minister for Mines:

(1) What were the total expenses of the Public Trust Office for the year ended the 30th June, 1947?

(2) What amount of overhead expense, if any, was borne by the Crown Law Department?

(3) What was the total income received during the year ended the 30th June, 1947?

(4) What was the amount, if any, of unclaimed moneys included in such income?

(5) What was the approximate value of work done gratuitously as a social service?

The MINISTER replied:

(1) £22,820 17s. 10d.

(2) Nil.

(3) £18,078 1s. 9d.

(4) £3,748 13s. 8d.

(5) No record.

### MOTION—ELECTRICITY ACT.

*To Disallow Radio Workers' Regulations.*

Debate resumed from the 17th September on the following motion by Hon. A. Thomson:—

That Regulations Nos. 113, 117, 118, 119, 123, 124, 129, 130, 131, 132, 133, 139 and 142 made under the Electricity Act, 1945, as published in the "Government Gazette" of the 27th June, 1947, and laid on the Table of the House on the 5th August, 1947, be and are hereby disallowed.

HON. E. M. DAVIES (West) [4.35]:

I desire to express my opposition to the disallowance of the regulations as proposed by Mr. Thomson. We have to realise that they were introduced primarily for the purpose of protecting the public. It has to be remembered that electricity is a force that must be controlled, and therefore there must be certain regulations issued for that purpose. The ones I am referring to at present deal with radios, which depend upon electricity as a force. For any unqualified person to be permitted to interfere with parts of a wireless installation means in the first place that we are not giving those who possess wireless equipment a fair deal because those who interfere with them as I suggest are not capable of dealing with that particular aspect. Secondly, in assembling various parts of a wireless it is necessary to have competent people who know their business in connection with the work that is undertaken; otherwise if some thing were done not in accordance with the factors governing the control of electricity there might possibly be an accident.

It is consequently necessary for regulations to be promulgated in the first place for the protection of the public; secondly for the protection of those who have wireless plants for repair and so forth, and thirdly, to protect those who employ technicians for the purpose of handling such sets

The contention is therefore advanced regarding the necessity for the regulations to be operative in this respect. Electricity is not the only force requiring provisions to govern its use. We must take into consideration that steam is necessary as motive power in various directions, and that certain qualified persons have to be appointed in control of machinery, the operating power for which is drawn from steam. Such persons are required to pass examinations and to comply with regulations that are issued governing that particular phase.

Hon. C. B. Williams: Why, you can get a permit to drive a motorcar from a policeman.

Hon. E. M. DAVIES: I am not talking about motorcars.

Hon. C. B. Williams: They are much more dangerous than steam engines.

Hon. E. M. DAVIES: Possibly.

Hon. A. Thomson: Those people would not have to pay an annual fee.

Hon. E. M. DAVIES: No, I do not think they would.

Hon. A. Thomson: Once they get their certificates of competency, they do not have to pay more fees, apart from their union dues.

Hon. E. M. DAVIES: That is so. Electricity is a force about which very few people know much. I say that advisedly, because we are aware that those closely associated with electricity and who have made a long study of it, admit it is a force about which they do not know very much. In other words, it is in its infancy and consequently we have to protect the public who use wireless sets. It is necessary that these sets should be assembled by persons who know something about them. We have regulations governing other industries which have not been disallowed by this House: for instance, the regulations made under the Water Supply, Sewerage and Drainage Act for the protection of water and sewerage installations. The Police Department has found it necessary to promulgate regulations with respect to traffic. The Railway Department and the Tramway Department have also promulgated regulations.

It is necessary that electricity should be governed to a much greater extent by regulations than are the other undertakings to

which I have referred, as the people called upon to deal with wireless sets come into contact, as it were, with electric current. It is therefore very necessary for men engaged in the electrical trade to know exactly what they are doing, so that the safety of the public may be assured. Many of the regulations made under the Act are sought to be disallowed, and I shall mention some of them. Regulation 113 provides—

The Commission may at any time remove any member of the board.

The board is appointed by the Electricity Commission and comprises a representative of the Commission, a representative of the radio manufacturers who employ the assemblers, and a representative of the assemblers themselves. The board is therefore fully representative of the three sections, and it governs the various examinations. I cannot see anything wrong in that. If this regulation be disallowed, it simply means that the Commission will have taken away from it the right to say who shall be its members, and only competent people can decide who are best fitted to occupy the positions. Regulation 117 provides—

Application to be examined under this Part shall be made on form No. 21 in the Appendix hereto. The examination shall consist of a general knowledge of the section or sections appropriate to the license of which the applicant has made application, and in the cases of applications for licenses for radio servicemen, general servicemen, workshop servicemen, and bench assemblers, a knowledge of the safety principles of electricity. Licenses may be issued by the board in respect of the following see—

- (a) Radio servicemen, or general servicemen, or workshop servicemen.
- (b) Bench assembler.
- (c) Apprentice or junior worker.

I see nothing wrong with asking a person to pass an examination to prove his qualifications for the work which he will be called upon to do. Regulation 118 provides—

The examination for a radio worker's license may at the discretion of the board consist of written, practical and oral tests of such nature and scope as the board considers necessary.

That appears to me to be quite right. The applicant is examined in order to ascertain whether he has a general knowledge of the subjects in which he is to be examined. Regulation 119 provides—

Examinations shall be held at such times and places, and under such conditions as the board may direct.

I take it that that is to the advantage of those who sit for examinations. It is not necessary that the examinations should be held at any particular place, as some place or other might not be convenient to those who desire to sit for an examination. Regulation 123 provides—

A license shall not be issued to any junior in contravention of any industrial award.

Why it is desired that this regulation should be disallowed I cannot for the life of me see. I understand that members are agreed that industrial arbitration is necessary. If the Arbitration Court makes an award subject to these regulations, I cannot understand why any person should raise an objection.

Hon. C. B. Williams: Suppose there is no award and a chap wants to get tutored, what about it?

Hon. G. Fraser: If the hon. member would read the regulation, he would see that it applied only to an industrial award.

Hon. C. B. Williams: I am asking Mr. Davies, not you!

Hon. E. M. DAVIES: Regulation 129 provides—

The board may endorse any license or permit confining the validity of such license or permit to any particular area or place, and endorse the license or permit with any other restrictions it may consider necessary.

That seems to me to be very reasonable. The applicant may be in some particular area and have a knowledge of the various parts of wireless sets that are used there, whereas he may not be acquainted with the parts that may be in use in other districts. He is therefore examined on the parts in use at the place where he is working. Regulation 130 provides—

(1) Every application for a radio worker's license shall be made on Form S.E.C. 21 or S.E.C. 21A; with the original application for any license, a fee of 2s. 6d. shall be paid.

To my mind, no objection should be raised to this regulation. If a board is to control the activities of the radio section, fees must be charged in order to provide finance. The regulation proceeds—

(2) Every applicant who is required to undergo an examination shall pay an examination fee of 10s., and for any one section conducted as a supplementary examination. 2s. 6d.

This is a general rule. It applies in the case of the machinery board. A person

wishing to sit for an examination must pay a fee and subsequently must also pay a fee for a certificate.

Hon. A. Thomson: Would he have to pay it annually?

Hon. C. B. Williams: Do you believe in penalising the worker for trying to improve himself? I do not agree with you.

Hon. E. M. DAVIES: The regulation continues—

(3) For the issue of a license:—

	s.	d.
For a radio serviceman or bench assembler's license .. ..	7	6
For a license for an apprentice or junior .. ..	2	6

(4) For the renewal of a license when such renewal is applied for not later than the 31st day of January next ensuing:—

	s.	d.
For a radio serviceman or bench assembler's license .. ..	7	6
For a license for an apprentice or junior .. ..	2	6

Here consideration is being extended to the apprentice and the junior, who are charged only 2s. 6d.

Hon. A. Thomson: That does not apply to other trades, though.

Hon. E. M. DAVIES: I am trying to explain that there is no lack of opportunity for persons to learn the trade. As I said, electricity is in its infancy and those associated with it must be kept in touch with modern trends; it is necessary that they should be made au fait with the industry.

Hon. A. L. Loton: With electrical extraction, too, I take it.

Hon. E. M. DAVIES: Regulation 131 provides—

The license of any radio worker may be suspended or revoked by the board if:—

(a) Such license as has been obtained by fraud or misrepresentation; or

(b) if the licensee has been convicted of any offence against the Electricity Act regulations.

That is quite right. In some cases we find that incompetent people interfere with radio sets, and they should be subject to some penalty. Some of my friends want to disallow that provision. There may be people doing what they like with electrical parts and suffering no penalties. Regulation 132 provides—

Before suspending or revoking any license, the board shall cause to be sent to the holder

thereof by registered letter a statement of the charges, and afford him an opportunity to give an explanation personally or in writing. No person whose license has been suspended shall carry out any radio servicing or assembling during the period of such suspension. Every person whose license has been revoked shall forward his license to the board within 14 days of such revocation.

The person concerned is to be given every opportunity to place his case before the board. Regulation 138, which it is proposed to disallow, provides—

The board may refuse to grant or renew any license. Any person to whom a license has not been granted, or to whom a renewal of a license has been refused may appeal to the Commission.

Such people have the right of appeal. Regulation 139 states—

(a) Any person who produces evidence satisfactory to the board or having been registered or licensed as a radio worker by any State authority in any other State of the Commonwealth of Australia may be licensed under this Part, provided that the standard of training and examination prescribed by such authority is in the opinion of the board equivalent to the standard prescribed under this Part.

That is very wise. I understand that the standard in some of the electrical examinations in Western Australia is not as high as in the Eastern States. It is desired to prove that, before anyone coming to this State from another State is granted a license, he shall at least have passed an examination equal to that which is necessary here. I do not know that we should disallow this regulation. Regulation 142 provides—

The board may appoint any recognised Institution or Association who carry out examinations for proficiency certificates for radio workers to conduct examinations or supplementary examinations for the board under such conditions and terms as the board may arrange.

The Minister for Mines: If I may point out, the hon. member is getting on to the next regulations; perhaps in error.

Hon. G. Fraser: We are dealing with radio all the time. The Minister is on the wrong track.

The Minister for Mines: We are on the cinematograph regulations.

Hon. G. Fraser: No, the radio.

The Minister for Mines: I apologise.

Hon. E. M. DAVIES: Regulation 142 is for the purpose of assisting a candidate who desires to be examined. There are various institutions and associations prepared to tutor people in this particular work, and they may be given the right to carry out an examination or supplementary examination. I cannot see why these regulations should be disallowed. I feel, as I previously stated, that electricity is in its infancy. We must protect the ordinary people who come into contact with it in their homes. It is, therefore, necessary that regulations shall be brought down to control those who are to be permitted to assemble and service radio sets. I believe these regulations are in the interests of the people generally. While some of the regulations might not appear to be quite fair, I would say that as it is not possible to amend a proportion of them, the procedure would be to allow the Minister in charge to approach the Electricity Commission and point out any anomalies that may exist.

Hon. A. Thomson: But once a regulation is passed you cannot alter it.

Hon. E. M. DAVIES: I understand the Government can authorise the State Electricity Commission to bring down other regulations, which would be amending regulations, and would cancel those previously existing. I therefore cannot see any necessity for the disallowance of these regulations. I think there are other methods which can be adopted to overcome any small anomalies that might exist. I oppose the motion.

On motion by Hon. A. L. Loton, debate adjourned.

#### MOTION—ELECTRICITY ACT.

*To Disallow Supply Authorities' Registration Fees Regulation.*

Debate resumed from the 17th September on the following motion by Hon. F. E. Gibson:

That Regulation No. 278, made under the Electricity Act, 1945, as published in the "Government Gazette" of the 27th June, 1947, and laid on the Table of the House on the 5th August, 1947, be and is hereby disallowed.

HON. E. M. DAVIES (West) [4.57]: I support the disallowance of this regulation. I do so because the manner in which money

is raised by the Commission from the supplying authorities is inequitable. This regulation provides for 1s. per consumer from each of the supplying authorities. The Electricity and Gas Department, Perth, has a considerable number of large consumers who are regarded as only one consumer each. That department at the moment pays the maximum of £1,000. Its number of consumers is increased from time to time, but it will pay no more.

The Fremantle Electricity and Tramway Board has 9,211 consumers, and it is called upon to pay approximately £460. As the number of consumers increases, so the amount that board will pay annually to the State Electricity Commission will be greater. By the time that board has 20,000 consumers it will be paying £1,000, or the same sum that is now being paid by the Electricity and Gas Department, Perth. Therefore it will be realised that with 50,000 consumers we will pay £1,000 whilst the Electricity and Gas Department, Perth, with considerably more consumers now—and it will still have more in the future—will be paying only the same amount. In addition, the Electricity Commission is itself a supplying authority but it does not contribute at all. The Crown is bound by the Act and it should be bound by the regulations. If this regulation is disallowed, it will give the Commission an opportunity to go into the question and revise the method by which the collection of money is made from the controlling authorities. The basis of collections as laid down is inequitable. I feel sure some better method could be adopted.

On motion by the Minister for Mines, debate adjourned.

### **MOTION—ELECTRICITY ACT.**

#### *To Disallow Cinematograph Operators' Regulations.*

Debate resumed from the 17th September on the following motion by Hon. A. L. Eaton:—

That Regulations Nos. 71, 78, 80, 82, 86, 89, 103, 104 and 162, made under the Electricity Act, 1945, as published in the "Government Gazette" of the 27th June, 1947, and laid on the Table of the House on the 5th August, 1947, be and are hereby disallowed.

**HON. H. TUCKEY** (South-West) [5.2]: I think the wrong approach has been made by those concerned in this motion. The

opportunity was missed in the early stage of moving for the disallowance of previous regulations. If those interested had organised a deputation to the Electricity Commission, or to the chairman of the Cinematograph Operators' Board, possibly, they would have obtained some satisfaction. I think 22 or 23 candidates sat for an examination. That number of men could have impressed the Commission if they had put up their case and stated their objection to the examination. Even now I suggest that the Minister might have the debate adjourned so that an inquiry could be made and a report furnished to the House. If that were done it would be helpful to members, and the powers that be might be able to make suggestions that would overcome many of these complaints.

We have been waiting for a long time for electricity and every endeavour should be made to overcome all obstacles as quickly as possible. We want people to use current and to do so in complete safety. Electricity should be available to as many people as possible without too many restrictions. Furthermore, it should be possible for current to be distributed as simply as possible to as many people as possible. We in the South-West have been looking forward to the day when we could use electricity for most purposes. I do not suggest that the regulations we have been discussing would have a detrimental effect on the supply of current, but they might

The regulations dealing with radio workers may have an effect in country districts. Numbers of men do good work in repairing radio sets there, but I question whether they would be able to pass the strict examinations which have been set under the present regulations. Some people who have been appointed to the board under the State Electricity Act appear to have caused a little trouble in connection with these regulations. Many complaints have been made to this Chamber and to another place, and altogether there are now four motions for the disallowance of these regulations. After considering some of the reports and perusing the regulations, I am sure there is justification for the action that has been taken. Judging from the remarks of some members, this has been treated as a Party matter. I hope that will not continue for the question is too important to be treated in that way.

Hon. G. Fraser: Who is doing that?

Hon. H. TUCKEY: Some members are against the disallowance of the regulations. Surely they can see some wisdom in the motions which have been moved. If they looked into the regulations and listened to the arguments advanced by those who are interested, they could not fail to see at least some reason for the motion we are now discussing.

Hon. G. Fraser: You will find as big a cross-vote on this matter as you will find at any stage during the session.

Hon. H. TUCKEY: Mr. Gray, for instance, said that if these regulations were disallowed people's lives would be in danger, theatres might be burnt down, and so on. These regulations have nothing to do with such things. They will not improve matters for the public from the safety point of view or prevent theatres from being set on fire. We should get down to tin-tacks and discuss the matter on its merits. The safety of the public is the main thing to work for.

Many regulations under the Health Act have been passed and these are administered by the Public Works Department. I wish to deal with some of them. Before a person can build a bio-box, the plans and specifications must be approved. This includes the wiring for power and lighting, which must be done by a licensed electrician. It is an offence against the Act to use such premises until the work has been passed by a qualified officer of the Public Works Department and a permit has been issued.

The bio-box specifications provide for non-inflammable walls, floors and ceilings. The apertures are protected by steel shutters, and the doors are self-closing. Two approved fire-extinguishers and two squares of asbestos-blanket must be provided. All film must be kept in small tin containers and stored in the winding-room. To operate the plant, the film is taken as required and placed in a fire-proof spool box at the top of the machine. It is then threaded through the mechanism to the take-up fire-proof spool box at the bottom of the machine. Should the film break while the plant is running, the heat of the light on the stationary film will, in a few seconds, cause it to ignite. To prevent this, there is a dowsor to be used by the operator.

Hon. W. J. Mann: What regulations are you discussing?

Hon. H. TUCKEY: I am dealing with the present regulations under the Health Act. These have been in operation for many years in connection with bio-boxes. If these details are given, they should provide members with some idea of the safety precautions existing at present. As I was about to say, this at once protects the film from all heat and danger. In addition, there is also an automatic dowsor, and the spool boxes are equipped with fire traps. Every effort is already made by the authorities to prevent fires from breaking out. The regulations we are now discussing are an improvement on the old ones. They do not say there shall be more fire traps, etc. I do not think it would be possible to do anything more to safeguard the public than has been done. The appliances I am referring to cannot be operated unless these regulations are carried out.

Hon. G. Fraser: Do they make a man competent when he is in the box?

Hon. H. TUCKEY: I will come to that. The film breaks occasionally, and any operator who does not attend to his work could cause a fire if only to the extent of burning the short piece of film that is exposed. There is one part of the film between the two spools that is bare. If it ignites, it might cause damage. If the operator is attending to his work and handles the machine in the way he should, and as is provided for, there is very little risk. It does not matter how much experience a man has had, or whether he is licensed or not, if he fails to use the automatic cut-out at the right moment a fire will occur. A man must be competent. As a rule no employer will allow a person to handle his valuable plant unless he has complete faith in the ability of that person to work it. So far as safety is concerned every precaution has already been taken.

With regard to the condition of the plant and the care of the films, I point out that the Film Renters' Association has an inspector who inspects plants and issues instructions to repair or replace any defective parts that may cause damage. If such instruction is not complied with, the supply of films is stopped. That would be a serious

matter for the exhibitor. Any adjustment is immediately attended to, because the exhibitor knows the consequence of neglect. Exhibitors also pay insurance to cover the safe return of films to the exchange. These rules and regulations have proved very satisfactory, and there is no good reason for the extreme steps now taken to prevent a man from obtaining a license to operate a similar plant.

The Minister for Mines: What rules are you talking about?

Hon. H. TUCKEY: I am talking about the regulations made under the Health Act. They have been in operation for some considerable time and are very stringent. The regulations we are debating today would not improve the present safety precautions, and I do not think it was intended that they should. It is outside the scope of the duties of an operator to wire a bio-box. He could not do so even if he desired. Why should an operator have to describe sound on a film?

It has been suggested that there is a desire to control the number of licenses that should be granted. If there is anything in that, the matter becomes serious. I cannot vouch for that myself, but I am sure the men concerned would welcome an inquiry so that they could submit their grievances. That is a reasonable suggestion. If they had followed that practice in the first place and gone to the chairman of the Cinema Operatives' Board or the Electricity Commission, with the weight they had behind them and the good arguments they could advance, possibly they would have avoided the necessity for the step they have now taken.

There is strong objection to certain organisations having representation on the board. For instance, a majority of candidates failed in the mechanical examination. That is the greatest difficulty complained of. This section is conducted by the president of the Licensed Operators' Union, and on one occasion 22 out of 23 candidates failed. Some of those candidates were men of very long experience, and I personally know one or two who, I have good reason to believe, know more about the practical working of a cinematograph plant and its maintenance than does the man who failed them.

Hon. C. B. Williams: In other words, they have had more experience at the game than has the examiner.

Hon. H. TUCKEY: Yes. I received reports from several of these men. I was not going to quote one report, but, according to the writer, a question in one paper that had been answered correctly was marked wrong, and another that had been answered wrongly was marked right. The writer says he has evidence to prove that.

Hon. G. Bennetts: Would not the men have the right of appeal?

Hon. H. TUCKEY: They should have gone to the authorities in the first place. I do not suppose it would be possible to find a more capable body of men than the members of the Electricity Commission, but this is a difficult and far-reaching matter.

Hon. E. H. Gray: Is not the board appointed on the recommendation of the Commission?

Hon. H. TUCKEY: The board has no knowledge of these technicalities, but has to go to someone else for advice. I think some of these things have just crept in and that, if there were an opportunity, probably they would creep out again, or, at any rate, conditions would be altered.

Hon. G. Fraser: Your argument is not against the regulations so much as against the harsh interpretation of them.

Hon. H. TUCKEY: My argument is equally against the regulations. No examiner should have the right to say to a man, "You must possess a knowledge of the electrical mechanism of the machine."

Hon. C. B. Williams: All those men started from scratch.

Hon. H. TUCKEY: Does the driver of a trolley-bus have to describe the wiring of the power house, and is not a trolley-bus driver capable of creating more danger than is an operator in a cinematograph box? The driver of a trolley-bus has a far greater responsibility.

Hon. C. B. Williams: So has the driver of a motorcar.

Hon. H. TUCKEY: There is no objection to a practical test. We want to ensure that the work of cinematograph operators is carried out satisfactorily to the employers and the public. I cannot see that the public has

a great deal to fear, because it is fully protected under the old regulations enforced under the Health Act some years ago. There is no objection to a reasonable examination, both in practice and with regard to the regulations and, in addition, there is no objection to the examination being carried a little further. If a junior is desirous of taking up this work and undergoes a certain course of training to gain technical knowledge, that is all to his advantage, though it may not be required for use in the operating of a cinematograph plant. But the examiners have gone a great deal too far. I shall deal with the examinations presently. Here is a statement, written by a man living in the country—

I consider that the existing regulations should be repealed—

That refers to the regulations tabled in 1937—

and those laid on the Table of the House disallowed as there never has been any need for such restrictions.

Cinematograph plants have been operated over the years throughout the country under all conditions and never, to my knowledge, has any trouble occurred; no public danger or personal injury has ever been caused.

Plants have been operated from motortrucks, canvas bio-boxes and under other similar conditions. These shows have been conducted by unlicensed operators, men who have acquired the practical experience in handling cinema plants; and to say now that these operators must be qualified in many ways, such as electrical, mechanical engineering, optical work, radio engineering, sound equipment and wiring regulations is only unnecessary domination and interference. In my case, I have failed in two of the examinations of a technical nature, although I have been operating without any mishap for over eight years. I personally pull down my own plant and erect it twice in each year, as I work in a hall during the winter and in open air gardens during the summer season, and effect running repairs. The fact that I am unable to get expert advice on the spot, being in a country district, is evidence that I can do the work satisfactorily.

I am a married man with five dependants and, as matters stand, I am in danger of being told that I must give up my job, as I have been advised to sit again for a similar examination, which I have been unable to study for. These examinations require a candidate to explain and draw a diagram of the wiring of a bio-box, which work must be done by certain licensed qualified electricians. This is altogether outside the scope of an operator's job and is only used as a means to an end—domination.

In my opinion, there is absolutely no need for any examination other than practical operating of a plant and bio-box regulations, the electrical and mechanical section being outside the scope of the operator's work.

Hon. G. Bennetts: Who was the writer of that statement?

Hon. H. TUCKEY: A man who failed twice at the examinations.

Hon. G. Bennetts: He is trying to save his own job.

Hon. H. TUCKEY: Although I do not think he has any need to worry on that score, a rumour has been spread that if these men do not pass their examinations within reasonable time, they will have to get out of this work. Yet they have been employed in operating cinematograph plants for a long period. This man says that a considerable time would be necessary in which to acquire the knowledge in order to answer some of the questions put to him at the last examination.

Hon. G. Bennetts: You would think the board would be lenient to those men.

Hon. C. B. Williams: The board is not lenient.

Hon. H. TUCKEY: The board has been lenient, but need not be so. There have been no complaints on that score. These and many other men in country districts have received special consideration.

Hon. C. B. Williams: We have passed laws to ensure that dentists are competent, and that is what we want with regard to these men. If they have the practical knowledge, let them go through without any examination.

Hon. A. Thomson: That is what I want.

Hon. C. B. Williams: That is what everyone wants.

The PRESIDENT: Order!

Hon. C. B. Williams: These men have learnt the game only recently.

The PRESIDENT: Order!

Hon. H. TUCKEY: Some of the remarks I have made have had reference to Regulation 71 which deals with cinematograph operators. I have spoken about the experience of 22 out of 23 candidates having failed.

Hon. E. H. Gray: That was not last year.

Hon. H. TUCKEY: It occurred at one of the last three examinations.

Hon. E. H. Gray: The last results were very much better, were they not?



Hon. H. TUCKEY: I suggest an amended regulation to provide that instead of having interested parties, whether associated with the union or with the employers' association, on the examination board, it would be better to have an independent person or persons to do the work. We do not want any section to be pulling strings in a matter of this sort. I do not suppose I shall be going too far if I say that there is a tendency in that direction to satisfy people in those organisations. If that is not so, the implication is certainly there. It would be a good idea if one member of the board were the tutor and if he were appointed by the Commission from applicants for the position as advertised, with a provision that he shall not be a member of any union or association.

Hon. G. Bennetts: Do you think the board favours any particular person?

Hon. H. TUCKEY: The examination is split into sections, and various members take different sections, but any one section can fail a candidate.

Hon. G. Bennetts: You would boycott the trade union.

Hon. H. TUCKEY: I do not know anything about that. What we want is peace in industry, and I believe that it would be for the good of everyone concerned if disinterested people were appointed to the board. Why should these organisations have representation on the board to the exclusion of unlicensed men? The unlicensed men should have some say. Yet there is nobody to speak for them.

Hon. A. L. Loton: The board is there for the protection of the public.

Hon. H. TUCKEY: Surely the unlicensed men are the ones who should be considered.

Several members interjected.

The PRESIDENT: Order! Will the hon. member disregard interjections?

Hon. H. TUCKEY: I suggest that the tutor of the Technical College should arrange and conduct the examinations.

Hon. G. Fraser: Do you not think he might be biased?

Hon. H. TUCKEY: Regulation 78 has been largely covered by the remarks I have made; it deals with the arrangements for these examinations. Regulation 80 provides for two years' continuous training. I do not con-

sider it necessary for a candidate to have had two years' continuous training before becoming eligible to sit for an examination. Some men might be qualified in 12 months, or even in six months. Two years is certainly too long a period in which to keep a man waiting if he is qualified. I see no reason for prescribing such a long period. If a man had not had two years' continuous experience under a senior operator, the time that he might have served would not count. If he had had 18 months with a break of six months just before the examination, he would be precluded from sitting because of the two years' requirement.

When this legislation was first introduced, it was arranged that all working operators who had had two years' continuous operating experience should automatically receive a license, irrespective of whether they were good, bad or indifferent. One man told me that although he had had 20 years' experience before the measure was passed, he could not sit for the examination. He said he was not concerned about that, because he was aware, although he had 20 years' experience, he could not pass the examination. When a man has had so much experience, why should he have to wait another two years and work under an experienced operator before being able to put his ability to the test by sitting for the examination?

Hon. A. Thomson: A limit of two years is not imposed upon a man before he is permitted to drive a motorear, motortruck or omnibus.

Hon. H. TUCKEY: I think that could be adjusted and made a little easier for the candidates. If an operator works every night in the week or for five nights a week for six months, he should acquire sufficient knowledge in that time to enable him to sit for one of these examinations. I think that any intelligent man would be quite capable of taking these examinations after having six months' intensive training.

Hon. G. Fraser: It cannot be so harsh if they can pass an examination in six months.

Hon. H. TUCKEY: There are many men who have had quite a lot of experience in the work who would help candidates in connection with this particular job, and I do not see why a man should have to wait two years if he is qualified to take an ex-

amination. It is considered that the remainder of Regulation 80 should be deleted. This is what the unlicensed operators have to say with regard to this regulation:

(a) "Knowledge of electrical action." The requirements laid down in this section are far beyond the knowledge necessary for any competent cinematograph operator, and furthermore this knowledge could not be gleaned without the candidate undertaking an advanced electrical course. By far the greater percentage of operators granted a license automatically at the institution of these regulations have not the knowledge, and so they are incompetent to instruct their assistants as required in this section of the regulations.

The Minister for Mines: What do you mean by unlicensed operators; those with permits?

Hon. H. TUCKEY: Yes. They say that a lot of these operators who automatically obtained licenses could not pass examinations themselves and so are not qualified under this regulation to instruct their assistants.

Hon. G. Fraser: That is the usual thing.

Hon. H. TUCKEY: I am telling the hon. member what they say. He can take it for what it is worth. Their remarks on Regulation 80 continue:

(b) "Sound equipment." Scarcely any licensed operator has knowledge of the technicalities of his sound equipment as this is also a specified trade, and he need only be aware of the cause of any very elementary faults to be a competent operator.

It is suggested that Regulation 82 be eliminated. These people say:

The five parts as enumerated are beyond the scope and necessity of any operator. The examination could be of a practical nature such as running film through a sound projector, plus a knowledge of safety precautions only.

Regulation 86 has to do with the age limit and in this respect the unlicensed operators consider that as a lot of young men of 18 years of age were able to join the Forces and carry out military work, it is only fair to allow them to qualify for a license. It is said that during the war some of these young men, well under 20 years of age, were able to, and did actually, perform this work. I understand that at least one had charge of one of the largest theatres in the metropolitan area. He may have been exceptionally qualified; but we do know that some young men can qualify for these

positions quite early in life. I do not know that it is a very great hardship, but it seems a little unfair to any young man who may not be 21, to tell him that he is not a fit and proper person to sit for this examination. The unlicensed operators consider that the age limit should be 18 years instead of 21 years. Under Regulation 89, if any licensed operator fails to renew his license within 12 months, he has to sit for another examination.

Hon. E. H. Gray: If required.

The Minister for Mines: Yes.

Hon. H. TUCKEY: It is suggested that if he does not renew it for a period of five years, this provision should obtain. These men consider that 12 months is far too short and that the period should be five years. They say:

Any operator should have up to five years for renewal, as he may be only operating temporarily, and not need his license for any 12 months.

Regulation 103 provides for fees as follows:—First license 5s.; 2s. 6d. for renewal not later than one month; 5s. for three months; 10s. for six months and from six to twelve months, £1. So the longer these men leave the renewing of their licenses, the more they have to pay. They consider the fee should be 2s. 6d. at any time. The fee is for the renewal of a license, so what does it matter whether it is not renewed for one month or three months or longer? They contend that the amount should not be increased beyond 2s. 6d.. Regulation 104 provides for the dismissal of an operator or the cancellation of his license if he has been convicted of a civil offence, not one in connection with his work. The unlicensed operators say that it does not seem to be quite fair that because a man has been convicted of a civil offence or has become bankrupt, he should lose his license.

The Minister for Mines: There is nothing about bankruptcy.

Hon. H. TUCKEY: If he becomes bankrupt through being unable to pay his way, his license is cancelled.

The Minister for Mines: No.

Hon. G. Fraser: There is nothing about bankruptcy.

Hon. J. A. Dimmitt: It is Regulation 162 (f).

Hon. H. TUCKEY: It is possibly in the radio section; it is there somewhere. At all events if a man is convicted of a civil offence, his license may be cancelled. In connection with the examination papers, the men who have failed say—

Paper 1.

Regulations—O.K.

Electrical—Questions 1, 2, 3, 7, 8, 9 and 10. These questions are beyond the absolute necessary knowledge of an operator. An operator needs no knowledge of plant installations but only the knowledge to ensure the safe working of same.

Mechanical—Questions 2, 3, 4, 6, 7, 8, 9 and 10. In this paper the above questions are quite irrelevant, and questions 3 and 6 in particular are quite absurd. None of the above-mentioned questions have anything whatsoever to do with safe operating and should not be included in an examination for a cinematograph operator's license.

Paper 2.

Regulations—O.K.

Electrical—Questions 1, 3, 4, 5, 6, 7, 8, 9. These questions are beyond the necessary knowledge of the operator. An operator needs no knowledge of plant installations but only a knowledge to ensure the safe working of same.

Mechanical—Every question in this paper is entirely irrelevant to safe working, and the examiner is not competent to ask some of the questions as his own knowledge does not permit either the setting of such questions or the marking of such questions in examination papers.

Paper 3.

Regulations—O.K.

Electrical—Questions 3, 5, 7, 8, 9 and 10. These questions are beyond the absolute necessary knowledge of an operator. An operator needs no knowledge of plant installations but only a knowledge to ensure the safe working of same.

Mechanical—Question 1: Each of the five parts of this question is quite beyond the scope of the operator—including the examiner who is not competent to answer this question himself, much less to mark examination papers on the subject.

The Minister for Mines: Who says that?

Hon. H. TUCKEY: These unlicensed operators.

Hon. G. Bennetts: They would do that, when they have failed!

Hon. H. TUCKEY: They say they have evidence to prove it. If the hon. member cares to institute inquiries, he can. They proceed to say—

Question 2—Unnecessary to safe operating.

Question 3—This question proves conclusively the absurdity of such sound questions as "defective" sound is vague and could mean almost anything, including the five parts already asked in Question 1.

The Minister for Mines: Can we not take it that they are all stupid questions in the opinion of those men?

Hon. H. TUCKEY: They continue—

Question 4—A most difficult question in the time allowed.

Question 5—This question is quite unnecessary and irrelevant.

Question 6—As in Question 5—Not necessary to safe operating.

Question 7—(e) As in Question 6.

Hon. G. Fraser: Are you putting up a case that there should not be examinations?

Hon. H. TUCKEY: Their complaints are about examination papers they have to do.

Hon. G. Fraser: We must have regulations to permit the setting of examinations. You are arguing against the examinations not against the regulations.

Hon. H. TUCKEY: What I say is that a man should not have to explain the method of recording sound on film in an examination paper. It should not be possible for such questions to be asked. I think I have explained fully the safety of the present precautions that have prevailed under the restrictions that have been operating for many years. If the State Electricity Commission had not taken steps to appoint these boards and gazette these regulations, these operators would have gone on just the same, and it is perfectly safe because the Government has taken steps to protect the public and to see that the work that the operators do is carried out on proper lines.

The regulations are very strict. We may need some regulations to govern examinations for men who apply for licenses but I am quite sure the present set-up is not justified; and I think it would be possible to do a lot of good if the Minister would accept my suggestion and have the debate adjourned so that an inquiry might be made in order that the other side could be heard and a report made to the House. In the meantime I intend to support the motion.

**THE MINISTER FOR MINES** (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.45]: Mr. Tuckey has said that the House

should get information, and I agree with him, but I am sorry he was not able to give the House any. All he was able to do was to tell the story of the people who had failed in their examinations. I will tell, as far as I am able, what are the reasons for these regulations. I have made inquiries and have interviewed some members of the body which calls itself "The Inner Circle of Motion Picture Projectionists of Western Australia." When I heard that name I suggested that it sounded somewhat Communistic, but members of that body were highly indignant, and justifiably so, because it is not that sort of an association. It is not a union but an association formed of all those who have licenses. Their object is to train young people to become competent and efficient. They take a great interest in their jobs. They have organised lectures and have arranged for the Technical College to give lectures and make correspondence instruction available for those in country areas.

Hon. A. Thomson: Is this association confined to the metropolitan area?

The MINISTER FOR MINES: I believe it is open to all licensed projectionists.

Hon. A. Thomson: How can those in the country get to the Technical College?

The MINISTER FOR MINES: If the hon. member will wait, I will endeavour to explain the position. The association has arranged for correspondence instruction and for the examinations to be held locally in the towns concerned. Because it is realised that some people cannot do well in a written examination, which may not give a true reflection of their knowledge, it has also been arranged that there shall be oral examinations.

The position now is that there are two examinations, one written and one oral, and the total number of marks gained, in the two examinations is what counts towards a pass. A man might fail in the written examination and pass handsomely in the oral, or vice versa. This method enables it to be seen whether he really understands the work. The object is to obtain reciprocity with the Eastern States, where the standard is much higher than that obtaining here. A licensed operator from this State cannot get a job in the East without first passing an examination to ensure that he is up to their standards.

Hon. G. Fraser: South Australia is one such State.

The MINISTER FOR MINES: I think it applies to all the other States, so it is important that these people should become competent. Recently in a theatre located in a capital city there occurred a serious fire in the operating room but, owing to the competence of the operator, who was a licensed and qualified man, no member of the audience even knew there had been a fire. It is all very well for Mr. Tuckey to say that there is only a little bit of film that can be burned unless there is carelessness—

Hon. H. Tuckey: I did not say that.

The MINISTER FOR MINES: I understood the hon. member to say that.

Hon. H. Tuckey: There is only a little bit of film not covered by fire-proof material.

The MINISTER FOR MINES: There is a great deal of film that can be burned. It is made of most highly inflammable material, and is very delicate. If all these regulations were wiped out, it would be of no benefit to the public, the proprietors or the operators, as the renters have their own inspectors and will not lease their films out unless they are sure that the operators hold permits or licenses.

Hon. H. L. Roche: From whom?

The MINISTER FOR MINES: From the Government. They will not let their films out unless the operator is competent. Film is easily damaged and one can appreciate that when it is damaged there is danger of its being caught in the mechanism and catching fire. It is therefore essential that the operators should know their job from A to Z.

Hon. H. Tuckey: And they do.

The MINISTER FOR MINES: Then there is no objection.

Hon. H. Tuckey: A man who knows his machine may not be able to explain everything about the sound-film.

The MINISTER FOR MINES: If he does not know his job, he should not be licensed or paid as an operator. A man is put in a fire-proof room but, besides protecting the public, we must protect him. We cannot allow him to be roasted alive merely because he is incompetent. It is suggested that the regulation should be disallowed because the Commission is too hard on some

men, but that is ridiculous. In March, 1942, a letter was sent to the Commission requesting consideration of an application for a temporary license for a man in the country, which the board at once approved. It was renewed in 1943, 1944, and 1945, though it was restricted to one particular town. It was also subject to the result of an examination and was terminable at the board's pleasure. On the 8th January, 1946, it was considered that the issuing of a further temporary license was not justified, unless the man became qualified by examination. However, a temporary license was again issued, to be in force until the end of December, 1946.

On the 20th January, 1946, the man applied for permission to qualify by examination. The results were as follows:—Regulations, 46 per cent.; mechanical, written, 13 per cent.; mechanical, oral, 38 per cent. I understand the oral examination on the mechanical side is conducted as follows:—The applicant is shown into the room and is taken through the whole thing on the spot, in a practical way. The results for the electrical examination were: Written 16 per cent. and oral 35 per cent. The candidate failed. On the 28th December, 1946, he again applied for the re-issue of the permit, and was advised that another examination would be held in February of this year. It was suggested that he should again sit, and the permit was issued until the 28th February, 1947.

Hon. A. L. Loton: How much did it cost this man for permits and examination fees?

The MINISTER FOR MINES: It cost a great deal in postage and waste of time. On the 7th February, 1947, he lodged his application, but on the 3rd March he sent an apology for non-attendance at the examination owing to illness, and asked for an extension of the permit. On the 10th April, 1947, he was advised that arrangements could be made for the examination to be taken locally, and on the 30th April the examination papers were forwarded to the sergeant of police at the centre concerned. In that instance the marks gained were: Regulations 89, electrical 20 and mechanical 33. He was told that the board had given him special consideration and was informed that it was prepared to allow him to endeavour to qualify in the electrical and mechanical sections only.

He was also advised that a permit would be issued, on application, to enable him to

continue employment at that theatre. He was recommended to read what is known as the "Blue Book of Projection," which is the hand-book on which the mechanical section of the examination is based. An application form was sent to him to complete and return, and he was told that if he wanted any further information it would be supplied. A course on electricity with the Technical College was arranged by the secretary, this being supplied by Mr. Marshall, the instructor of the Technical Correspondence Education Course. The permit was issued up to the 30th September, 1947.

On the 4th September this man was advised that the papers were available, and he was asked to obtain local supervision. There was no reply. Some delay must now occur as the papers that were prepared have been laid on the Table of the House at the request of Mr. Loton. New papers must be prepared, and there will be further delay. I do not think anyone can say that the Electricity Commission is hard on any candidate, in view of this record.

Hon. G. Bennetts: It is not as hard as are the other members of the association.

The MINISTER FOR MINES: These regulations were first requested by the Theatrical Employees' Union, which asked for them as far back as 1926, and again in 1927 and 1928 when fires were caused, doing some £1,100 worth of damage to films and equipment, but the parties were then advised that no regulations could be brought in. In 1931 a deputation representing the theatre managers, the insurance companies, theatre employees and the film distributors again requested the formulation of regulations, but apparently there was no legal means of doing it. In 1937, when the Electricity Act came into operation, the matter was referred to Mr. Shaw, the Mechanical Engineer of the Public Works Department, with the result that these regulations were drawn up. Under the regulations it is necessary to insure films and, obviously, if there is not a competent and licensed person to operate the projector, distributors will not lease the films.

Hon. H. L. Roche: Perhaps there will be no films and no worry.

The MINISTER FOR MINES: And no pleasure for people in the country.

Hon. H. Tuckey: You are not suggesting that there have been incompetent operators working all these years?

The MINISTER FOR MINES: I do, but I would point out that during the war facilities could not be provided. Only recently there was a serious fire and disastrous results were averted by a competent operator. It is the duty of any Government to protect people in cinemas. We know the danger that exists and the holocausts that have occurred in other parts of the world. In the last examinations 19 sat, five passed and 11 qualified for supplementary examinations, so only three actually failed. Now that the regulation which requires operators to be licensed is being enforced, these men are attending lectures—which they did not do previously—and it has been found that the attendances have been excellent. If members wish they can attend a lecture next Sunday morning, when it is expected that 50 or 60 operators will be present.

No picture theatre is closed for want of an operator if it is possible to give a permit. I suggested to members of the projectionists' association that they were trying to keep others out of the industry, but the secretary said, "On the contrary, we are encouraging them and are giving all the lectures possible so as to keep up the standard. We want reciprocity with the Eastern States."

Hon. H. Tuckey: And some of them have not themselves passed the examination.

The MINISTER FOR MINES: The gentleman whom I saw had passed it. Even if some of them have not passed the examination, they are lecturing and attending lectures. They are arranging lectures and are anxious to raise the standard. They were the men who arranged for someone from the Technical College to do the lecturing! These regulations have been in force since 1939 and from that time till now no picture show has been closed down in consequence of their application nor has any man been deprived of his job. No hardship has been imposed upon anyone through the promulgation of these regulations and, on the contrary, those associated with the industry have arranged correspondence classes for operators in the country districts. I asked one of the deputationists who waited upon me why only one man

had passed out of 23 who had sat for an examination. I was informed that at the previous examination many of the candidates sat too soon for their test, while a lot of the other men were away in one or other of the Armed Forces. When the latter came back, there was a big improvement, due to the coaching they got from the Inner Circle.

The last examination was held on or about the 19th August. I was informed that there was a practical examination as well as one in the theory of the business. A man would be taken into the operating box and asked what the different appliances were for. An average was taken of the marks gained in both examinations and should a candidate get 100 per cent. in the practical examination but only 20 per cent. in the theoretical part, he would still pass because 60 per cent. was the standard for that result. I was further informed that some of the operators employed during the war years were so bad that they were jeopardising the interests of the good operators. They knocked films about very much by not exercising proper care with their machines, and such inefficiency tended towards the outbreak of fires.

Hon. H. Tuckey: Who said that?

The MINISTER FOR MINES: A member of the projectionists' deputation.

Hon. H. Tuckey: They do not know much about it.

Hon. E. H. Gray: They are in the business!

The MINISTER FOR MINES: That is so.

Hon. H. Tuckey: What did the others say?

The MINISTER FOR MINES: I will deal with that in due course. They pointed out to me that an efficient operator should be able to anticipate a fire happening if anything went wrong with his machine, and he should thus be prepared for such an emergency. Another statement made to me was that the film renters had found that the standard of projection had been raised, with the result that their films were being treated very much better. There is a clause in their insurance policy whereby the exhibitors are required to employ licensed operators. One of the deputation said he had been in the projection game in Perth

for a number of years and the assistants and spool boys were their responsibility from the standpoint of tuition. He said they had found that, with private licensing, the time they had to give tuition to the boys was the period they were actually with them.

Although they encouraged the boys to ask questions the lads did not do so but merely wanted to do mechanically what was shown to them. Books and periodicals were provided, but the boys would not read them. On the other hand, when the regulations were promulgated the boys indicated that they were willing to look for information. Prior to the regulations being brought in, when a lecture was arranged only operators attended and there were no outsiders. Since the regulations, plenty of interest has been shown from all sides, even apart from those desiring to sit for their examinations.

I was assured that the film renters' inspector was just as strict in the country districts as he was in the city. Furthermore, I was told that even if the regulations were disallowed, the film renters would still have their inspector on the job. In addition to that, the film renters' inspector merely inspects biograph machines. If he found one to be defective, he would instruct that repairs be effected before the machine was used again. If that were not done, there would be no film available.

Hon. H. Tuckey: That has been the position for a long time.

The MINISTER FOR MINES: Exactly. I asked the deputationists about the fees that were charged and I was informed that when the regulations were drafted, they asked that the fees fixed should be 30s. or £2 because all that money was for the purposes of education in the interests of operators and intending operators, for coaching, conducting examinations and so forth.

Hon. E. H. Gray: It was for a fund.

The MINISTER FOR MINES: Yes, that is so. Another point is that any electrical questions included in the examination papers referred only to equipment. Here again is what the motion picture projectionists say, and I am afraid I must agree with them—

If the regulations are not allowed, this Association views with alarm the chaos that may result, for example, boys and youths with very little or no experience will be given jobs

in bio-boxes as operators which, we think, will in turn lower the standard of projection, knowledge and ability.

Hon. H. L. Roche: Then they would not be given any films.

The MINISTER FOR MINES: They might ruin the first one, and a hall might go up in smoke!

Hon. H. Tuckey: There is no evidence to bear out that statement.

The PRESIDENT: Order! The Minister will proceed.

The MINISTER FOR MINES: I am only conveying to members the advice that was tendered me. If these regulations are not in force, the film renters will still insist upon their films being handled properly and operated by competent people.

Hon. E. H. Gray: They might bring people from the Eastern States to do it.

The MINISTER FOR MINES: They might. As Mr. Tuckey said, it would have been better had those who failed in their examinations gone to the Minister and placed the matter before him so that anything that could possibly be rectified, might receive attention. That would be infinitely preferable to striking out these regulations *holus bolus*. If we do that, what would it mean? The board would be set aside. Let members consider the composition of that board. One member represents the Minister and is the chairman. Another represents the employers, and surely that is satisfactory.

Hon. H. Tuckey: No, it is not.

The MINISTER FOR MINES: Surely the employers should have some say in it. The other member is to be a representative of the operators. How could anything else be suggested fairly?

Hon. H. Tuckey: You have heard the complaints. Will you make investigations regarding them before the debate terminates?

The MINISTER FOR MINES: I have made inquiries and I have been told wherever I have gone what I have indicated to the House. I do not propose to go through all these regulations that have been referred to because it seems natural that men engaged in this business should know the difference between A.C. and D.C. current,

how such current would affect machines, how it would affect them in their work in particular towns. If an operator were suddenly sent to a certain place, he should have sufficient knowledge to enable him to ascertain what type of electricity was available and what he had to do in consequence of what he learnt. Anyone can turn a handle or pull a switch, and more than that is required. In the circumstances, it is essential that these regulations shall stand.

Hon. H. Tuckey: In view of the long debate, will you make some further inquiries?

The MINISTER FOR MINES: I have no desire to obtain any further information because anything else I might learn could only be retained by myself, seeing that I will have no further opportunity to speak during the debate.

On motion by Hon. R. J. Boylen, debate adjourned.

**BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (CONTINUANCE).**

*Assembly's Message—As to Correcting Clerical Error.*

Message from the Assembly received and read notifying that, in consequence of the Acting Clerk of Parliaments having drawn attention to a clerical error that had occurred in the Bill, Clause 3 had been amended by striking out the word "one" in line five and inserting in lieu the word "nine," in which amendment the Assembly requested the concurrence of the Council.

The MINISTER FOR MINES: I move—

That the President do now leave the Chair and the House resolve into a Committee of the Whole for the purpose of considering the Assembly's message.

Question put and passed.

*In Committee.*

Hon. J. A. Dimmitt in the Chair; the Minister for Mines in charge of the Bill.

Clause 3—Amendment of Section 20:

The MINISTER FOR MINES: I move—

That the amendment made by the Assembly be agreed to.

Question put and passed; the Assembly's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

**BILLS (3)—FIRST READING.**

- 1, Public Service Act Amendment.
- 2, Traffic Act Amendment.
- 3, Crown Suits.

Received from the Assembly.

*Sitting suspended from 6.18 to 7.30 p.m.*

**BILL—RURAL RELIEF FUND ACT AMENDMENT.**

Read a third time and *passed*.

**BILL—DRIED FRUITS ACT, 1926, RE-ENACTMENT.**

*Recommittal.*

On motion by the Minister for Mines, Bill recommitted for the further consideration of Clause 3.

*In Committee.*

Hon. G. Fraser in the Chair; the Minister for Mines in charge of the Bill.

Clause 3—Retrospectivity:

The MINISTER FOR MINES: The desire is that this clause should be altered to read as follows:—

The Dried Fruits Act, 1926, shall be deemed to have been in force continuously from the passing thereof and shall continue in force until the thirty-first day of December, one thousand nine hundred and forty-seven.

The clause, as it stands at present re-enacts the Act, but at the same time kills it. It will only keep the Act in force until the date of the assent to the Bill, or it might be read in that way. I move an amendment—

That in line 1 the words "For the purposes of interpretation" be struck out with a view to inserting other words.

Amendment put and passed.

On motions by the Minister for Mines, clause further amended by striking out in line (2) the words "subject to the provisions of this Act"; by striking out in line 4 the words "on the twenty-fourth" and inserting after the word "thereof" in line four the words "and shall continue in force until the thirty-first"; and by striking out in line 5 the word "twenty-six" and inserting the word "forty-seven" in lieu.

Clause, as amended, agreed to.



Bill again reported with further amendments.

## BILL—PUBLIC TRUSTEE ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR MINES** (Hon. H. S. W. Parker—Metropolitan-Suburban) [7.38] in moving the second reading said: This is a Bill of a technical nature. It does not alter the real effect of the law, but is merely for the purpose of simplifying procedure so far as the Public Trustee is concerned, especially where a person dies having made a will but not having named an executor in the will or, having named an executor in the will, he is not available to prove it. For instance, the executor might say, "I am not going to act. I do not want to be mixed up in the estate." Again, it might not be possible to find the executor or he might be out of the State.

It also provides that where a trustee dies intestate and the person who is entitled to prove the estate does not desire to do so, the Public Trustee may act. When a person dies intestate, the next-of-kin is the person entitled to apply for letters of administration, but sometimes he does not want to do so. In that case the next in line would apply. As a result, there is much of what I might term necessary red tape to be gone through in order to see that the person who applies for letters of administration is the individual rightly entitled to do so.

Another proposal in the Bill is that where the person first entitled to administration is unwilling to act, the Public Trustee may step in and obtain an order to administer, without having to give notice to people in various parts of the State who would have a right to administer if someone else did not first apply. The giving of such notices occupies a considerable time and involves unnecessary expense. Where a person leaves a will and the executor does not wish to act, or where a person leaves a will without naming an executor, or a person entitled to administration does not wish to act, the Public Trustee may apply for an order to administer. This will simplify the procedure. Further, the Bill provides that the Public Trustee will only have to wait for three months, instead of as at present,

six months; in certain circumstances he can apply even within 30 days.

The next important amendment is to enable the Public Trustee to act in an estate which is called "de bonis non"; that is to say, where a man leaves a will and appoints an executor and that executor dies without having wound up the estate, it is a rather complicated matter to get letters of administration of the estate. Where the estate is of a gross value of only £500, the speedy procedure recommended by the Bill is that the Public Trustee may step in and obtain an order to administer. The Bill further provides that he may obtain an order to administer an estate without going through the procedure of applying for letters of administration. The Bill really provides, in effect, for a simplification of the procedure. The Public Trustee can appear before a judge and make the necessary application.

There is no fear of the Public Trustee being permitted to grab an estate, if I might put it that way, without the sanction of a judge. Even if the Public Trustee obtained an order to administer an estate, the rightful person could still step in, if he so desired, and take it over. If the Public Trustee were appointed, of course there would be no question of fraud or loss of the estate. The Government is behind the Public Trustee, and it should be borne in mind that the estates are generally small.

The Bill also contains provision that where an application is made to remove an estate from an executor or an administrator to the Public Trustee, he may act. Sometimes an executor or an administrator is negligent and careless and does not attend to his work, and so the beneficiaries object. They may apply to the court and say, "We want to appoint another executor or administrator." In such a case the Bill gives power to the Public Trustee to act. Again, the Public Trustee may act where an executor fails to do so in an estate not exceeding £500, and he need not go to the trouble of giving notices and that sort of thing.

Another important amendment is where moneys up to £100 are payable to an infant under an intestacy, that is, where there is no will. The Public Trustee has these moneys, which are generally small amounts of from £5 to £15, and seldom up to £100, although the figure is £100. He can pay that amount over to the custodian or

guardian of the infant without being responsible for seeing that it is properly applied.

Hon. A. Thomson: Are you quoting the various paragraphs?

The MINISTER FOR MINES: That is Section 18. He can pay over money, up to £100, at present in the case of an estate where there is no will. This makes it possible for him to do it where there is a will. In other words, at the moment, where he is called an administrator he can do it, and we are now asking that he shall be able to do it where he is an executor. It might be said that there is a grave risk in giving £100 to some irresponsible person, but we must assume that the Public Trustee will make due inquiry before handing it over.

There might be a necessitous case, and it is only right that the guardian of the child should be able to draw from £5 to £20 at a time from the Public Trustee. It is for the benefit of the child. Although we put in a clause to say that the trustee shall not be responsible for any misapplication, that is a common thing. It is quite common in wills when money is left to an infant—a person under 21 years of age. A common clause is that the income to be derived from the estate shall be paid to the parent or guardian of the infant without the trustee being bound to see to its application. This is really bringing the position here into line.

Hon. A. Thomson: Is that in existence with the private companies?

The MINISTER FOR MINES: I am not sure, but probably not. Section 30 of the Act provides for the position that arises when money belonging to an insane person is in the hands of the Public Trustee. When a person is declared insane, his estate vests in the Public Trustee. There are many instances where small amounts remain in the hands of the Public Trustee, and we are asking that an amount not exceeding £100, which would be distributed on the death of the insane person, may be administered by the Public Trustee without going through the formality of applying for letters of administration. This will save a lot of work, and will expedite the distribution of the money.

Hon. G. Fraser: It will make the position the same as if the insane person became

sane, when the Public Trustee would hand it back to him.

The MINISTER FOR MINES: Yes, but this is to cover the position when such a man dies. The money is to be handed over to whoever is considered the right person. If the Public Trustee handed it over to the wrong person, and the right person came to light, he would have to hand it over again. There is no risk in that. Section 38 provides a minimum charge of £5. That means that any estate under £200 gross, however small, will have to pay a cost of £5. That is reasonable, because the Public Trustee has a lot of work to do. The smaller the estate, very often the more work there is. Therefore, we are asking for a minimum charge of £5.

Hon. G. Fraser: For anything above that, 2½ per cent. would operate.

The MINISTER FOR MINES: Yes, that is why I mentioned £200. There is a further amendment dealing with trust funds. With a large number of estates, we get all sorts of odd moneys in cash and securities that have to be realised, and, in addition, furniture, personal effects, chattels and so on. These moneys are paid into a common fund. It is proposed by the Bill that the common fund shall bear interest at a rate to be fixed, with the approval of the Minister. That rate will be net to the estate, and it will be fixed from time to time. Suppose all these moneys which are bunched together produce 4 per cent., then the Minister will say that each estate will get 3½ per cent., 3¼ per cent. or 3¼ per cent., or whatever is a reasonable amount, after allowing for the remuneration of the trustee out of the income from the bulk.

It is further provided that a distribution of these moneys shall be made on each quarter-day. So that on each quarter-day each estate will be credited with its proportion of the total interest, without making calculation where one estate is getting 2½ per cent. and another 6½ per cent.—if there are some fortunate enough to have investments yielding such a return. There will be the one fair and reasonable amount right through. Generally speaking, the estates handled by the Public Trustee are small, ranging from £85 to £250. It means a tremendous amount of calculation to work out the odd shillings. So it is proposed that each quarter the trustee will divide the

total amount of interest pro rata amongst the estates.

Again, when an estate is wound up, the interest will not be made up to the day before but to the last quarter-day. This will make very little difference to each individual estate, but a tremendous difference to the work and accountancy required of the Public Trustee. It will greatly simplify his work and will not do material damage to any estate—even to a large one, which he is not likely to handle. With a small estate, the amount of current interest for one or two months is very small, being a matter of only a shilling or so. We know what savings bank interest is. Members may require further information so if, in their second reading speeches, they will let me know what it is, I shall be only too pleased to endeavour to inform them in any way I can. I commend this measure, and move—

That the Bill be now read a second time.

On motion by Hon. G. Fraser, debate adjourned.

*House adjourned at 7.54 p.m.*

## Legislative Assembly.

Tuesday, 23rd September, 1947.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

## QUESTIONS.

### HOUSING.

(a) *As to Rental Homes and Brick Foundations.*

Mr. GRAYDEN (on notice) asked the Minister for Housing:

(1) In view of the recent statement that restrictions were placed on the use of bricks in house foundations during the term of the previous Government, will he inform the House whether, during the three months, preceding the 1st April of this year, permits issued by the Workers' Homes Board for brick homes to be constructed under the Rental Homes Scheme, carried an endorsement preventing the use of bricks in foundations?

(2) Were permits for homes being constructed under the Rental Homes Scheme endorsed in such a way at any time prior to the 1st April of this year?

(3) If so—(a) Will he place on the Table of the House all papers relating to these restrictions? (b) Will he advise if and when these restrictions lapsed?

(4) Will he advise the number of homes constructed under the Rental Homes Scheme prior to the 1st April of this year?

(5) Will he inform the House whether any steps were taken by the present Government to restrict the use of bricks in foundations?

(6) If so, what steps?

The MINISTER replied:

(1) Permits were not endorsed because plans and specifications were prepared by the State Housing Commission. Plans and specifications provided for stone foundations.

(2) Answered by No. 1.

(3) (a) There are no relevant papers. (b) Restrictions were lifted in special cases when contractors had difficulty in obtaining stone.

(4) On the 31st March, 1947, 689 rental homes had been completed under the Commonwealth-State Housing Agreement and at that time there were 563 under construction.

(5) and (6) General restriction of brick foundations still applies but special exceptions are made, particularly in areas where concrete foundations are necessary, or in the case of timber framed houses.